

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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.

Electronically Filed  
Jun 29 2022 07:10 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Supreme Court No: 84456**

Dist. Ct. No: A-12-669926-C

**APPENDIX TO REAL PARTIES IN INTEREST  
ANSWER TO PETITION FOR WRIT OF MANDAMUS  
VOLUME I of I**

Appeal from the Eighth Judicial District Court

Case No. A-12-669926-C

Esther C. Rodriguez, Esq. (6473)  
RODRIGUEZ LAW OFFICES, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
*Attorneys for Real Parties in Interest  
A Cab, LLC; A Cab Series LLC; and  
Creighton J. Nady*

### Chronological Index

Doc No.	Description	File Date	Vol.	Bates Nos.
01	Complaint <i>Jasminka Dubric v. A Cab, LLC et.al.</i> , District Court Case No. A721063	07/07/15	I	RA 0001- RA 0012
02	Notice of Entry of Order Approving Class Action Settlement, Awarding Attorney Fees and Costs, and Awarding Incentive Payments, <i>Dubric v. A Cab, LLC et.al.</i> , District Court Case No. A721063	09/01/21	I	RA 0013- RA 0027
03	Appellants' Opening Brief, <i>Murray v. Dubric</i> , Nevada Supreme Court Case No. 83492	02/02/22	I	RA 0028- RA 0100
04	Respondents' Answering Brief, <i>Murray v. Dubric</i> , Nevada Supreme Court Case No. 83492	04/04/22	I	RA 0101- RA 0128
05	Court Minutes of Hearing/Status Check of 05/11/22	05/11/22	I	RA 0129- RA 0130
06	Register of Actions as of 06/26/22	06/26/22	I	RA 0131- RA 0162

### Alphabetical Index

Doc No.	Description	File Date	Vol.	Bates Nos.
03	Appellants' Opening Brief, <i>Murray v. Dubric</i> , Nevada Supreme Court Case No. 83492	02/02/22	I	RA 0028- RA 0100
01	Complaint <i>Jasminka Dubric v. A Cab, LLC et.al.</i> , District Court Case No. A721063	07/07/15	I	RA 0001- RA 0012
05	Court Minutes of Hearing/Status Check of 05/11/22	05/11/22	I	RA 0129- RA 0130
02	Notice of Entry of Order Approving Class Action Settlement, Awarding Attorney Fees and Costs, and Awarding Incentive Payments, <i>Dubric v. A Cab, LLC et.al.</i> , District Court Case No. A721063	09/01/21	I	RA 0013- RA 0027
06	Register of Actions as of 06/26/22	06/26/22	I	RA 0131- RA 0162
04	Respondents' Answering Brief, <i>Murray v. Dubric</i> , Nevada Supreme Court Case No. 83492	04/04/22	I	RA 0101- RA 0128

### **CERTIFICATE OF SERVICE**

I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that on this date the foregoing APPENDIX TO ANSWER TO PETITION FOR WRIT OF MANDAMUS was electronically filed the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Leon Greenberg, Esq.  
Leon Greenberg Professional Corp.  
2965 S. Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146  
*Counsel for Petitioners*

Dated this 29<sup>th</sup> day of June, 2022.

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

### **CERTIFICATE OF SERVICE**

I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that on this date a true and correct copy of the foregoing APPENDIX TO ANSWER TO PETITION FOR WRIT OF MANDAMUS was served via electronic transmission as follows:

District Court Judge, Dept. 92  
200 Lewis Avenue, Courtroom 11B  
Las Vegas, Nevada 89155  
[Dept09LC@clarkcountycourts.us](mailto:Dept09LC@clarkcountycourts.us)

Dated this 29<sup>th</sup> day of June, 2022.

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

  
CLERK OF THE COURT

**COMJD**

MARK J. BOURASSA, ESQ.  
Nevada Bar No. 7999

TRENT L. RICHARDS, ESQ.  
Nevada Bar No. 11448

**THE BOURASSA LAW GROUP, LLC**  
8668 Spring Mountain Road, Suite 101

Las Vegas, Nevada 89117

Tel: (702) 851-2180

Fax: (702) 851-2189

[mbourassa@bourassalawgroup.com](mailto:mbourassa@bourassalawgroup.com)

[trichards@bourassalawgroup.com](mailto:trichards@bourassalawgroup.com)

*Attorney for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JASMINKA DUBRIC, individually and on behalf  
of those similarly situated,

Plaintiff,

vs.

A CAB LLC, a Nevada Limited Liability  
Company; and DOES 1 through 20

Defendants.

Case No.: A- 15- 721063- C

Dept No.: XXV

**CLASS ACTION COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Plaintiff JASMINKA DUBRIC, (hereinafter referred to as "Plaintiff"), by and through her attorneys of record, The Bourassa Law Group, LLC, on behalf of herself and all other persons similarly situated, alleges upon knowledge as to herself and their own acts, and upon information and belief as to all other matters, brings this complaint against the above-named defendant and in support thereof alleges the following:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this class action on her own behalf and on the behalf of all others similarly situated for damages arising from violations of the Nevada Constitution, Article 15, Section 16.

1 the Court. A \$223.00 filing fee is required.

2 b. Serve a copy of your response upon the attorney whose name and address is  
3 shown below.

4 2. Unless you respond, your default will be entered upon application of the Plaintiff  
5 JASMINKA DUBRIC, and this Court may enter a judgment against you for the  
6 relief demanded in the Complaint, which could result in the taking of money or  
7 property, or other relief requested in the Complaint.

8 3. If you intend to seek the advice of an attorney in this matter, you should do so  
9 promptly so that your response may be filed on time.

10 CLERK OF COURT

11 By:

KADIRA BECKOM

Deputy Clerk  
200 Lewis Avenue  
Las Vegas, Nevada 89101

14 Issued at direction of:

15 **THE BOURASSA LAW GROUP, LLC**

16  
17 **MARK J. BOURASSA, ESQ.**

Nevada Bar No. 7999

18 **TRENT L. RICHARDS, ESQ.**

Nevada Bar No. 11448

19 8668 Spring Mountain Road, Suite 101

Las Vegas, Nevada 89117

20 Tel: (702) 851-2180

21 Fax: (702) 851-2189

*Attorneys for Plaintiff*

1           2.     Venue in this District is proper because Plaintiff and A CAB, LLC, a Nevada  
2     Limited Liability Company ("Defendant") reside and/or do business in the District of Nevada.  
3     Venue is also proper in this district because the acts and transactions that give rise to this action  
4     occurred, in substantial part, in the District of Nevada.  
5

6                                   PARTIES

7           3.     Plaintiff is, and at all times pertinent hereto was, a natural person who resides in  
8     Clark County, Nevada.

9           4.     Upon information and belief, at all times pertinent hereto, Defendant A Cab, LLC  
10    ("Defendant") is and was a Nevada Limited Liability Corporation with its principal place of  
11    business located at 1500 Searles Avenue Las Vegas, NV 89101 and at all times pertinent hereto,  
12    was a resident of Clark County, Nevada.  
13

14          5.     At all relevant times, DOES 1 through 20, and each of them, were legal entities or  
15    individuals doing business in the State of Nevada. That the true names and capacities, whether  
16    individual, corporate, agents, association or otherwise of the Defendants, DOES 1 through 20,  
17    inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names.  
18    Plaintiff is informed and believes, and thereon alleges, that each of the Defendants designated  
19    herein as DOES are responsible in some manner for the events and happenings herein referred to,  
20    and in some manner proximately caused the injuries and damages thereby to Plaintiff, as herein  
21    alleged. Plaintiff will ask leave of Court to amend the Complaint to insert the true names and  
22    capacities of DOES 1 through 20 and state appropriate charging allegations when that information  
23    has been ascertained.  
24

25          6.     At all times relevant to this Complaint, Plaintiff was employed by Defendant as a  
26    taxi cab driver ("Driver").  
27

28    ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**GENERAL ALLEGATIONS**

7. Plaintiff's compensation as Driver for Defendant was based upon a "commission" of a percentage of her fares.

8. Pursuant to Defendant's policies applicable to all Drivers, in the event that an employee's commissions do not equal or exceed minimum wage, Defendant will pay the Driver a "minimum wage supplement."

9. Defendant's policies also provide that any tips earned by Drivers are to be credited by Defendant towards the calculation of minimum wage.

10. NRS 608.160(1)(b) provides that it is unlawful for an employer to "[a]pply as a credit toward the payment of the statutory minimum hourly wage established by any law of this State any tips or gratuities bestowed upon the employees of that person."

11. As a result of Defendant's unlawful tip credit policy, Plaintiff's wages were frequently less than the minimum wage required under the Nevada Constitution, Article 15, Section 16.

12. Defendant also made other unlawful and/or unauthorized deductions from Plaintiff's wages, including but not limited to deductions for purported "cash loan fees," thus causing Plaintiff's pay to drop below minimum wage.

**CLASS ALLEGATIONS**

13. Plaintiff brings this action as a class action pursuant to NRCP 23 on behalf of herself and a class of all similarly situated persons employed by Defendant in the State of Nevada.

14. The class of similarly situated persons consists of all persons who were employed by Defendant during the applicable statutory period prior to the filing of this Complaint continuing until date of judgment as Drivers in the State of Nevada.

1           15.    Plaintiffs seek certification pursuant to NRCP Rule 23 for the Class. Plaintiffs  
2 are informed and believe, and thereon allege, that the Class is so numerous that joinder of all  
3 members would be impractical. The actual number of class members is readily ascertainable by  
4 a review of Defendant's records through appropriate discovery.

5  
6           16.    There are questions of law and fact common to the Class. Common questions of  
7 law and fact include, but are not limited to, the following:

- 8                   a.   Whether Defendant failed to pay minimum wage to the Class as required by  
9                   the Nevada Constitution, Article 15, Section 16;  
10                  b.   Whether Defendant impermissibly credited tips towards the payment of  
11                   minimum wage resulting in payment of less than minimum wage to the Class  
12                   as required by the Nevada Constitution, Article 15, Section 16.  
13                  c.   Whether Defendant made unlawful deductions from the Class' wages,  
14                   including, but not limited to, deductions for "cash loan fees," resulting in  
15                   payment of less than minimum wage to the Class as required by the Nevada  
16                   Constitution, Article 15, Section 16.  
17

18           17.    Plaintiff's claims are typical of those of the members of the class so that proof of  
19 a common or single set of facts will establish the right of each member of the class to recover.  
20

21           18.    Questions of law and fact common to the Class predominate over any questions  
22 affecting individual members of the Class.

23           19.    A class action is superior to the other available methods for the fair and efficient  
24 adjudication of the controversy. Due to the typicality of the class members' claims, the interests  
25 of judicial economy will be best served by adjudication of this lawsuit as a class action. This  
26 type of case is uniquely well-suited for class treatment because Plaintiff believes that the  
27 employers' practices were uniform and the burden is on the employer to establish that its  
28

1 method for compensating the class members complies with the requirements of Nevada law,  
2 and the interests of justice and judicial efficiency will be best served by bringing this action as a  
3 class action.

4  
5 20. Plaintiff will fairly and adequately represent the interests of the members of the  
6 class and has no interests that conflict with or are antagonistic to the interests of the class.

7 21. Plaintiff has retained counsel experienced in the prosecution of class action cases  
8 and employment claims and thus will be able to appropriately prosecute this case on behalf of  
9 the class.

10 22. Plaintiff and her counsel are aware of their fiduciary responsibilities to the  
11 members of the proposed class and are determined to diligently discharge those duties by  
12 vigorously seeking the maximum possible recovery for all members of the proposed class.

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

21  
22 **FIRST CLAIM FOR RELIEF**

23 **FAILURE TO PAY MINIMUM WAGE**  
24 **(Nev. Const. Art. 15, § 16)**  
25 **By Plaintiff and the Class against Defendant**

26 24. Plaintiff incorporates by this reference each and every allegation previously made  
27 in this Complaint, as if fully set forth herein.

1           25. Article 15, Section 16 of the Nevada Constitution requires that Defendant pay  
2 Plaintiff and the class members an hourly minimum wage for each hour worked.

3           26. However, Defendant failed to pay Plaintiff and the class members an amount  
4 equal to minimum wage for each hour worked by them. Defendant also unlawfully credited  
5 Plaintiff's and the class members' tips toward the payment of minimum wage, and made  
6 unlawful deductions from their wages, including but not limited to deductions for "cash loan  
7 fees," resulting in payment of less than minimum wage to Plaintiff and the class members.  
8

9           27. Defendant's conduct in failing to pay Plaintiff and the class members for all  
10 hours worked in violation of Article 15, Section 16, of the Nevada Constitution was malicious  
11 and/or oppressive conduct by the defendant and undertaken with the intent to defraud and  
12 oppress plaintiff and the class, thus warranting the imposition of punitive damages pursuant to  
13 NRS § 42.005 sufficient to punish and embarrass Defendant thereby deterring such conduct by  
14 it in the future for the following reasons:  
15

16           a. Plaintiff is informed and believes, and thereon alleges, that Defendant  
17 was aware of its obligation to pay its employees at least minimum wage for each hour worked  
18 pursuant to the Federal Fair Labor Standards Act, and is a party to a consent judgment with  
19 respect to its failure to pay its employees at least minimum wage for the time period of October  
20 1, 2010, through October 1, 2012. *See Perez v. A Cab, LLC*, Federal District of Nevada Case  
21 2:14-cv-01615-JCM-VCF.  
22

23           b. Plaintiff is informed and believes and thereon alleges that Defendant,  
24 despite also having, and being aware of, an express obligation to pay minimum wage under  
25 Article 15, Section 16, of the Nevada Constitution, such obligation commencing no later than  
26 July 1, 2007, and to advise Plaintiff and the class members, in writing, of their entitlement to the  
27  
28

1 minimum hourly wage specified in such constitution provision, failed to provide such written  
2 advisement and failed to pay minimum wage as required;

3 c. Plaintiff is further informed and believes and thereon alleges that  
4 Defendant was, or should have been, aware of the Nevada Supreme Court's holding in *Thomas*  
5 *v. Nevada Yellow Cab Corp. et al*, 327 P.3d 518 (Nev. 2014), in which the Nevada Supreme  
6 Court specifically held that the provisions of Article 15, Section 16, of the Nevada Constitution  
7 applied to taxi cab drivers such as Plaintiff and the class members.  
8

9 28. Plaintiff is informed and believes and thereon alleges that Defendant engaged in  
10 the acts and/or omissions detailed in paragraph 23 in an intentional scheme to maliciously,  
11 oppressively and fraudulently deprive its taxi cab driver employees of the hourly minimum  
12 wages that were guaranteed to those employees by Article 15, Section 16, of the Nevada  
13 Constitution. Defendant so acted consciously, willfully, and intentionally to deprive such taxi  
14 driver employees of any knowledge that they might be entitled to such minimum hourly wages,  
15 despite the defendant's obligation under Article 15, Section 16, of the Nevada Constitution to  
16 advise such cab driver employees of their right to those minimum hourly wages. Defendant's  
17 malicious, oppressive and fraudulent conduct is also demonstrated by their failure to make any  
18 allowance to pay such minimum hourly wages if they were found to be due, such as through an  
19 escrow account, while seeking any judicial determination of their obligation to make those  
20 payments.  
21

22 29. The rights secured to the plaintiff and to the class members under Article 15,  
23 Section 16, of the Nevada Constitution for a minimum level of remuneration for their labor as  
24 Defendant's employees, constitute property rights, in that such level of remuneration constitutes  
25 property of the plaintiff and the class members, to wit, a sum of money that they have a right to  
26 possess for the inalienable value of their labor, which labor the Defendant obtained from them  
27  
28



1 as an employer. Defendant has obtained such property, the minimum wages properly the  
2 property of the plaintiff and the class members, illegally and defendant still possesses the same,  
3 the defendant having also committed a conversion of such property. As a result defendant  
4 should be, and are, subject to all forms of equitable relief and legal sanctions necessary to return  
5 such property to the plaintiffs and the class members and/or make them whole, including  
6 without limitation, a suitable Court Order directing that the defendant makes restitution to the  
7 plaintiff and the class members for the full value of all such property taken and held by the  
8 defendant, with interest and an award of all proper incidental consequential and/or punitive  
9 damages available under the law or in equity appropriate to remedy such violations of the  
10 plaintiff's and the class members' rights under Article 15, Section 16, of the Nevada  
11 Constitution.  
12

13  
14 30. Plaintiff, on behalf of herself and all class members, seeks all relief available to  
15 her and the alleged class under Article 15, Section 16, of the Nevada Constitution, including  
16 appropriate injunctive and equitable relief to make the defendant cease their violations of  
17 Nevada's Constitution and make a suitable award of punitive damages.

18  
19 31. As a direct and proximate result of Defendant's conduct, Plaintiff and the class has  
20 incurred, and will continue to incur damages and other costs and expenses in an amount in excess  
21 of \$10,000.00.

22 32. It has been necessary for Plaintiff to obtain the services of an attorney to pursue  
23 this claim, and Plaintiffs and the members of the Class are entitled to recover reasonable  
24 attorneys' fees and costs pursuant to Nev. Const. Art. 15, § 16.

25 ///

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECOND CLAIM FOR RELIEF**

**CONVERSION**  
**By Plaintiffs and the Class Against Defendant**

33. Plaintiff incorporates by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

34. Plaintiff and the Class had a right to possession of all wages earned by them as employees of Defendant;

35. Defendant intentionally and substantially interfered with Plaintiff's and the Class' right to possession of their earned wages by failing to pay minimum wage, by crediting their tips towards the payment of minimum wage, and by making unauthorized and/or unlawful deductions from their wages.

36. Plaintiff and the Class were harmed as a result of Defendant's conduct.

37. As a direct and proximate result of Defendant's conduct, Plaintiff and the class has incurred, and will continue to incur damages and other costs and expenses in an amount in excess of \$10,000.00.

38. Defendant's conduct in converting Plaintiff's and the Class' wages was malicious and undertaken with the intent to defraud and oppress Plaintiff and the Nevada Class, thus warranting the imposition of punitive damages pursuant to NRS § 42.005 sufficient to punish and embarrass Defendant thereby deterring such conduct by them in the future.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, reserving the right to amend this Complaint at the time of trial to include all items of damages not yet ascertained, prays judgment against the defendants, and each of them, as follows:

- 1 (1) For an order certifying the Class pursuant to Rule 23 of the Nevada Rules of  
2 Civil Procedure;  
3  
4 (2) Designation of Plaintiff as the class representative for the Class;  
5  
6 (3) Compensatory damages for Plaintiff and the Class in excess of \$10,000.00;  
7  
8 (4) For exemplary damages on behalf of Plaintiff and the Class;  
9  
10 (5) For disgorgement and/or restitution as the Court deems appropriate, just, and  
11 proper;  
12  
13 (6) For reasonable attorney fees for all services performed by counsel in connection  
14 with the prosecution of these claims;  
15  
16 (7) For reimbursement for all costs and expenses incurred in connection with the  
17 prosecution of these claims;  
18  
19 (8) Prejudgment interest; and  
20  
21 (9) For any and all other relief this Court may deem appropriate.

22 DATED this 7<sup>th</sup> day of July, 2015.

23 **THE BOURASSA LAW GROUP, LLC**

24   
25 MARK J. BOURASSA, ESQ.

26 Nevada Bar No. 7999

27 8668 Spring Mountain Rd., Suite 101

28 Las Vegas, Nevada 89117

Tel: (702) 851-2180

Fax: (702) 851-2189

[mbourassa@bourassalawgroup.com](mailto:mbourassa@bourassalawgroup.com)

[trichards@bourassalawgroup.com](mailto:trichards@bourassalawgroup.com)

*Attorneys for Plaintiff*



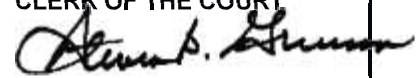
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED this 1 day of June, 2015.

THE BOURASSA LAW GROUP, LLC

Nevada Bar No. 7999  
8668 Spring Mountain Rd., Suite 101  
Las Vegas, Nevada 89117  
Tel: (702) 851-2180  
Fax: (702) 851-2189  
[mbourassa@bourassalawgroup.com](mailto:mbourassa@bourassalawgroup.com)  
[trichards@bourassalawgroup.com](mailto:trichards@bourassalawgroup.com)  
*Attorneys for Plaintiff*

*Attorneys for Plaintiff*



NEO  
MARK J. BOURASSA, ESQ. (NBN 7999)  
VALERIE S. GRAY, ESQ. (NBN 14716)  
**THE BOURASSA LAW GROUP**  
2350 W. Charleston Blvd., Suite 100  
Las Vegas, Nevada 89102  
Telephone: (702) 851-2180  
Facsimile: (702) 851-2189  
Email: [mbourassa@blgwins.com](mailto:mbourassa@blgwins.com)  
[vgray@blgwins.com](mailto:vgray@blgwins.com)

*Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

JASMINKA DUBRIC, individually and on behalf ) Case No.: A-15-721063-C  
of those similarly situated, ) Dept. No.: XXV  
)  
Plaintiff, )  
vs. )

**NOTICE OF ENTRY OF ORDER**

A CAB, LLC, a Nevada Limited Liability )  
Company; A CAB SERIES LLC, EMPLOYEE )  
LEASING COMPANY, a Nevada Series Limited )  
Liability Company; CREIGHTON J. NADY, an )  
individual; and DOES 3 through 20 )  
)  
Defendant. )

PLEASE TAKE NOTICE that on the 31<sup>st</sup> day of August 2021, an Order Approving Class Action Settlement, Awarding Attorney Fees and Costs and Awarding Incentive Payments was filed in the above captioned matter, a copy of which is attached hereto as Exhibit "1."

DATED this 1<sup>st</sup> day of September, 2021.

THE BOURASSA LAW GROUP

By: /s/ Valerie S. Gray  
MARK J. BOURASSA, ESQ. (7999)  
VALERIE S. GRAY, ESQ. (14716)  
2350 W. Charleston Blvd., Suite 100  
Las Vegas, Nevada 89102

*Attorneys for Plaintiff*

RA0013

1 **CERTIFICATE OF SERVICE**

2 **Dubric v. A Cab, LLC, et al.**

3 **Case No. A-15-721063-C**

4 STATE OF NEVADA )  
5 ) ss.  
6 CLARK COUNTY )

7 I, Donna Santana, declare:

8 I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen years and not  
9 a party to the within action. My business address is 2350 W. Charleston Blvd., Suite 100, Las Vegas, Nevada  
10 89128.

11 On September 1, 2021, I served the document described as **NOTICE OF ENTRY OF ORDER** on  
12 the following parties:

13 Esther C. Rodriguez, Esq.  
14 RODRIGUEZ LAW OFFICES, P.C.  
15 10161 Park Run Dr., Suite 150  
16 Las Vegas NV 89145

17 Leon Greenberg, Esq.  
18 LEON GREENBERG PROFESSIONAL CORPORATION  
19 2965 South Jones Blvd, Suite E3  
20 Las Vegas, Nevada 89146

21 *Attorneys for Defendants*

22 *Attorneys for Murray/Reno Plaintiffs*

23 X

24 VIA ELECTRONIC SERVICE: by submitting the foregoing to the Court's E-filing System for Electronic  
25 Service upon the Court's Service List pursuant to EDCR 8. The copy of the document electronically served  
26 bears a notation of the date and time of service. The original document will be maintained with the  
27 document(s) served and be made available, upon reasonable notice, for inspection by counsel or the Court.

28 I declare under penalty of perjury that the foregoing is true and correct.

29 /s/ Donna Santana

30 An Employee of The Bourassa Law Group

RA0014

**ORDR**

MARK J. BOURASSA, ESQ.

Nevada Bar No. 7999

VALERIE S. GRAY, ESQ.

Nevada Bar No. 14716

**THE BOURASSA LAW GROUP**

2350 W. Charleston Blvd., #100

Las Vegas, Nevada 89102

Telephone: (702) 851-2180

Facsimile: (702) 851-2189

[mbourassa@blgwins.com](mailto:mbourassa@blgwins.com)

[vgray@blgwins.com](mailto:vgray@blgwins.com)

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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

Plaintiff,

vs.

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

Defendants.

Case No.: A-15-721063-C

Dept. No.: XXV

**ORDER APPROVING CLASS ACTION  
SETTLEMENT, AWARDED ATTORNEY  
FEES AND COSTS, AND AWARDED  
INCENTIVE PAYMENTS**

On March 11, 2021, the above-captioned matter came before the Honorable Kathleen E. Delaney, sitting in Department XXV of the Eighth Judicial District, Clark County, Nevada on the parties Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorneys' Fees, Costs, and Enhancement Award for Named Plaintiff (collectively the "Motions for Final Approval"). Plaintiff JASMINKA DUBRIC appeared by and through her counsel of record, Valerie S. Gray, Esq. and Mark J. Bourassa, Esq. of The Bourassa Law Group; Defendants, A CAB, LLC, A CAB SERIES LLC, EMPLOYEE LEASING COMPANY, and CREIGHTON J. NADY (collectively, "Defendants") appeared

**RA0015**

1 by and through their counsel of record Esther C. Rodriguez, Esq. of Rodriguez Law Offices, P.C., and  
2 Intervenor MICHAEL MURRAY, MICHAEL RENO, and MICHAEL SARGEANT (the “Intervenor”)  
3 and Objectors MARCO BAKHTIARI, MICHAEL BRAUCHLE, THOMAS COHOON, GARY GRAY,  
4 JORDON HANSEN, ROGER KELLER, CHRIS D. NORVELL, POLLY RHOLAS and GERRIE  
5 WEAVER (the “Objectors”) appeared by and through their counsel of record, Leon Greenberg, Esq.

6 The Court, after having considered the Motions for Final Approval, the papers and pleadings on  
7 file herein, the oral arguments of counsel, and good cause appearing therefore, hereby finds as follows:

8 WHEREAS, a class action is pending in this Court entitled *Dubric, et al. v. A Cab, LLC, et al.*,  
9 Case No. A-15-721063-C (the “Action”);

10 WHEREAS, Plaintiff Jasminka Dubric ( “Settlement Class Representative”), individually and on  
11 behalf of the Class, and Defendants (collectively (the “Parties”), entered into the Class Action Settlement  
12 Agreement and Release signed by the Parties on December 28, 2016 and filed with the Court on January  
13 24, 2017 as an Exhibit to the Parties' Joint Motion for Preliminary Approval of Class Settlement  
14 Agreement on an Order Shortening Time (“Settlement Agreement”) setting forth the terms and conditions  
15 of the Parties’ proposed settlement (the “Settlement”);

16 WHEREAS, by Order dated October 11, 2020 (the “Preliminary Approval Order”), this Court (a)  
17 conditionally certified the Action to proceed as a class action on behalf of a class of all current and  
18 formerly hourly paid taxi cab drivers employed by A Cab, LLC and/or A Cab Series, LLC, Employee  
19 Leasing Company at any time from April 1, 2009 through July 2, 2014 (the “Class”); (b) appointed The  
20 Bourassa Law Group, LLC as Class Counsel; (c) preliminarily approved the Settlement; (d) ordered that  
21 Notice of the proposed Settlement be provided to potential Class Members; (e) provided Class Members  
22 with the opportunity to: (i) opt out of the Class or (ii) object to the proposed Settlement; and (f) scheduled  
23 a hearing regarding final approval of the Settlement;

24 WHEREAS, unless otherwise defined in this Order, the capitalized terms herein shall have the  
25 same meaning as they have in the Settlement Agreement;

26 WHEREAS, pursuant to this Court’s Order dated October 11, 2020, the Notice of Proposed Class  
27 Action Settlement (the “Class Notice”) was mailed to potential members of the Class to notify them of,  
28 among other things: (i) the Action pending against Defendants; (ii) the certification of the Action by the

RA0016

1 Court to proceed as a class action on behalf of the Court-certified Class; and (iii) their right to opt out of  
2 the Settlement, the effect of remaining in the Class or requesting exclusion, and the requirements for  
3 requesting exclusion, and their right to object to the proposed Settlement.

4 WHEREAS, due and adequate notice has been given to the Class;

5 WHEREAS, on November 25, 2020, the Plaintiff filed a Motion for Final Approval of Class  
6 Action Settlement;

7 WHEREAS, on November 25, 2020, Plaintiff filed a Motion For Award Of Attorney Fees And  
8 Costs, And Incentive Awards For Named Plaintiff and a Memorandum of Costs;

9 WHEREAS, the Court conducted a hearing on March 11, 2021 (the “Fairness Hearing”) to  
10 consider, among other things: (i) whether the terms and conditions of the Settlement are fair, reasonable  
11 and adequate, and in the best interests of the Settlement Class Representative and the other Class Members,  
12 and should therefore be approved; (ii) whether the objections filed by the Objectors and/or opposition  
13 filed by the Intervenors warrant a denial of the requested final approval of the Settlement or final approval  
14 subject to modifications; and (ii) whether an order should be entered dismissing the Action with prejudice  
15 against Defendants. In addition, the Court heard Plaintiff’s Motion For Award of Attorney Fees and Costs,  
16 and Incentive Awards for Named Plaintiff;

17 WHEREAS, the Court, having reviewed and considered the Motion for Final Approval, the  
18 Settlement Agreement, all papers filed and proceedings herein in connection with the Settlement, all oral  
19 and written comments received regarding the Settlement, including the objections filed by the Objectors  
20 and the opposition filed with respect thereto by the Intervenors, Plaintiff’s Motion For Award of Attorney  
21 Fees and Costs and Incentive Awards For Named Plaintiffs and all papers filed in support and in  
22 opposition thereto, Plaintiff’s Memorandum of Costs, and the record in the Action, and good cause  
23 appearing therefore;

24 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

25 1. **Jurisdiction.** This Court has jurisdiction over the subject matter of the Action, and all  
26 matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each of the  
27 Class Members.

28 2. **Incorporation of Settlement Documents.** This Order incorporates and makes a part

RA0017

1 hereof: (a) the Settlement Agreement filed with the Court on January 24, 2017; and (b) the Settlement  
2 Notice, which was filed with the Court on January 24, 2017 and later amended by the request of the Court  
3 and Intervenor and filed with the Court on February 26, 2021; (c) the briefs, declarations, affidavits, and  
4 other materials filed in support of the Settlement Class Counsels' request for an award of attorneys' fees,  
5 incentive award, and reimbursement of expenses; (d) the record at the Preliminary Approval Hearing; (e)  
6 the record at the Fairness Hearing; (f) the documents listed on the docket sheet or otherwise submitted to  
7 the Court; and (g) all prior proceedings in the action.

8         3.       **Final Class Certification.** The Class was preliminarily certified by this Court on October  
9 11, 2020. The Court now enters its final certification of this Class pursuant to NRCP 23 finding that the  
10 Class satisfies all applicable requirements of NRCP 23(a) and NRCP 23(b) and due process. The Class  
11 shall consist of "all persons who were employed by A Cab, LLC and/or A Cab Series, LLC, Employee  
12 Leasing Company during the applicable statutory period prior to the filing of this Complaint continuing  
13 until date of judgment as Drivers in the State of Nevada." More specifically, the Settlement Class is  
14 defined as all current and former hourly paid Drivers employed by A Cab, LLC and/or A Cab Series LLC,  
15 Employee Leasing Company at any time from April 1, 2009 through July 2, 2014.

16         4.       **Exclusion.** Michael Murray, Michael Reno, and Michael Sargeant (collectively  
17 "Intervenor") are plaintiffs in a separate action entitled *Murray et al. v. A Cab Taxi Service LLC et al.*,  
18 Clark County Nevada District Court Case No. A-12-669926-C, which also alleges claims of unpaid  
19 minimum wages against A Cab LLC, as well as associated penalties pursuant to NRS 608.040. These  
20 individuals are expressly excluded from the Settlement Agreement for all purposes, pursuant to Section  
21 8.3. Additionally, the Court finds that only those individuals specifically listed in Exhibit "1," attached  
22 hereto, and no other member of the Class, have submitted timely valid requests for exclusion from the  
23 Class and therefore are not bound by this Final Order. All other members of the Class are bound by the  
24 terms and conditions of the Settlement Agreement and this Final Order.

25         5.       **Adequacy of Representation.** Class Representative Jasminka Dubric has adequately  
26 represented the Settlement Class for purpose of entering and implementing the Settlement. Mark J.  
27 Bourassa of The Bourassa Law Group is experienced and adequate Class Counsel. Class Representatives  
28 and Class Counsel have satisfied the requirements of NRCP 23(a)(4) and NRCP 23(f).

RA0018

1           6.       **Settlement Notice.** The Court finds that the dissemination of the Settlement Notice: (i)  
2 was implemented in accordance with the Settlement Agreement and Preliminary Approval Order; (ii)  
3 constituted the best notice practicable under the circumstances; (iii) constituted notice that was reasonably  
4 calculated, under the circumstances, to apprise Class Members (a) of the effect of the Settlement  
5 (including the Releases provided for therein), (b) of Class Counsel's motion for an award of attorneys'  
6 fees, incentive award to the Settlement Class Representative, and reimbursement of litigation expenses,  
7 (c) of their right to object to any aspect of the Settlement, (d) of their right to opt out of the Class, and (e)  
8 of their right to appear at the Fairness Hearing; (iv) constituted due, adequate and sufficient notice to all  
9 persons entitled to receive notice of the proposed Settlement; and (v) satisfied the requirements of Rule  
10 23 of the Nevada Rules of Civil Procedure.

11           7.       **Final Settlement Approval.** Pursuant to, and in accordance with Rule 23 of the Nevada  
12 Rules of Civil Procedure, this Court hereby fully and finally approves the Settlement set forth in the  
13 Settlement Agreement in all respects (including, without limitation: the amount of the Settlement, the  
14 Releases provided for therein, and the dismissal with prejudice of claims against Defendants), and finds  
15 that the Settlement is, in all respects, fair, reasonable and adequate, and is in the best interest of Settlement  
16 Class Representative and the other Class Members. The settlement is approved and all objections to the  
17 settlement are overruled.

18           8.       **Implementation of the Settlement.** The Parties are directed to implement, perform and  
19 consummate the Settlement in accordance with the terms and provisions contained in the Settlement  
20 Agreement. The Court orders Defendants to fund the Settlement Fund in the total amount of Two Hundred  
21 Twenty-Four Thousand Five Hundred Twenty-Nine Dollars (\$224,529.00), and orders the Class Counsel  
22 to disburse the Settlement Fund to the Class Members pursuant to Section 11 of the Settlement Agreement,  
23 which provides that Ms. Nicole Omps, CPA of Beta Consulting shall determine the amounts owed to each  
24 class member based on the number of workweeks for each Class Member.

25           9.       **Award of Attorney Fees and Costs.** In addition, the Court hereby grants Plaintiff's  
26 Motion for Attorney Fees and Costs, and orders Defendants to pay Class Counsel Fifty-Seven Thousand  
27 Five Hundred Dollars (\$57,500.00) in attorneys' fees and costs. The Court finds that Class Counsel's  
28 requested fees are reasonable and are based upon the actual time expended by Class Counsel in the

RA0019



1 litigation of this matter. The Court further finds that Class Counsel's requested costs were reasonable,  
2 necessary, and actually incurred.

3 10. **Incentive Awards for Settlement Class Representatives.** Pursuant to the terms of the  
4 Parties' Settlement Agreement and Plaintiff's Motion, the Court also orders Defendants to pay an  
5 Incentive Award to the Settlement Class Representative Jasminka Dubric in the amount of five thousand  
6 dollars (\$5,000.00) to be paid from the Settlement Fund. The Court finds that this amount is reasonable  
7 and appropriate based upon the services the Settlement Class Representative provided in litigating this  
8 matter.

9 11. **Binding Effect.** The terms of the Settlement Agreement and of this Order shall be forever  
10 binding on the Settlement Class Representative, all other Class Members and Defendants, as well as their  
11 respective heirs, executors, administrators, predecessors, successors, affiliate and assigns. The Persons  
12 listed on Exhibit 1 hereto and the individual Intervenors Michael Murray, Michael Reno, Michael Sargeant  
13 are excluded from the Class pursuant to request and the Settlement Agreement and are not bound by the  
14 terms of the Settlement Agreement or this Order.

15 12. **Releases.** The releases as set forth in paragraph 13 of the Settlement Agreement, together  
16 with the definitions contained in paragraph 2 of the Settlement Agreement relating thereto, are expressly  
17 incorporated herein in all respects. Accordingly, this Court orders that:

18 a) Except for the obligations and rights created by the Settlement Agreement, and  
19 upon Final Approval of the Settlement, the Settlement Class hereby releases and absolutely and forever  
20 discharges Defendants A Cab LLC, A Cab Series LLC, Employee Leasing Company, Creighton J. Nady,  
21 and their past, present, and future subsidiaries, parent companies, their predecessors in interest and/or  
22 ownership, successors in interest and/or ownership, partners, licensees, assignees, managing members,  
23 Insurers, including claims under any and all insurance policies, estates, and other affiliates and/or related  
24 entities, and each of the foregoing Persons' respective past, present, and future officers, directors,  
25 attorneys, shareholders, indemnitees, predecessors, successors, trusts, trustees, partners, associates,  
26 principals, divisions, employees, Insurers, any and all insurance policies, members, agents,  
27 Representatives, brokers, consultants, heirs, and assigns from any and all Settled Claims.

28 b) The Releasing Parties acknowledge that they are aware that they or their attorneys

RA0020

1 may hereafter discover claims or facts in addition to or different from those now known or believed to be  
2 true with respect to the subject matter of this Agreement and/or the Settled Claims. The Releasing Parties  
3 acknowledge that they intend to and will fully, finally, and forever settle and release any and all Settled  
4 Claims described herein, whether known or unknown, suspected or unsuspected, which now exist,  
5 hereinafter may exist, or heretofore may have existed. In furtherance of this intention, the releases  
6 contained in this Agreement shall be and remain in effect as full and complete releases of the Settled  
7 Claims by the Releasing Parties without regard to the subsequent discovery or existence of such different  
8 or additional claims or facts. Furthermore, upon the expiration of the Claims Period, each and every  
9 Releasing Party and all successors in interest shall be permanently enjoined and forever barred from  
10 prosecuting any and all Settled Claims against Defendants, A Cab LLC, A Cab Series LLC, Employee  
11 Leasing Company, Creighton J. Nady, and their past, present, and future subsidiaries, parent companies,  
12 their predecessors in interest and/or ownership, successors in interest and/or ownership, partners,  
13 licensees, assignees, managing members, Insurers, including claims under any and all insurance policies,  
14 estates, and other affiliates and/or related entities, and each of the foregoing Persons' respective past,  
15 present, and future officers, directors, attorneys, shareholders, indemnitees, predecessors, successors,  
16 trusts, trustees, partners, associates, principals, divisions, employees, Insurers, any and all insurance  
17 policies, members, agents, Representatives, brokers, consultants, heirs, and assigns.

18 13. Notwithstanding paragraph 12 above, nothing in this Order shall bar any action by any of  
19 the Parties to enforce or effectuate the terms of the Settlement Agreement or this Order;

20 14. **No Admission.** Neither this Order, nor the Settlement Agreement, nor the negotiation of  
21 the Settlement, nor any proceedings taken pursuant thereto:

22 a) Shall be offered against Defendants as evidence of, or construed as, or deemed to  
23 be evidence of any presumption, concession or admission with respect to the truth of any fact alleged by  
24 the Settlement Class Representative or the validity of any claim that was or could have been asserted or  
25 the deficiency of any defense that could have been asserted in this Action or in any litigation ,or of any  
26 liability, negligence, fault, or other wrongdoing of any kind; or

27 b) Shall be construed against any of the Releasees as an admission, concession or  
28 presumption that the consideration to be given hereunder represents the amount which could be or would

RA0021

1 have been recovered after trial.

2       15.     **Retention of Jurisdiction.** Without affecting the finality of this Order in any way, this  
3 Court retains continuing and exclusive jurisdiction over the Parties for purposes of administration,  
4 interpretation, implementation and enforcement of the Settlement, disposition of the Settlement Fund, and  
5 the Class Members for all matters relating to the Action.

6       16.     **Modification of the Settlement Agreement.** Without further approval from the Court,  
7 Settlement Class Representative and Defendants are hereby authorized to agree to and adopt such  
8 amendments or modifications of the Stipulation or any exhibits attached thereto to effectuate the  
9 Settlement that: (i) are not materially inconsistent with this Order; and (ii) do not materially limit the rights  
10 of the Class Members in connection with the Settlement. Without further order of the Court, Settlement  
11 Class Representatives and Defendants may agree to reasonable extension of time to carry out any  
12 provisions of the Settlement. All other modifications or amendments of the Settlement Agreement must  
13 be agreed to by all Parties and approved by the Court, in accordance with the terms of the Settlement  
14 Agreement.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

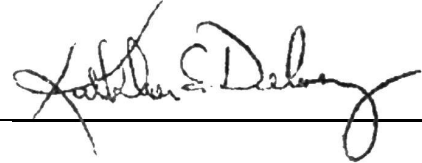
28 ///

RA0022

17. **Termination.** If the Settlement is terminated as provided in the Settlement Agreement, then this Order (and any orders of the Court relating to the Settlement) shall be vacated, rendered null and void and be of no further force or effect, except as otherwise provided by the Settlement Agreement.

**IT IS SO ORDERED.**

Dated this 31st day of August, 2021



Respectfully submitted by:

**F3B 729 660B FCB6  
Kathleen E. Delaney  
District Court Judge**

**THE BOURASSA LAW GROUP**

By: /s/ Valerie S. Gray  
MARK J. BOURASSA, ESQ.  
Nevada Bar No. 7999  
VALERIE S. GRAY, ESQ.  
Nevada Bar No. 14716  
2350 W. Charleston Blvd., #100  
Las Vegas, Nevada 89102

*Attorneys for Plaintiffs*

Approved as to form by:

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

**LEON GREENBERG PROFESSIONAL CORP.**

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

*Attorneys for Defendants*

By: NOT APPROVED  
Leon Greenberg, Esq.  
Nevada Bar No. 8094  
2965 S. Jones Boulevard - Ste. E-3  
Las Vegas, Nevada 89146

*Attorney for the Intervenors*

**RA0023**

**EXHIBIT 1**

**Persons Excluded from Class Pursuant to Opt-Out Request**

1. Richard Clark  
440 Golden State St.  
Henderson, Nevada 89012

**From:** [Esther Rodriguez](#)  
**To:** [Valerie Gray](#)  
**Cc:** ["Susan Dillow"](#)  
**Subject:** RE: Dubric v. A Cab - Final Order  
**Date:** Friday, April 30, 2021 1:15:32 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

Yes, you have my authorization to use my e-signature on this proposed order. Thank you.

Esther C. Rodriguez, Esq.  
Rodriguez Law Offices, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
(P) 702-320-8400  
(F) 702-320-8401  
[esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com)

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this e-mail message is attorney/client privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, immediately notify the sender by telephone at 702-320-8400, return the original message to [esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com) and delete or destroy any and all other copies. Thank you for your assistance.

---

**From:** Valerie Gray <[vgray@blgwins.com](mailto:vgray@blgwins.com)>  
**Sent:** Friday, April 30, 2021 12:47 PM  
**To:** Esther Rodriguez <[esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com)>  
**Subject:** Dubric v. A Cab - Final Order

Esther:

Attached please find the proposed order for the March 11, 2021 hearing for your review.

If acceptable, please confirm I have your authority to use your e-signature.

Sincerely,

---



Valerie S. Gray  
Attorney

2350 W. Charleston Blvd., Suite 100  
Las Vegas, Nevada 89102

[vgray@blgwins.com](mailto:vgray@blgwins.com)  
Office: (702) 851-2180  
Fax: (702) 851-2189



BEVERLY HILLS • DENVER • LAS VEGAS • SEATTLE  
**RA0025**

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Jasminka Dubric, Plaintiff(s)

CASE NO: A-15-721063-C

7 vs.

DEPT. NO. Department 25

8 A Cab LLC, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/31/2021

15 "Esther Rodriguez, Esq." .

esther@rodriguezlaw.com

16 "Mark J. Bourassa, Esq." .

mbourassa@blgwins.com

17 Assistant .

info@rodriguezlaw.com

18 Carmen Cherry .

ccherry@blgwins.com

19 Dana Sniegocki .

dana@overtimelaw.com

20 filings .

susan8th@gmail.com

21 Hilary Daniels .

hdaniels@blgwins.com

22 Hillary Ross .

hross@blgwins.com

23 Jennifer Fornetti .

jfornetti@blgwins.com

24 leon greenberg .

leongreenberg@overtimelaw.com

25 Susan Dillow .

susan@rodriguezlaw.com

26  
27  
28 **RA0026**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Trent Richards .

trichards@blgwins.com

Mercedes Ortega

mortega@blgwins.com



**IN THE SUPREME COURT OF  
THE STATE OF NEVADA**

MICHAEL MURRAY, MICHAEL RENO )  
AND MICHAEL SARGENT, Individually )  
and on behalf of a class of persons similarly )  
situated, MARCO BAKHTIARI, MICHAEL )  
BRAUCHLE, THOMAS COHOON, GARY )  
GRAY, JORDAN HANSEN, ROGER )  
KELLER, CHRIS D. NORVELL, POLLY )  
RHOLAS and GERRIE WEAVER, )  
 )  
Appellants, )

vs.

JASMINKA DUBRIC, A CAB LLC, a  
Nevada Limited Liability Company; A CAB  
SERIES, LLC, EMPLOYEE LEASING  
COMPANY, a Nevada Series Limited  
Liability Company, CREIGHTON J. NADY,  
an individual, and DOES 3 through 20,

Respondents.

**APPELLANTS' OPENING BRIEF**

LEON GREENBERG PROF CORP.  
Leon Greenberg, Esq.  
Ruthann Devereaux-Gonzalez, Esq.  
2965 South Jones Blvd., #E3  
Las Vegas, NV 89146  
LeonGreenberg@overtimelaw.com  
(702) 383-6085

*Attorneys for Appellants*

Supreme Court No. 83492  
Electronically Filed  
Feb 02 2022 04:48 p.m.  
Elizabeth A. Brown  
Dist. Ct. Case No. AS21063  
Clerk of Supreme Court

RA0028

**IN THE SUPREME COURT OF  
THE STATE OF NEVADA**

MICHAEL MURRAY, MICHAEL RENO	)	Case No.: 83492
AND MICHAEL SARGENT, Individually	)	
and on behalf of a class of persons similarly	)	Dist. Ct. Case No. A721063
situated, MARCO BAKHTIARI, MICHAEL	)	
BRAUCHLE, THOMAS COHOON, GARY	)	
GRAY, JORDAN HANSEN, ROGER	)	
KELLER, CHRIS D. NORVELL, POLLY	)	
RHOLAS and GERRIE WEAVER,	)	
	)	
Appellants,	)	
vs.	)	
	)	
JASMINKA DUBRIC, A CAB LLC, a	)	
Nevada Limited Liability Company; A CAB	)	
SERIES, LLC, EMPLOYEE LEASING	)	
COMPANY, a Nevada Series Limited	)	
Liability Company, CREIGHTON J. NADY,	)	
an individual, and DOES 3 through 20,	)	
	)	
Respondents.	)	

## NRAP RULE 26.1 DISCLOSURE STATEMENT

The undersigned counsel of record certifies that all Appellants are individuals and not corporations and none are using a pseudonym. The only counsel appearing for the appellants in this case, and currently expected to appear for them in the future in this case before this Court or the district court, are Leon Greenberg and Ruthann Gonzalez of Leon Greenberg Professional Corporation. Attorney Dana Sniegocki of Leon Greenberg Professional Corporation has

previously appeared in the district court for appellants.

Date: February 2, 2022

/s/ Leon Greenberg  
Leon Greenberg, Esq. (Bar # 8094)  
A Professional Corporation  
2965 S. Jones Blvd., Suite E-3  
Las Vegas, Nevada 89146  
(702) 383-6085  
Attorney of record for Appellants

## TABLE OF CONTENTS

	<i>Page</i>
JURISDICTIONAL STATEMENT .....	x
NRAP RULE 17 ROUTING STATEMENT .....	x
STATEMENT OF THE ISSUE PRESENTED .....	x
SUMMARY OF CASE .....	1
STATEMENT OF THE FACTS .....	3
SUMMARY OF ARGUMENT .....	11
APPLICABLE STANDARD OF REVIEW.....	13
ARGUMENT .....	15
I. The district court had no subject matter jurisdiction over the 890 <i>Murray</i> class member claims adjudicated into the <i>Murray</i> final judgment; the final judgment it rendered purporting to resolve those claims is void.....	15
A. The final judgment was intended to resolve the <i>Murray</i> final judgment even though the district court contradictorily and improperly defined the settlement class. ....	15
B. The district court lacked subject matter jurisdiction to release or settle the claims of the 890 class members that were adjudicated by the <i>Murray</i> final judgment and its final judgment purporting to do so is void. ....	17
II. The district court failed to scrutinize the proposed class action settlement and make findings; its approval of the settlement was improper as the settlement was irrational and unreasonable. ....	20

A.	The district court must act as a fiduciary of the class members when it approves a class action settlement and the parties proposing that settlement have the burden of establishing settlement approval is appropriate. . . . .	20
B.	The district court must make detailed findings explaining its decision to approve a class action settlement and its resolution of any objections to that settlement . . . . .	22
C.	The district court made no findings supporting its decision to approve the settlement and overrule the objections; the parties did not satisfy their burden of showing settlement approval was proper; the settlement was irrational and unfair and was not capable of approval as a matter of law. . . . .	24
1.	The district court made no findings . . . . .	24
2.	The parties proposing the settlement did not meet their burden of establishing it warranted final approval; they proffered no rational basis for its approval, only their unexplained opinions . . . . .	25
3.	The settlement was irrational and incapable of being found fair, reasonable and adequate on the record presented (or any record). . . . .	26
III.	The district court's approval of an indisputably collusive class action settlement was not the product of mere error or neglect; recusal or other restrictions on post-remand proceedings should be imposed. . . . .	30
A.	The district court purposefully ignored Dubric and her counsel's collusion with A Cab. . . . .	31

B.	Judge Delaney’s conduct was not just erroneous, it improperly facilitated the wrongful goals of A Cab and requires her recusal or other limitations on remand . . . . .	37
1.	Judge Delaney allowed Dubric to “reclaim” her abandoned class claims seven months after granting her an individual final judgment . . . . .	37
2.	Judge Delaney held “under advisement” A Cab’s baseless Rule 11 motion seeking to coerce Dubric’s counsel to proceed with the class settlement; such conduct by her assisted A Cab in that coercion. . . . .	38
3.	Judge Delaney’s opposition to her recusal, citing her lack of recollection of this Court’s Order to answer a mandamus petition, and her belief she could properly ignore that Order, create an appearance of impropriety requiring recusal. . . . .	39
CONCLUSION. . . . .		42
CERTIFICATE OF COMPLIANCE WITH NRAP RULE 28.2 . . . . .		44
CERTIFICATE OF SERVICE. . . . .		46
ADDENDUM. . . . .		47

## TABLE OF AUTHORITIES

	<i>Page(s)</i>
<b>Nevada Supreme Court &amp; Court of Appeals Decisions</b>	
<i>A Cab LLC v. Murray</i> , 137 Nev.Adv.Op 84 December 30, 2021 (en banc) .....	2, 11
<i>Hsu v. County of Clark</i> , 173 P.3d 724 (Nev. Sup. Ct. 2007).....	20
<i>Ivey v. Dist. Ct.</i> , 299 P.3d 354 (Nev. Sup. Ct. 2013).....	14
<i>Jeep Corp. V. Second Jud. Dist. Ct.</i> , 652 P.2d 1183 (Nev. Sup. Ct. 1982).....	19
<i>Landreth v. Malik</i> , 251 P.3d 163 (Nev. Sup. Ct. 2011).....	20
<i>Mack-Manley v. Manley</i> , 138 P.3d 525 (Nev. Sup. Ct. 2006).....	19
<i>Marcuse v. Del Webb Communities, Inc.</i> , 163 P.3d 462 (Nev. Sup., Ct. 2007) .....	13, 22
<i>Metcalf v. District Court</i> , 274 P. 5 (Nev. Sup. Ct. 1929).....	20
<i>Ogawa v. Ogawa</i> , 221 P.3d 699 (Nev. Sup. Ct. 2009).....	13
<i>Perry v. Terrible Herbst</i> , 383 P.3d 257 (Nev. Sup. Ct. 2016).....	1, 15, 35

	<i>Page(s)</i>
<i>Rivero v. Rivero</i> , 216 P.3d 213 (Nev. Sup. Ct. 2009).....	14, 41
<i>SFPP L.P. v. Second Jud. Dist. Ct.</i> , 173 P.3d 715 (Nev. Sup. Ct. 2007).....	18, 19
<i>Shuette v. Beazer Homes Holdings Corp.</i> , 124 P.3d 530 (Nev. Sup. Ct. 2005).....	14
<i>State Indus. Ins. System v. Sleeper</i> , 679 P.2d 1273 (Nev. Sup. Ct. 1984).....	20
 <b>Other Court Decisions</b>	
<i>Ballard v. Martin</i> , 79 S.W. 3d 564 (Sup. Ct. Ark. 2002).....	22
<i>B.K. by next friend Tinsley v. Snyder</i> , 922 F.3d 957 (9 <sup>th</sup> Cir. 2019).....	14
<i>Blair v. Equifax Check Services, Inc.</i> , 181 F.3d 832 (7 <sup>th</sup> Cir. 1999).....	20, 36
<i>Briseno v. Henderson</i> , 998 F.3d 1014 (9 <sup>th</sup> Cir. 2021).....	30
<i>Churchill Vill v. Genl. Elec.</i> , 361 F.3d 566 (9 <sup>th</sup> Cir. 2004).....	23, 24, 25
<i>City of Detroit v. Grinnell Corp.</i> , 495 F.2d 448 (2 <sup>nd</sup> Cir. 1974).....	21
<i>Grunin v. Int’l House of Pancakes</i> , 513 F.2d 114 (8 <sup>th</sup> Cir. 1975)(cert denied, 423 U.S. 864).....	21



	<i>Page(s)</i>
<i>Hanlon v. Chrysler Corp.</i> , 150 F.3d 1011 (9 <sup>th</sup> Cir. 1998) .....	23
<i>Holmes v. Continental Can Co.</i> , 706 F.2d 1144 (11 <sup>th</sup> Cir. 1983) .....	22
<i>In re Bluetooth Headset Prod. Liab.</i> , 654 F.3d, 935 (9 <sup>th</sup> Cir. 2011) .....	23, 30, 31
<i>In re GM Corp. Pick-Up Truck Fuel Tank Products Liability Litig.</i> , 55 F.3d 768 (3 <sup>rd</sup> Cir. 1995) .....	22
<i>In re Mego Financial Corp. Securities Lit.</i> , 213 F.3d 454 (9 <sup>th</sup> Cir. 2000) .....	23
<i>In re Pacific Enterprises Sec. Litig.</i> , 47 F.3d 373 (9 <sup>th</sup> Cir. 1995) .....	23, 24
<i>Jolie v. Superior Court of Los Angeles County</i> , 66 Cal. App. 5 <sup>th</sup> 1025 (Cal. Ct. App. 2021) .....	14, 41
<i>Kim v. Allison</i> , 8 F.4th 1170 (9 <sup>th</sup> Cir. 2021) .....	22, 24, 30
<i>Mandujano v. Basic Vegetable Products, Inc.</i> , 541 F.2d 832 (9 <sup>th</sup> Cir. 1976) .....	23
<i>Plummer v. Chemical Bank</i> , 668 F.2d 654 (2 <sup>nd</sup> Cir. 1982) .....	23
<i>Reynolds v. Beneficial Nat. Bank</i> , 288 F.3d 277 (7 <sup>th</sup> Cir. 2002) .....	35, 36

	<i>Page(s)</i>
<i>Roes, 1-2 v. SFBSC Management, LLC</i> , 944 F.3d 1035 (9 <sup>th</sup> Cir. 2019) .....	13
<i>Thomas v. Albright</i> , 139 F.3d 227 (D.C. Cir. 1998) .....	24
<i>United Founders Life Ins. Co. v. Consumers Nat. Life Ins.</i> , 447 F.2d 647 (7 <sup>th</sup> Cir. 1971) .....	21
<i>Young v. Katz</i> , 447 F.2d 431 (5 <sup>th</sup> Cir. 1971) .....	21

## STATUTES

Nevada Constitution, Article 15, Section 16, the Minimum Wage Amendment .....	1, 3
--	------

## OTHER AUTHORITIES

NRAP 3A(b)(1) .....	x
NRAP 17.....	x
NRCP 11.....	5, 38
NRCP 23.....	1, 13, 21
NRCP 59.....	19
NRCP 60.....	19
<i>Manual for Complex Litigation</i> , 4 <sup>th</sup> Ed.....	21, 22
<i>Newberg on Class Actions</i> 5 <sup>th</sup> Ed. ....	13, 14, 20, 21, 35, 36

## **JURISDICTIONAL STATEMENT**

This Court has jurisdiction over this appeal as an appeal from a final judgment as provided for by NRAP 3A(b)(1).

The final judgment appealed from was entered by the district court and served electronically with notice of entry on September 1, 2021. The notice of appeal was served and filed electronically on September 8, 2021.

## **NRAP RULE 17 ROUTING STATEMENT**

This appeal is not presumptively assigned to either the Supreme Court or the Court of Appeals under NRAP Rule 17.

## **STATEMENT OF ISSUES PRESENTED**

This appeal presents the following issues:

- (1) Did the district court err in refusing to exclude from any class action it certified the claims already adjudicated in *Murray v. A Cab*, Eighth Judicial District Court, A-12-669926-C, and incorporated into the *Murray* final judgment appealed to this Court?
- (2) Did the district court err by denying recusal of District Judge Kathleen Delaney and/or should other curative measures be directed upon remand?

## STATEMENT OF THE CASE

The district court's final judgment of August 31, 2021, granted final approval of a class action settlement pursuant to NRCP Rule 23. AA<sup>1</sup> 1949-1958. It resolved the claims of all members of such certified class pursuant to a settlement agreement between Respondent, and sole plaintiff in the district court, Jasminka Dubric ("Dubric") and Respondents, and defendants in the district court, A Cab LLC, A Cab Series LLC, Employee Leasing Company, Creighton J. Nady, and Does 3 through 20 (collectively "A Cab"). *Id.* In exchange for the release of class claims granted by such final judgment, A Cab was to make payments not exceeding \$219,529 to the class members. AA 1953-54. The released class claims were for all minimum wages owed by A Cab to the class members, its taxi driver employees, under the Nevada Constitution, Article 15, Section 16, the Minimum Wage Amendment (the "MWA") or for any other reason. AA 108-111, 121-22, 1954-55. That release is for the period after April 1, 2009. AA 1952. Yet Dubric commenced this case on July 7, 2015, and could not have secured a judgment at trial on MWA claims pre-dating July 7, 2013, under the two year MWA statute of limitations. AA 8. *See, Perry v. Terrible Herbst*, 383 P.3d 257, 262 (Nev. Sup. Ct. 2016).

---

<sup>1</sup> Appellants' Appendix is referenced as "AA."

On August 21, 2018, the district court in another class action case, heard in a different department by a different district judge, *Murray v. A Cab*, A-12-669926-C, entered a final judgment on the MWA claims of a class of 890 taxi drivers and against A Cab for \$1,033,027. AA 809-872. The *Murray* case was commenced almost three years earlier, on October 8, 2012, and could collect MWA damages from on or after October 8, 2010. AA 1-7. That final judgment was appealed to this Court and affirmed in part and reversed in part on December 30, 2021, and upon remittitur to the district court will be reduced to approximately \$675,000.<sup>2</sup> *See*, 137 Nev. Adv. Op. 84. The class granted final certification in this case includes at least 797 of the 890 members of the *Murray* class of MWA judgment creditors and purports to release those *Murray* judgment amounts for payments totaling less than \$196,000. AA 1491-1519, 1536-1541.

Appellants, Michael Murray, Michael Reno, Michael Sargent, Marco Bakhtiari, Michael Brauchle, Thomas Cohoon, Gary Gray, Jordan Hansen, Roger Keller, Chris D. Norvell, Polly Rholas and Gerrie Weaver (collectively “the Taxi Drivers”) were granted Intervention in the district court as the *Murray* class of 890

---

<sup>2</sup> The judgment for damages predating October 8, 2010, was reversed, leaving approximately \$675,000 of the original damages judgment. *See, Murray*, Case No. 77050 at Respondents’ Appendix at 1015-1033 and Appellant’s Appendix at 8178-8189.

judgment creditors. AA 1671. The district court's judgment expressly excluded Murray, Reno and Sargent as class members in this case. AA 1952. Appellants objected to the class settlement in this case of all MWA claims entered into the final judgment in *Murray* and the purported release of the *Murray* judgment by that settlement. AA 1788-1797. The district court rejected the Taxi Drivers' request the class action certification and settlement in this case exclude all claims adjudicated in *Murray* for the 890 *Murray* judgment creditors. AA 1949-1958.

### **STATEMENT OF FACTS**

This lawsuit was filed on July 7, 2015, for minimum wages under the Nevada Constitution, Article 15, Section 16, the Minimum Wage Amendment (the "MWA") and for conversion. AA 8-18. Dubric, who remained the only plaintiff throughout the case, asserted claims on behalf of a putative class of A Cab taxi drivers. *Id.* Dubric did not move for class action certification prior to proposing a class action settlement. The putative class action MWA claims made by Dubric were asserted in an earlier case, filed on October 8, 2012, *Murray v. A Cab*, A-12-669926-C. AA 1-8. Those claims were granted class action certification in *Murray* by a motion initially heard on November 3, 2015, as confirmed in Orders entered February 10, 2016 and, as modified by reconsideration, on June 7, 2016. AA 876-888. That Order granting class action certification also enjoined the

*Murray* class members from compromising the *Murray* class claims except by a future Order issued in *Murray*. AA 887.

On January 17, 2017, Dubric and A Cab jointly moved the district court on an Order Shortening Time for preliminary approval of a proposed class action settlement. AA 80-138. On January 18, 2017, the Taxi Drivers moved to intervene and on January 27, 2017, they filed opposition to that proposed class action settlement. AA 46-79, 139-281. They advised the district court of the *Murray* case enjoining the *Murray* class members from settling the class claims certified in *Murray* except pursuant to a further order in *Murray*. AA 143-144. They further advised even if the proposed class action settlement was within the subject matter jurisdiction of this case, it was collusive, lacked any rational basis, and contained terms making it unfair and incapable of approval as a matter of law. AA 145-148, 151-157.

The district court denied intervention on February 14, 2017, denying the Taxi Drivers any opportunity to be heard in opposition to the motion for preliminary approval of the proposed class action settlement. AA 1969-1970. It set a preliminary approval motion hearing for February 16, 2017, but did not proceed with that hearing because an injunction was issued in *Murray* on that same day enjoining A Cab from proceeding with any class MWA settlement except in

*Murray*. AA 1107-1113.

On June 17, 2017, a final judgment was entered against Dubric and in favor of A Cab for \$51,644.55 in *Dubric v. A Cab et al*, United States District Court, District of Nevada, 15-cv-2136. AA 1082-1083.

On August 10, 2017, Dubric filed a motion for summary judgment against A Cab solely on her individual claim. AA 282-291. In that motion Dubric stated her putative class claims should be dismissed because the class action certified in *Murray* provided an appropriate means of redress for those claims. AA 290-291. The district court at the September 12, 2017, hearing on that motion granted summary judgment to Dubric, denied A Cab's counter-motion to dismiss, stated it "will recognize the voluntary dismissal" of the "class members" and reserved a ruling on Dubric's individual damages award. AA 312, 323-324.

In response to Dubric's pursuit of summary judgment individually, and abandonment of any putative class claims, A Cab filed a motion on October 4, 2017, seeking sanctions against Dubric's counsel pursuant to NRCP Rule 11. AA 327-394. The district court heard that motion on November 7, 2017, during which A Cab's counsel insisted the case was "a multi-million dollar class action." AA 425. The district court reserved decision on the motion. AA 433-434.

On April 23, 2018, Dubric and A Cab jointly requested a status conference



as a result of this Court's Order of April 6, 2018, dissolving the 2017 *Murray* injunction against A Cab. AA 437-442. On May 9, 2018, the district court issued a minute order setting a May 15, 2018, hearing for "Further Proceedings" and reciting "the parties jointly requested via a chambers conference call to withdraw two matters previously taken under advisement" and those matters were "WITHDRAWN as MOOT." AA 443. On May 10, 2018, the Taxi Drivers filed a motion on order shortening time to intervene and continue the May 15, 2018 hearing. AA 444-624. That motion reiterated the objections to the proposed settlement raised in the Taxi Driver's January 27, 2017, opposition to the motion for preliminary approval of the settlement. It also advised the district court Dubric was now a \$51,664 judgment debtor of A Cab, disqualifying her, as a matter of law, from representing a class of persons holding claims against A Cab. AA 446.

On May 15, 2018, the district court directed Dubric and A Cab to proceed on May 24, 2018, with a hearing on their joint motion for preliminary approval of their proposed class action settlement. AA 657. It also denied intervention to the Taxi Drivers; denied their request for a two week continuance of the preliminary approval hearing until *Murray* ruled on pending motions for consolidation (that pending motion's hearing being delayed by the death of Judge Cory's wife) and for contempt against A Cab, and summary judgment; denied their request for a stay to

seek writ relief; and also ruled the Taxi Drivers could not present opposition at the preliminary approval hearing since they were being denied intervention. AA, 636-639, 650-656. On May 21, 2018, the Taxi Drivers filed a Petition with this Court, *Murray v. Eighth Jud. Dist. Ct.*, No. 75877, seeking a writ to reverse the district court's denial of intervention. AA 660-688. On May 23, 2018, this Court Ordered Dubric and A Cab to answer that Petition. AA 987-988.

The district court held a preliminary settlement approval hearing on May 24, 2018. AA 689-754. At that hearing it granted preliminary approval of the proposed class action settlement and directed Dubric's counsel submit an order setting forth its findings. AA Transcript 747-753. On May 25, 2018, a panel of this Court, over a dissent, denied the Taxi Drivers' motion to stay the district court proceedings. AA 1318-1320.

On August 21, 2018, a final judgment was entered in *Murray* in favor of 890 class members and against A Cab for \$1,033,027. AA 809-872. On September 13, 2018, this Court dismissed as "moot" the Taxi Drivers' still pending Petition because the *Murray* judgment "resolved" the class claims. AA 990-991.

On February 15, 2019, the district court issued an Order to "statistically close" this case based on a "Stipulated Judgment." AA 957.

On October 4, 2019, A Cab requested a "Status Check" with the Court "to

address the settlement documents that are before the Court.” AA 961-982. With that request was a proposed form of order granting preliminary approval to the proposed class action settlement. AA 964-982. On October 19, 2019, the Taxi Drivers, on an order shortening time, moved to intervene and deny preliminary approval to the proposed class action settlement, based on the 890 *Murray* judgments and the district court’s resulting lack of subject matter jurisdiction in this case over those judgments. AA 785-1166. That relief was also sought based on the settlement being collusive and unfair and Dubric’s inability to represent the class, as detailed in the Taxi Drivers’ previously filed motions to intervene and opposition to the proposed settlement. *Id.*

On October 29, 2019, the Taxi Drivers filed a motion to recuse District Judge Delaney based on her bias against the Taxi Drivers’ counsel. AA 1167-1177. The Taxi Drivers’ counsel in 2016 filed a petition with this Court, Case No. 70763, to compel Judge Delaney to issue a decision on a long pending motion in another case ( “*Teseme*”). This Court ordered Judge Delaney to answer that petition, she refused to answer it, and this Court then granted such petition to the extent of compelling Judge Delaney to decide the long-pending *Teseme* motion. AA 1173-1174, 1176-1177. Judge Delaney declined to recuse herself. AA 1286-1288. A Cab asked to be heard on the Taxi Driver’s recusal motion, asserting it

made “unfounded allegations” against its counsel and Judge Delaney. AA 1178-1181. On November 18, 2019, District Judge Linda Bell denied the motion to recuse Judge Delaney, finding the Taxi Drivers as non-parties lacked standing to seek recusal and there was no basis to recuse Judge Delaney. AA 1290-1295.

On December 17, 2019, the district court heard and granted the Taxi Drivers’ motion for intervention and denied their motion to deny preliminary approval of the proposed class action settlement. AA 1824-1829. It also directed the Taxi Drivers be provided with additional information on the notice that was to be sent to the proposed class members at least 10 days before the next hearing. AA 1825-1826. It found that the concerns of the Taxi Drivers would be further heard at the next hearing on January 30, 2020. AA 1827. The Taxi Drivers submitted a supplemental briefing regarding the proposed preliminary approval order on January 27, 2020. AA 1386-1542. The Taxi Drivers objected to that order requiring any *Murray* class action judgment creditor who wanted to be excluded from the class settlement in this case personally file an exclusion request and prohibiting the *Murray* class counsel (the Taxi Drivers’ counsel) from filing such exclusion requests. AA 1393. On October 11, 2020, the district court rejected the Taxi Drivers’ objections and entered an order granting preliminary approval of the settlement as proposed by Dubric and A Cab. AA 1625-1642. On October 26,

2020, the Taxi Drivers, filed a motion to rehear or amend and correct that order because, among other things, it was incomplete — it specified the form of notice to the class was at Exhibit “1” but it contained no such Exhibit. AA 1643-1696. The district court heard that motion on November 10, 2020, and in an order entered on February 25, 2021, granted in part and denied in part that motion. AA 1830-1834. It also held it would consider the Taxi Drivers’ objections to the proposed settlement when it held a final class action settlement approval hearing. AA 1833.

The Taxi Drivers filed a Petition with this Court on November 20, 2020. *See, Murray v. Eighth Jud. Dist. Ct.*, Case No. 82126. This Court directed an answer to the Petition and on December 10, 2020, denied it, finding that the Taxi Drivers will be allowed to participate in the district court’s still to be held final approval hearing and “....may appeal from any judgment following that hearing.” AA 1821-1822.

On December 4, 2020, the Taxi Drivers filed objections to the final approval of the proposed class action settlement and opposition to the motion seeking its final approval. AA 1788-1820. On March 11, 2021, the district court held a hearing at which it granted final approval of the proposed class action settlement and rejected all of the Taxi Drivers’ objections. AA 1839-1897. On August 31, 2021, the district court entered an order granting final approval of the proposed

class action settlement entering a final judgment, served with notice of entry on September 1, 2021. AA 1898-1912. That order denied the Taxi Drivers' request the class action certification and settlement in this case exclude all claims adjudicated in *Murray* for the 890 *Murray* judgment creditors. AA 1949-1958. The resulting final judgment entered by the district court purports to release the MWA claims of all class members in this case, including, in exchange for a payment of less than \$196,000, at least 797 of the 890 *Murray* judgment creditors. AA 1491-1519, 1536-1541. On September 8, 2021, the Taxi Drivers filed and served a notice of appeal. AA 1913-2001. On December 30, 2021, this Court affirmed in part and reversed in part the *Murray* judgment which upon remittitur will be reduced to approximately \$675,000.<sup>3</sup> See, 137 Nev. Adv. Op. 84.

### **SUMMARY OF ARGUMENT**

The district court lacked subject matter jurisdiction to release or modify any aspect of the final judgment entered in *Murray*. This Court's Order of September 13, 2018, dismissing without prejudice the Taxi Drivers' first writ Petition (Case No. 75877), recognized that the *Murray* final judgment "resolved" the claims of the

---

<sup>3</sup> The judgment for damages predating October 8, 2010, was reversed, leaving approximately \$675,000 of the original damages judgment. See, *Murray*, Case No. 77050 at Respondents' Appendix at 1015-1033 and Appellant's Appendix at 8178-8189.

890 *Murray* class member judgment creditors. AA 990-991. The district court's entry of a final judgment purporting to include claims adjudicated in the *Murray* final judgment was *ultra vires* and void.

The district court improperly approved a manifestly collusive class action settlement. Dubric was a judgment debtor of A Cab for over \$50,000 and incompetent as a matter of law to serve as a class representative but was approved to release, for less than \$300,000, the class action liability of A Cab for over \$1,600,000 as a judgment-debtor in *Murray*. That settlement included claims for a time period that Dubric could not prosecute and well beyond the statute of limitations in her case — the only purpose of doing that was to release the much earlier in time filed *Murray* class claims and judgment. The settlement was an artifice for A Cab, in exchange for a \$5,000 payment to Dubric and a \$57,500 payment to her attorneys, to purportedly vacate the *Murray* judgment and distract the *Murray* counsel from collecting the *Murray* judgment. Its substantive terms were irrational and it was impossible for that settlement to be fair or reasonable even if it did not purport to release the *Murray* judgment.

District Judge Delaney's approval of the proposed class action settlement, and her refusal to allow the Taxi Drivers' counsel to exclude his clients, the *Murray* final judgment creditors, from that settlement, can only be attributed to an

improper motive. She should be disqualified from further proceedings in this case.

### **APPLICABLE STANDARD OF REVIEW**

Whether the district court lacked subject matter jurisdiction to enter the final judgment appealed from is a question of law reviewed by this Court *de novo*.

*Ogawa v. Ogawa*, 221 P.3d 699, 704 (Nev. Sup. Ct. 2009).

Whether the district court erred in approving the notice program of a class action settlement, in respect to the requirements of due process and Rule 23, is a question of law reviewed *de novo*. See, *Roes, 1-2 v. SFBSC Management, LLC*, 944 F.3d 1035, 1043 (9<sup>th</sup> Cir. 2019) and other authorities discussed in *Newberg on Class Actions*, 5<sup>th</sup> Ed. § 14.19.

Whether the district court erred in finding the relevant facts rendered the terms of the class action settlement appropriate and worthy of final approval is reviewed for an abuse of discretion. See, *Marcuse v. Del Webb Communities, Inc.*, 163 P.3d 462, 467 (Nev. Sup. Ct. 2007) (applying, without discussion, abuse of discretion standard) and authorities discussed in *Newberg on Class Actions*, 5<sup>th</sup> Ed. § 14.19. The district court's factual findings supporting its decision to grant class action certification as part of its approval of the class action settlement is reviewed for an abuse of discretion, with the district court having the obligation of documenting it has conducted "a thorough NRCP 23 analysis" of the issues.



*Shuette v. Beazer Homes Holdings Corp.*, 124 P.3d 530, 537, 546-47 (Nev. Sup. Ct. 2005). The district court’s findings of law supporting its decision to grant class action certification are reviewed under a *de novo* standard. *See, B.K. by next friend Tinsley v. Snyder*, 922 F.3d 957, 965 (9<sup>th</sup> Cir. 2019) and authorities discussed in *Newberg on Class Actions*, 5<sup>th</sup> Ed. § 14.19.

This Court has applied an abuse of discretion standard when reviewing a denial of a request for a district judge’s recusal. *See, Ivey v. Dist. Ct.*, 299 P.3d 354, 359 (Nev. Sup. Ct. 2013) and *Rivero v. Rivero*, 216 P.3d 213, 233 (Nev. Sup. Ct. 2009). While that is the prevalent standard of review, a *de novo* standard of review has been used when a recusal request involves “undisputed facts” raising an issue as to how a “reasonable person would view” a jurist’s “ability to be impartial.” *See, Jolie v. Superior Court of Los Angeles County*, 66 Cal. App. 5<sup>th</sup> 1025, 1041 (Cal. Ct. App. 2021).

## ARGUMENT

**I. The district court had no subject matter jurisdiction over the 890 *Murray* class member claims adjudicated into the *Murray* final judgment; the final judgment it rendered purporting to resolve those claims is void.**

---

**A. The final judgment was intended to resolve the *Murray* final judgment even though the district court contradictorily and improperly defined the settlement class.**

The district court's order granting final approval to the class action settlement and directing entry of judgment defines the settlement class as follows:

The Class shall consist of "all persons who were employed by A Cab, LLC and/or A Cab Series, LLC, Employee Leasing Company during the applicable statutory period prior to the filing of this Complaint continuing until date of judgment as Drivers in the State of Nevada." More specifically, the Settlement Class is defined as all current and former hourly paid Drivers employed by A Cab, LLC and/or A Cab Series LLC, Employee Leasing Company at any time from April 1, 2009 through July 2, 2014. AA 1952.

The "applicable statutory period prior to the filing" of the complaint, for the recovery of unpaid minimum wages under Nevada law, is two years. *Perry*, 383 P.3d at 262. The complaint was filed on July 7, 2015. AA 8. This would mean the settlement class consists of all employees of A Cab for the two preceding years, from July 7, 2013, through date of judgment, September 1, 2021. Yet the settlement class is also "more specifically" defined as "all current and former hourly paid Drivers" of A Cab during the time period "April 1, 2009 through July

2, 2014.” These two definitions of the settlement class are contradictory. And if the “more specifically” stated definition were applied there would be no settlement class members, as A Cab did not employ “hourly paid drivers” — as alleged in the complaint it paid its drivers “based on a ‘commission’ ” that was a percentage of the taxi fares. AA 10.

There are 890 *Murray* class members and intervenors with MWA claims against A Cab resolved by the *Murray* final judgment. AA 809-872. The final judgment in this case, by incomprehensibly defining the settlement class, fails to explain what class member claims are resolved. But it is clear the parties, and the district court, intended to have the claims of the 890 *Murray* class member judgment creditors resolved by that final judgment. This is demonstrated by A Cab’s production of a list of 1,115 identified class members to whom notice of the settlement was to be mailed; at least 797 of those class members were confirmed to be among the 890 *Murray* class member judgment creditors. AA 1537. It is also confirmed by the final judgment’s incorporation of the parties’ settlement agreement’s releases and definitions. AA 1954-1955. Those definitions and releases cover “any and all claims” for any “debts” or “rights” possessed by the settlement class members against A Cab that in any fashion involves the claims made in the complaint. *Id.* and AA 108-111, 121-122. And as discussed, *infra*,

Dubric could never have secured class certification of any claims against A Cab — the only reason for A Cab to enter into a class settlement with Dubric was to resolve the *Murray* judgment.

Given the district court’s intent to enter a final judgment purporting to settle and release the *Murray* judgment, this Court should not merely reverse the district court for contradictorily defining the settlement class in its final judgment. Doing so, and remanding for a correction of the same by the district court would, unless Judge Delaney was also recused, result in further improper proceedings. The parties’ intent, with Judge Delaney’s agreement, to enter into a collusive settlement extinguishing the *Murray* judgment and class claims is overwhelmingly clear. This Court, in any remand to the district court, should also direct that the district court expressly exclude the *Murray* judgment and class member claims from any class action settlement or disposition it enters as part of a final judgment in this case.

**B. The district court lacked subject matter jurisdiction to release or settle the claims of the 890 class members that were adjudicated by the *Murray* final judgment and its final judgment purporting to do so is void.**

As this Court recognized in its Order of September 13, 2018, dismissing without prejudice the Taxi Drivers’ first writ Petition (Case No. 75877), the *Murray* final judgment “resolved” the 890 *Murray* class member claims that were

adjudicated into that judgment. AA 990-991. The *Murray* final judgment rendered the request for writ relief “moot” since the district court proceedings no longer threatened to impair the interests of the *Murray* class members. *Id.* The district court was left free to “proceed differently” in this case, *e.g.*, proceed with a class action disposition that did not involve the now resolved 890 *Murray* class member claims. *Id.* Rather than respect this Court’s Order, the district court did *not* “proceed differently” but in the same fashion that gave rise to the mooted writ petition: it granted final approval of a settlement class that included the 890 class member claims resolved by the *Murray* final judgment.

Once a claim has been resolved by a final judgment entered by the district court, as occurred for the 890 *Murray* class members’ claims, such final judgment cannot be modified or vacated by the district court “...except in conformity with the Nevada Rules of Civil Procedure.” *Greene v. Eighth Jud. Dist. Ct.*, 900 P.2d 184, 186 (Nev. Sup. Ct. 1999). “[O]nce a final judgment is entered, the district court lacks jurisdiction to reopen it, absent a proper and timely motion under the Nevada Rules of Civil Procedure.” *SFPP L.P. v. Second Jud. Dist. Ct.*, 173 P.3d 715, 717 (Nev. Sup. Ct. 2007)

The judgement’s release, as part of the settlement class in this case, of the 890 class members’ claims contained in the *Murray* final judgment, did not rely

upon any of the provisions of the Nevada Rules of Civil Procedure. Nor did the applicable provisions of those rules, NRCP Rules 59 and 60, provide a basis for it to do so.

The district court in this case lacked subject matter jurisdiction to release, modify, or settle, any rights or obligations arising from the *Murray* judgment — jurisdiction to do so was vested solely in this Court pursuant to the notice of appeal filed in *Murray* (Case No. 77050). *See, Mack-Manley v. Manley*, 138 P.3d 525, 529-30 (Nev. Sup. Ct. 2006). Accordingly, the district court’s order and final judgment in this case purporting to do so was void. *See, also, Jeep Corp. v. Second Jud. Dist. Ct.*, 652 P.2d 1183, 1186-87 (Nev. Sup. Ct. 1982) (Purported judgment entered by District Judge was “void *ab initio*” as the district court’s jurisdiction “ended” with the entry of final judgment); *SFPP, LP*, 173 P.3d at 718 (“Nevada district courts retain jurisdiction until a final judgment has been entered” and the district court “lacked jurisdiction to conduct any further proceedings with respect to the matters resolved in the judgment unless it was first properly set aside or vacated.”); *Lemkuil v. Lemkuil*, 551 P.2d 427, 429 (Nev. Sup. Ct. 1976) (Later filed action in different department of same district court involving same dispute of parties was properly dismissed as all issues had to be dealt with in the earlier action “[i]n Nevada, once a court of competent jurisdiction assumes jurisdiction over a

particular subject matter, no other court of coordinate jurisdiction may interfere.”  
*citing Metcalfe v. District Court*, 274 P. 5 (Nev. Sup. Ct. 1929) and *Landreth v. Malik*, 251 P.3d 163, 166 (Nev. Sup. Ct. 2011) (Judgment purported to be rendered by district court lacking subject matter jurisdiction is void, citing *State Indus. Ins. System v. Sleeper*, 679 P.2d 1273, 1274 (Nev. Sup. Ct. 1984)). *See, also, Blair v. Equifax Check Services, Inc.*, 181 F.3d 832, 838 (7<sup>th</sup> Cir. 1999) (discussing multiple class actions involving same claims; normal rules of preclusion require that the first to reach final judgment be controlling).<sup>4</sup>

**II. The district court failed to scrutinize the proposed class action settlement and make findings; its approval of the settlement was improper as the settlement was irrational and unreasonable.**

**A. The district court must act as a fiduciary of the class members when it approves a class action settlement and the parties proposing that settlement have the burden of establishing settlement approval is appropriate.**

Courts act in a “fiduciary role” when approving class action settlements. *See, Newberg on Class Actions*, 5<sup>th</sup> Ed. § 13:40. They discharge their “fiduciary duty” to the absent class members by ensuring the settlement is not tainted by collusion and the plaintiffs and their counsel have not “sold out” the class for their own

---

<sup>4</sup> This Court’s resolution of the *Murray* final judgment appeal, affirming most of that judgment, is now law of the case and the affirmed determinations made in *Murray* cannot be modified or vacated by the district court. *See, Hsu v. County of Clark*, 173 P.3d, 724 728 (Nev. Sup. Ct. 2007)

benefit. *Id.* Because they perform such functions in an “information vacuum,” typically possessing information from only the settlement’s proponents, they must act “in the role of a skeptical client and critically examine the class certification elements, the proposed settlement terms and procedures for implementation.” *Id.* citing and quoting *Manual for Complex Litigation*, 4<sup>th</sup> Ed. § 21.61. This obligation to independently and rigorously scrutinize proposed class action settlements, as a fiduciary of the class members and to ensure their fairness, is well established and unquestioned. *See, Grunin v. Int’l House of Pancakes*, 513 F.2d 114, 123 (8<sup>th</sup> Cir. 1975) *cert. denied*, 423 U.S. 864 (1975), the authorities cited therein and subsequent decisions.

The proponents of a class action settlement bear the burden of convincing the district court that such a settlement warrants final approval. *See, Grunin*, 513 F.2d at 123 (“Under Rule 23(e) the district court acts as a fiduciary who must serve as a guardian of the rights of absent class members.... [T]he court cannot accept a settlement that the proponents have not shown to be fair, reasonable and adequate.”) citing *City of Detroit v. Grinnell Corp.*, 495 F.2d 448, 455 (2<sup>nd</sup> Cir. 1974); *United Founders Life Ins. Co. v. Consumers Nat. Life Ins. Co.*, 447 F.2d 647, 655-56 (7<sup>th</sup> Cir. 1971) and *Young v. Katz*, 447 F.2d 431, 433 (5<sup>th</sup> Cir. 1971). This holding and language of *Grunin*, placing the burden of justifying settlement



approval on a class action settlement's proponents, has been recited and adopted in every subsequent case discussing the issue. *See, In re GM Corp. Pick-Up Truck Fuel Tank Products Liability Litig.*, 55 F.3d 768, 785 (3<sup>rd</sup> Cir. 1995); *Holmes v. Continental Can Co.*, 706 F.2d 1144, 1147 (11<sup>th</sup> Cir. 1983); and *Ballard v. Martin*, 79 S.W. 3d 564, 574 (Sup. Ct. Ark. 2002). *See, also, Manual for Complex Litigation*, 4<sup>th</sup> Ed., § 21.631 ("settling parties bear the burden of persuasion that the proposed settlement is fair, reasonable and adequate").

**B. The district court must make detailed findings explaining its decision to approve a class action settlement and its resolution of any objections to that settlement.**

This Court has not opined on the specific factors a district court must weigh, and specific findings it must make, in approving a class action settlement, though it likely would require consideration of the Ninth Circuit Court of Appeal's<sup>5</sup> eight *Churchill* factors.<sup>6</sup> *See, Kim v. Allison*, 8. F.4th 1170, 1178 (9<sup>th</sup> Cir. 2021), *citing*

---

<sup>5</sup> This Court has adopted the Ninth Circuit's jurisprudence on other class action issues. *See, Marcuse v. Del Webb Communities, Inc.*, 163 P.3d 462, 466-67 (Nev. Sup. Ct. 2007).

<sup>6</sup> These eight factors are: (1) the strength of the plaintiff's case; (2) the risk, expense, complexity, and likely duration of further litigation; (3) the risk of maintaining class action status throughout the trial; (4) the amount offered in settlement; (5) the extent of discovery completed and the stage of the proceedings; (6) the experience and views of counsel; (7) the presence of a governmental participant; and (8) the reaction of the class members to the proposed settlement. 361 F.3d at 575.

*In re Bluetooth Headset Prod. Liab.*, 654 F.3d, 935, 946 (9<sup>th</sup> Cir. 2011); and *Churchill Vill. v. Genl. Elec.*, 361 F.3d 566 (9<sup>th</sup> Cir. 2004). A district court must make findings that “....show it has explored these factors comprehensively to survive appellate review.” *Kim, id.*, citing and quoting *In re Mego Financial Corp. Securities Lit.*, 213 F.3d 454, 458 (9<sup>th</sup> Cir. 2000) citing *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026 (9<sup>th</sup> Cir. 1998).

This Court should also require that a district court’s rejection of objections to a class action settlement be explained by sufficiently detailed findings and conclusions to allow intelligible appellate review, the standard adopted by the Ninth Circuit Court of Appeals. *See, Mandujano v. Basic Vegetable Products, Inc.*, 541 F.2d 832, 834-36 (9<sup>th</sup> Cir. 1976) (objections to class action settlement must be “carefully reviewed” and “set forth in the record a reasoned response” to the same, and even if the objection is without substance the trial court shall “set forth on the record its reasons for so considering the same”). “Moreover, those findings and conclusions should not be based simply on the arguments and recommendations of counsel.” *Plummer v. Chemical Bank*, 668 F.2d 654, 659 (2<sup>nd</sup> Cir. 1982) (citing with approval *Mandujano* and expanding on its holding). A thorough evidentiary hearing can suffice in lieu of the express findings of fact and conclusions of law directed by *Mandujano*. *See, In re Pacific Enterprises Sec. Litig.* 47 F.3d 373, 378

(9<sup>th</sup> Cir. 1995) (district court recital it found class settlement “fair, reasonable and adequate” is insufficient under *Mandujano*; district court’s “extensive settlement hearing” where it considered and explained its rejection of objections, and where it also partially adopted them by modifying attorney fee award, created sufficient record). *See, also, Thomas v. Albright*, 139 F.3d 227, 233 (D.C. Cir. 1998) (hearings where testimony was taken from all parties on settlement approval established record required by *Mandujano* justifying approval over objections).

**C. The district court made no findings supporting its decision to approve the settlement and overrule the objections; the parties did not satisfy their burden of showing settlement approval was proper; the settlement was irrational and unfair and was not capable of approval as a matter of law.**

**1. The district court made no findings.**

The district court’s order granting final settlement approval makes none of the findings required by *Kim*, discusses none of the eight *Churchill* factors, and provides no explanation why it was approving the settlement. AA 1898-1912. It noted that the settlement objections were considered, but it made no findings as to those objections. *Id.*, AA 1900-1901. At the final approval hearing the district court heard arguments from the objector’s counsel. AA 1839-1897. But it made no findings as to the objections or its approval of the settlement. It just stated orally it was “not persuaded” by those objections and that it was concluding that

the settlement was “fair, reasonable and adequate.” *Id.* AA 1892-1895.

**2. The parties proposing the settlement did not meet their burden of establishing it warranted final approval; they proffered no rational basis for its approval, only their unexplained opinions.**\_\_\_\_\_

In her motion for final approval of the settlement Dubric asserted that “extensive discovery” and an “extensive analysis with respect to all claims in the case and all potential defenses thereto” supported final approval of the settlement. AA 1710. None of that alleged discovery or analysis is discussed or cited to support the parties’ assertion that “the proposed class recovery is justified and reasonable” except for the two-page report of Nicole S. Omps, CPA (the “Omps Report”). AA 97, 133-135.

The nonsensical methodology and settlement metric used by the Omps Report, discussed *infra*, if actually applied, would establish that the proposed class settlement amount is grossly inadequate. As a result, the parties submitted nothing to the district court supporting approval of the settlement, except the opinions of their counsel. While “the experience and views of counsel” is one of the eight *Churchill* factors properly weighed by the district court, 361 F.3d at 575, it cannot be the *only* factor relied upon to grant settlement approval. Yet that is all the district court had before it and upon which it based its settlement approval. Having

submitted *nothing* to the district court, except the opinions of their counsel, the parties, as a matter of law, failed to meet their burden of establishing approval of their settlement was appropriate and the district court erred in granting such approval.

**3. The settlement was irrational and incapable of being found fair, reasonable and adequate on the record presented (or any record).**\_\_\_\_\_

There is nothing in the record supporting the settlement and some of its terms are so improper final approval would be erroneous irrespective of what further facts might exist.

The parties asked the district court, based on the Omps Report, to find that the settlement warranted final approval. The Omps Report stated a prior United States Department of Labor (“USDOL”) investigation found, during a two year period, that A Cab had underpaid minimum wages to its taxi drivers in an amount equal to 2.161585% of those taxi drivers’ gross pay. AA 135. It applied that percentage to A Cab’s gross payroll of \$6,476,209.51 for the proposed settlement period and concluded that “an estimated settlement range of \$224,258.65 to \$471,651.13” was appropriate. *Id.*

Neither Omps, the parties, or the district court, explain why the metric used in the Omps Report, a percentage of payroll represented by an earlier minimum

wage settlement, was germane to determining whether the proposed settlement was fair. It was not. The unpaid minimum wages owed to the class might be reasonably estimated by examining the hours worked by, and wages actually paid to, the class or a sample of the class. That was not done.

Nor did the USDOL make the determination Ompps claimed justified the settlement: that A Cab had underpaid its taxi drivers \$139,988.80 in minimum wages representing 2.161585% of the gross payroll. That amount, \$139,988.80, was what the USDOL settled its lawsuit against A Cab for, not what it found A Cab owed in unpaid minimum wages.<sup>7</sup> AA 210. The USDOL found A Cab owed \$2,040,530.05 in minimum wages to its taxi drivers. AA 207, 210. This means the metric used by Ompps and the parties and adopted by the district court, A Cab's "gross payroll underpay percentage," was actually 31.50809%. The resulting minimum fair settlement under that metric would be in excess of \$3,139,528, over 14 times larger than the approved settlement amount of \$224,452.65.

Even if the amount of the settlement was justified it could not be properly approved, as it makes irrational settlement payments, quite possibly to numerous persons who have no unpaid minimum wage claims and are not properly made

---

<sup>7</sup> The USDOL elected to settle with A Cab for only 6.86% of what it found A Cab actually owed its taxi drivers in unpaid minimum wages. AA 210. What it elected to settle for is irrelevant to the sufficiency of the settlement in this case.

class members.

The settlement makes all drivers employed by A Cab class members; it makes settlement payments based on “the number of workweeks each Class Member worked during the statutory period”; and provides that class members who “previously settled” or “adjudicated” minimum wage claims against A Cab “are not entitled to receive any benefit” from the settlement. AA 109, 119-120. This means Taxi Drivers who received a payment from the prior USDOL settlement, or adjudicated their claims in the *Murray* case, will have their legal rights resolved by the settlement, since they are class members, but are to receive no benefit from the settlement. *Id.* That is nonsensical.

The parties have further confused the issue of how settlement funds are to be distributed by listing the 1,115 identified class members with their “total weeks” worked and their total weeks worked minus “weeks in DOL audit period.” AA 1448-1488, 1536-1537. This indicates settlement funds are to be distributed, *pro rata*, among 1,115 class members based on the weeks they worked after offsetting their “DOL audit period” weeks. If that “DOL audit period” offset is used *nothing* will be paid to 243 class members, including 198 *Murray* judgment creditors owed \$120,971.83 of the *Murray* judgment. AA 1528-1534, 1540-1541. Alternatively, if the prior settlement payments made by the USDOL were used as a dollar for

dollar offset 104 *Murray* judgment holders will be paid *nothing* under the settlement in exchange for a release of \$183,598.17 of the *Murray* judgment. AA 1541. The district court’s final approval order fails to specify how this “per workweek” *pro rata* distribution will be made, allowing the parties and their agent to make that distribution however they choose.<sup>8</sup>

No rationale was given for distributing settlement funds on a “per week worked” basis to every A Cab taxi driver. The class claims are for unpaid minimum wages. Taxi drivers who possess no claim for unpaid minimum wages are not proper class members. Those possessing such claims, and the amount of their claims, is ascertainable by examining the hours worked, and wages paid, each week to each driver. And if precise information is lacking, a reasonable estimate or approximation, based on the available payroll information, could be used to determine who is a class member owed unpaid minimum wages and the amount so owed. The settlement’s distribution of funds blindly to every driver based on their

---

<sup>8</sup> That order “...orders the Class Counsel to disburse the Settlement Fund to the Class Members pursuant to Section 11 of the Settlement Agreement, which provides that Ms. Nichole Omps, CPA of Beta Consulting shall determine the amounts owed to each class member based on the number of workweeks for each Class Member.” AA 1953. Because Section 11 of the Settlement Agreement (AA 119-120) does not explain how the number of workweeks of each class member shall be determined the district court is granting Ms. Omps unlimited discretion to make that determination however she wishes.



weeks worked has no relationship to any unpaid minimum wages owed by A Cab. It may result in large settlement payments to persons who have no unpaid minimum wage claims and are not properly made class members.<sup>9</sup>

The settlement agreement also improperly allows A Cab to retain all funds from uncashed settlement checks. AA 118-120. This allows A Cab to coerce its current employees to not cash their settlement checks so it can retain those funds.

**III. The district court’s approval of an indisputably collusive class action settlement was not the product of mere error or neglect; recusal or other restrictions on post-remand proceedings should be imposed.**

The district court’s dereliction of its duty went far beyond a failure to examine the proposed class action settlement and make findings weighing the *Churchill* factors or any other relevant factors. The district court had an equally weighty duty to “scrutinize the settlement for evidence of collusion or conflicts of interest before approving the settlement as fair.” *Kim*, 8 F.4th at 1179, citing and quoting *In re Bluetooth Headset Prod. Liab. Litig.*, 654 F.3d at 946 and *Briseno v. Henderson*, 998 F.3d 1014, 1025-26 (9<sup>th</sup> Cir. 2021). And in cases such as this,

---

<sup>9</sup> The parties made no effort to determine or estimate the unpaid minimum wages owed or the Taxi Drivers owed those wages based upon an examination of relevant information. This Court in the appeal of the *Murray* judgment found such relevant information existed and was used properly in *Murray* to make such an estimate and grant summary judgment for the Taxi Drivers.

where a defendant consents to class certification so they may secure a class settlement of all claims, the district court in granting settlement approval must utilize “...an even higher level of scrutiny for evidence of collusion or other conflicts of interest.,” *In re Bluetooth Headset Prod. Liab. Litig.*, 654 F.3d at 946 and authorities cited therein.

The district court was willfully blind to the overwhelming evidence that Dubric and her counsel were colluding with A Cab to assist it in avoiding and frustrating the *Murray* judgment. Such evidence demonstrates that the district court’s approval of the settlement cannot be attributed to a lack of understanding or even a gross oversight. It is properly concluded to have involved an improper motive requiring recusal of Judge Delaney upon remand or the imposition of other curative measures.

**A.     The district court purposefully ignored  
          Dubric and her counsel’s collusion with A Cab.**

The district court was aware of, and ignored, improper conduct of Dubric and her counsel going far beyond their submission of a proposed class settlement lacking any rational basis. Dubric and her counsel were wholly unqualified to represent *any* settlement class of plaintiffs against A Cab. It would be difficult to find a more conflicted, inappropriate, and collusive, settlement class representative

and class counsel, given the prior proceedings and relationship between Dubric and A Cab. The district court was aware of all of the following facts, none of which it commented on when it granted final approval to the settlement:

- Class representative Dubric was A Cab's \$51,664.55 judgment debtor:

Dubric, a judgment debtor of A Cab for \$51,664.55, was subject to financial ruin if A Cab elected to collect that judgment. AA 1082-1083. She was irreconcilably conflicted as a result and could not serve as a class representative or a fiduciary of the class members' interests.

- Class representative Dubric and class counsel had previously abandoned and renounced prosecution of the class claims:

Dubric and class counsel advised the district court they were renouncing any interest in prosecuting the class claims and those claims should proceed to disposition in *Murray*. AA 290-291. Instead Dubric sought, and was granted, summary judgment on her individual claims, leave to abandon the putative class claims, and was to enter final judgment accordingly once Judge Delaney ruled on her damages. AA 312, 323-324.

- Class counsel had no understanding of the class damages or even the number of class members and relied exclusively upon A Cab's unverified factual representations.

Class (Dubric's) counsel performed no analysis of the class damages. In its

January 14, 2017, motion for preliminary approval of the class settlement it did not claim to have reviewed A Cab's records of hours worked and wages paid to determine the class MWA claims at issue. It relied upon A Cab's counsel's review of those records to determine there were "approximately" 210 class members and that such records supported a finding that the settlement was appropriate and in the best interests of the class. AA 90, 97, p. 58-59. Yet in 2020 the district court was advised the settlement would include 1,115 identified class members without any change in its financial terms. This incompetent and collusive conduct by class counsel was attacked by A Cab on October 4, 2017, when it filed a motion seeking sanctions against such counsel for failing to proceed at that time with the proposed settlement (they had abandoned any putative class claims and secured summary judgment just for Dubric). AA 327-394. A Cab, who knew what materials were provided by it on the class claims to such counsel, confirmed in that motion that "Plaintiff's counsel does not have even a handle on what Ms. Dubric's damages alone are, much less the damages of the 210 class members they purport to have represented..." and that "Plaintiff's counsel never made *any* attempts to provide a sound computation of Ms. Dubric's damages, or any of the class members." AA 395-396.

- Class counsel demonstrated its incompetence by presenting no evidence supporting the settlement and relying upon A Cab to endorse Dubric's competence to serve as a class representative.

Class counsel presented no evidence of Dubric's competency to serve as a class representative or any evidence at the hearing held by the district court where testimony was taken about the settlement.<sup>10</sup> They asked the district court to confirm Dubric's *bona fides* from A Cab's attestation of her fitness to serve as a class representative, as if she was its *de facto* agent! Her counsel engaged in the following exchange with A Cab's owner:

Q. In your opinion was she [Dubric] respected buy [sic] the other drivers at A Cab?

A. I believe so, yes.

Q. Do you think she is a fair representation of the average driver/employee for A Cab for the time period she was a driver?

A. I would like to say, yes, but she was better than average.

Q. You have any concerns about her serving as class representative?

A. No. She's as good as any. She [is] [sic] a good driver.

MR. RICHARDS: Thank you. That's all my questions. AA 734-735.

---

<sup>10</sup> The only evidence heard by the district court on the alleged fairness of the settlement (except for Omgs reiteration of her nonsensical report's conclusions) was from A Cab. AA 689-754.

- The settlement was clearly a collusive “reverse auction” as it released claims far beyond the statute of limitations Dubric could prosecute.

The district court granted final approval to a class action settlement purporting to release the MWA claims of all Taxi Drivers employed by A Cab from April 1, 2009 through July 2, 2014, or August 31, 2021.<sup>11</sup> Yet Dubric filed her case on July 7, 2015 and could not proceed to trial on any class MWA claims that predated July 7, 2013. *See, Perry*, 383 P.3d at 262. The only reason for a class settlement in Dubric’s case of MWA claims pre-dating July 7, 2013, was to extinguish A Cab’s greater class MWA liabilities (back to October 10, 2010) in *Murray*. This situation, where a defendant is subject to multiple class actions and negotiates a collusive, and lowest cost, settlement with cooperative counsel to extinguish all of its class liabilities, is an improper “reverse auction.” *See, Newberg on Class Actions*, § 13.60 5<sup>th</sup> Ed.<sup>12</sup> and *Reynolds v. Beneficial Nat. Bank*,

---

<sup>11</sup> The contradictory and improperly defined scope of the class and the class claims subject to the settlement is discussed at I.(A).

<sup>12</sup> Newberg describes the term: “In a normal auction, the seller accepts the highest bid. In a reverse auction, the seller looks for the lowest bid. As applied to class actions, the defendant is conceptualized as “selling” a settlement and is looking to do so for the lowest amount of money possible.... ....the hitch that enables a reverse auction is that, generally speaking, only one set of plaintiffs’ attorneys—those that settle—will get any fees, and attorneys pursuing all the parallel cases will get nothing. Therefore, the defendant can play the plaintiffs’ attorneys off against one another, bargaining down the price of the settlement in exchange for ensuring the lowest selling attorneys that they will be the ones to get

288 F.3d 277, 282 (7<sup>th</sup> Cir. 2002) (a reverse auction occurs when “...the defendant in a series of class actions picks the most ineffectual class lawyers to negotiate a settlement with in the hope that the district court will approve a weak settlement that will preclude other claims against the defendant. ”) Courts must be “...wary of situations in which there are multiple class suits, defendants settle one of the cases in order to preclude the other actions, and the settlement with that particular group of plaintiffs and their counsel seems suspicious.” *Newberg, Id.*

That the settlement was a collusive reverse auction is indisputable. MWA claims pre-dating July 7, 2013, could not be prosecuted against A Cab in this case. Dubric had no leverage to negotiate a settlement of those claims and was incompetent to represent a class settling those claims. Only A Cab, Dubric, and her counsel, benefitted from settling those claims. A Cab also took no action to consolidate this case with *Murray* and seek a transparent resolution of all potentially related class MWA claims in one litigation, further evidence of reverse auction collusion. *Cf., Blair*, 181 F.3d at 839 (defendant who was alleged to have negotiated settlement of a class action to improperly thwart other class actions could not plausibly explain failure to consolidate those cases).

---

a fee out of the case. The problem in the reverse auction situation is that the class's interests have been sold out, and class members will get less than the full value of their claims.”

**B. Judge Delaney’s conduct was not just erroneous, it improperly facilitated the wrongful goals of A Cab and requires her recusal or other limitations on remand.**

Judge Delaney did not just ignore the evidence. She acted to facilitate the entry of an indisputably improper final judgment. The only purpose served by such conduct, outside of any improper personal motive she might have, was to aid A Cab’s wrongful goal of using this litigation to improperly obstruct the collection of the *Murray* judgment.

**1. Judge Delaney allowed Dubric to “reclaim” her abandoned class claims seven months after granting her an individual final judgment.**

At a hearing on September 12, 2017, while A Cab was prohibited by the *Murray* injunction from proceeding with the proposed class settlement, Judge Delaney granted Dubric’s motion for summary judgment individually. AA 312, 323-325. She also, at Dubric’s counsel’s request, stated she “will recognize the voluntary dismissal” of the “class members,” and that she would make a future ruling on Dubric’s damages. *Id.* She never made that future ruling allowing Dubric to enter a final judgment and conclude her case.

On April 6, 2018, the *Murray* injunction was dissolved by this Court. On May 9, 2018, Judge Delaney, in response to a “joint request” made “via a chambers conference call” on an unspecified date allowed Dubric to withdraw her motion for



individual summary judgment. AA 443. It is incomprehensible that she would allow Dubric, who abandoned her putative class claims and would have proceeded to final judgment individually seven months earlier (if Judge Delaney had acted promptly) to now reassert those claims and act as a class representative.

**2. Judge Delaney held “under advisement” A Cab’s baseless Rule 11 motion seeking to coerce Dubric’s counsel to proceed with the class settlement; such conduct by her assisted A Cab in that coercion.**

After Dubric sought and was granted summary judgment individually, and renounced the putative class claims, A Cab moved for Rule 11 sanctions against Dubric’s counsel. It claimed Dubric’s counsel had “fraudulently misrepresented” this case was a “class action” and engaged in misconduct “by holding himself out as class counsel” and “by accepting a settlement” that he was failing to consummate for such class. AA 330-332. Dubric’s counsel could not possibly be subject to sanctions for that alleged conduct. He had never been appointed class counsel, this case had not been certified as a class action, and he could not have made a binding “acceptance” of such a class settlement.<sup>13</sup>

---

<sup>13</sup> To the extent A Cab’s motion presented other facts indicating misconduct by Dubric’s counsel it concerned the *in pari delicto* misconduct of A Cab itself: an agreement to a class settlement A Cab knew was improper and for class claims that A Cab had never provided any relevant information on to Dubric’s counsel.

As A Cab made clear in its Rule 11 motion, it was only seeking sanctions against Dubric’s counsel because it was refusing to proceed with the proposed class action settlement. AA 382-385. At a hearing on November 7, 2017, Judge Delaney found, irrationally and without explanation, that “...there is at least a legal basis, obviously, to be able to assert this [the Rule 11 motion] ...” but reserved decision. AA 420. By doing so she acted, in a *de facto* manner, to coerce Dubric’s counsel to proceed with the proposed class action settlement or face possible sanctions. Dubric’s counsel then secured the withdrawal of the sanctions motion by Judge Delaney’s May 18, 2018, order re-instituting Dubric’s abandoned putative class claims and the proposed settlement’s approval process — exactly as demanded by A Cab.

**3. Judge Delaney’s opposition to her recusal, citing her lack of recollection of this Court’s Order to answer a mandamus petition, and her belief she could properly ignore that Order, create at least an appearance of impropriety requiring recusal.**

The Taxi Drivers sought Judge Delaney’s recusal on October 19, 2019, after the *Murray* final judgment and when there could be no colorable justification for her consideration of a class action settlement including the *Murray* claims. Judge Delaney’s insistence in proceeding with that settlement was, at that juncture, reasonably attributed to her hostility towards the Taxi Drivers’ counsel. Such

counsel had secured an Order from this Court on September 29, 2016, directing her to answer such counsel's petition for an order compelling her to decide a long pending motion for class action certification in another MWA case, *Tesema*, No. 70763. AA 1173-1174. Judge Delaney did not comply with this Court's Order by answering that petition. This Court on February 21, 2017, issued a further Order, finding Judge Delaney's failure to answer that petition "renders meaningful consideration of this petition impracticable" and granting writ relief against Judge Delaney, who then promptly issued a decision denying the *Tesema* motion for class action certification. AA 1176-1177.

Judge Delaney responded to the recusal motion by affirming she had no bias and in respect to the *Tesema* proceedings: (1) That she had "no independent recollection" of those proceedings; and (2) That she "can surmise only" that she failed to respond to this Court's Order to answer the *Tesema* petition because she "had no opposition to the Petition." AA 1286-1289.

Accepting as truthful Judge Delaney's claim she has no memory of the *Tesema* proceedings is difficult — district judges are very likely to remember when they are personally ordered by this Court to answer a petition given the extreme rarity of such orders. Accepting as truthful her claim she likely failed to comply with this Court's Order in *Tesema* because she had "no opposition to the Petition"

is much more troubling. As a district judge she must be aware of her obligation to respect this Court's orders. And if she had no opposition to the petition she was obligated to file an answer with this Court so stating.

Judge Delaney's explanation for her contempt of this Court's Order in *Tesema* creates at least an appearance of impropriety — she opposed her recusal by proffering a manifestly improper explanation for that contempt. That she opposed recusal in such an improper (and unfathomable) fashion is an undisputed fact that should not be subject to an abuse of discretion standard of review. The Court should review the denial of her recusal *de novo* and determine whether a “reasonable person” would perceive that improper conduct by Judge Delaney demonstrates a lack of impartiality requiring recusal. *See, Jolie*, 66 Cal. App. 5<sup>th</sup> at 1041. Doing so would not be contrary to this Court's application of an abuse of discretion standard to recusal requests under other circumstances, as discussed in *Rivero*, 216 P.3d at 233.

Judge Delaney's conduct was an abuse of her discretion. No rational basis exists (and she offered none) for her approval of a class action settlement that included the claims adjudicated in the *Murray* judgment. Her conduct, if not

motivated by bias, was at least tainted by an appearance of impropriety. Whether reviewed *de novo* or as an abuse of discretion, or in some other fashion, Judge Delaney's failure to be recused in this case should be reversed. Alternatively, this case can be remanded with an instruction that it shall not be granted any class certification upon its remand.

### CONCLUSION

Wherefore, the final judgment of the district court, its grant of class action certification, its approval of a settlement of class claims, and its denial of Judge Delaney's recusal, should be reversed, and the Court should make such other instructions upon remand as it deems appropriate under the circumstances.<sup>14</sup> In the event the Court does not recuse Judge Delaney from further proceedings in this case upon its remand, the remittitur should instruct that the district court shall not

---

<sup>14</sup> That could include an instruction for an award of attorney's fees under NRS 7.085 against respondents' counsel for their pursuit of a class action settlement that included the claims adjudicated in *Murray* after the *Murray* final judgment. Such conduct was unreasonable and vexatious.

grant class action certification, or any class action certification that includes any of the claims adjudicated in *Murray*, during any future proceedings.

Dated: February 2, 2022

/s/ Leon Greenberg  
Leon Greenberg, Esq. (Bar # 8094)  
A Professional Corporation  
2965 S. Jones Blvd., Suite E-3  
Las Vegas, Nevada 89146  
(702) 383-6085  
Attorney for Appellants

## **Certificate of Compliance With N.R.A.P Rule 28.2**

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using 14 point Times New Roman typeface in wordperfect.

I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(A)(ii), it is proportionately spaced, has a typeface of 14 points or more and contains 9,974 words.

Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to

sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 2<sup>nd</sup> day of February, 2022.

/s/ Leon Greenberg  
Leon Greenberg, Esq. (Bar # 8094)  
A Professional Corporation  
2965 S. Jones Blvd., Suite E-3  
Las Vegas, Nevada 89146  
(702) 383-6085



## CERTIFICATE OF SERVICE

I certify that on February 2, 2022, I served a copy of the foregoing APPELLANTS' OPENING BRIEF upon all counsel of record by the Court's ECF system which served all parties electronically.

Affirmed this 2nd Day of February, 2022

/s/ Leon Greenberg

Leon Greenberg, Esq. (Bar # 8094)  
A Professional Corporation  
2965 S. Jones Blvd., Suite E-3  
Las Vegas, Nevada 89146  
(702) 383-6085

## **ADDENDUM**

### **NEVADA STATUTES**

#### **Nevada Constitution, Article 15, Section 16, the Minimum Wage Amendment**

Sec. 16. Payment of minimum compensation to employees. [Effective through June 30, 2024, and after that date unless the provisions of Assembly Joint Resolution No. 10 (2019) are agreed to and passed by the 2021 Legislature and approved and ratified by the voters at the 2022 General Election.]

A. Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents (\$5.15) per hour worked, if the employer provides health benefits as described herein, or six dollars and fifteen cents (\$6.15) per hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in the federal minimum wage over \$5.15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2004 of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one-year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by employees shall not be credited as being

any part of or offset against the wage rates required by this section.

B. The provisions of this section may not be waived by agreement between an individual employee and an employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section. An employer shall not discharge, reduce the compensation of or otherwise discriminate against any employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section. An employee claiming violation of this section may bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

C. As used in this section, "employee" means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a nonprofit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days. "Employer" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

D. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this section.

## NEVADA COURT RULES

### **NRAP 3A**

#### **RULE 3A. CIVIL ACTIONS: STANDING TO APPEAL; APPEALABLE DETERMINATIONS**

(a) Standing to Appeal. A party who is aggrieved by an appealable judgment or order may appeal from that judgment or order, with or without first moving for a new trial.

(b) Appealable Determinations. An appeal may be taken from the following judgments and orders of a district court in a civil action:

(1) A final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered.

(2) An order granting or denying a motion for a new trial.

(3) An order granting or refusing to grant an injunction or dissolving or refusing to dissolve an injunction.

(4) An order appointing or refusing to appoint a receiver or vacating or refusing to vacate an order appointing a receiver.

(5) An order dissolving or refusing to dissolve an attachment.

(6) An order changing or refusing to change the place of trial only when a notice of appeal from the order is filed within 30 days.

(A) Such an order may only be reviewed upon a timely direct appeal from the order and may not be reviewed on appeal from the judgment in the action or proceeding or otherwise. On motion of any party, the court granting or refusing to grant a motion to change the place of trial of an action or proceeding shall enter an order staying the trial of the action or proceeding until the time to appeal from the order granting or refusing to grant the motion to change the place of trial has expired or, if an appeal has been taken, until the appeal has been resolved.

(B) Whenever an appeal is taken from such an order, the clerk of the district court shall forthwith certify and transmit to the clerk of the Supreme Court, as the record on appeal, the original papers on which the motion was heard in the district court and, if the appellant or respondent demands it, a transcript of any proceedings had in the district court. The district court shall require its court reporter to expedite the preparation of the transcript in preference to any other request for a transcript in a civil matter. When the appeal is docketed in the court, it stands submitted without further briefs or oral argument unless the court otherwise orders.

(7) An order entered in a proceeding that did not arise in a juvenile court that finally establishes or alters the custody of minor children.

(8) A special order entered after final judgment, excluding an order granting a motion to set aside a default judgment under NRCP 60(b)(1) when the motion was filed and served within 60 days after entry of the default judgment.

(9) An interlocutory judgment, order or decree in an action to redeem real or personal property from a mortgage or lien that determines the right to redeem and directs an accounting.

(10) An interlocutory judgment in an action for partition that determines the rights and interests of the respective parties and directs a partition, sale or division.

## **NRAP 17**

### **RULE 17. DIVISION OF CASES BETWEEN THE SUPREME COURT AND THE COURT OF APPEALS**

(a) Cases Retained by the Supreme Court. The Supreme Court shall hear and decide the following:

- (1) All death penalty cases;
- (2) Cases involving ballot or election questions;
- (3) Cases involving judicial discipline;

(4) Cases involving attorney admission, suspension, discipline, disability, reinstatement, and resignation;

(5) Cases involving the approval of prepaid legal service plans;

(6) Questions of law certified by a federal court;

(7) Disputes between branches of government or local governments;

(8) Administrative agency cases involving tax, water, or public utilities commission determinations;

(9) Cases originating in business court;

(10) Cases involving the termination of parental rights or NRS Chapter 432B;

(11) Matters raising as a principal issue a question of first impression involving the United States or Nevada Constitutions or common law; and

(12) Matters raising as a principal issue a question of statewide public importance, or an issue upon which there is an inconsistency in the published decisions of the Court of Appeals or of the Supreme Court or a conflict between published decisions of the two courts.

(b) Cases Assigned to Court of Appeals. The Court of Appeals shall hear and decide only those matters assigned to it by the Supreme Court and those matters within its original jurisdiction. Except as provided in Rule 17(a), the Supreme Court may assign to the Court of Appeals any case filed in the Supreme Court. The following case categories are presumptively assigned to the Court of Appeals:

(1) Appeals from a judgment of conviction based on a plea of guilty, guilty but mentally ill, or nolo contendere (Alford);

(2) Appeals from a judgment of conviction based on a jury verdict that:

(A) do not involve a conviction for any offenses that are category A or B felonies; or

(B) challenge only the sentence imposed and/or the sufficiency of the evidence;

(3) Postconviction appeals that involve a challenge to a judgment of conviction or sentence for offenses that are not category A felonies;

(4) Postconviction appeals that involve a challenge to the computation of time served under a judgment of conviction, a motion to correct an illegal sentence, or a motion to modify a sentence;

(5) Appeals from a judgment, exclusive of interest, attorney fees, and costs, of \$250,000 or less in a tort case;

(6) Cases involving a contract dispute where the amount in controversy is less than \$75,000;

(7) Appeals from postjudgment orders in civil cases;

(8) Cases involving statutory lien matters under NRS Chapter 108;

(9) Administrative agency cases except those involving tax, water, or public utilities commission determinations;

(10) Cases involving family law matters other than termination of parental rights or NRS Chapter 432B proceedings;

(11) Appeals challenging venue;

(12) Cases challenging the grant or denial of injunctive relief;

(13) Pretrial writ proceedings challenging discovery orders or orders resolving motions in limine;

(14) Cases involving trust and estate matters in which the corpus has a value of less than \$5,430,000; and

(15) Cases arising from the foreclosure mediation program.

(c) Consideration of Workload. In assigning cases to the Court of Appeals, due regard will be given to the workload of each court.

(d) Routing Statements; Finality. A party who believes that a matter presumptively assigned to the Court of Appeals should be retained by the Supreme Court may state the reasons as enumerated in (a) of this Rule in the routing statement of the briefs as provided in Rules 3C, 3E, and 28 or a writ petition as provided in Rule 21. A party may not file a motion or other pleading seeking reassignment of a case that the Supreme Court has assigned to the Court of Appeals.

(e) Transfer and Notice. Upon the transfer of a case to the Court of Appeals, the clerk shall issue a notice to the parties. With the exception of a petition for Supreme Court review under Rule 40B, any pleadings in a case after it has been transferred to the Court of Appeals shall be entitled “In the Court of Appeals of the State of Nevada.”

## **NRCP 11**

### **Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions**

(a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name — or by a party personally if the party is unrepresented. The paper must state the signer’s address, email address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass,



cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney fees, incurred for presenting or opposing the motion.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b).

(4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct

by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney fees and other expenses directly resulting from the violation.

(5) Limitations on Monetary Sanctions. The court must not impose a monetary sanction:

(A) against a represented party for violating Rule 11(b)(2); or

(B) on its own, unless it issued the show-cause order under Rule 11(c)(3) before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

(6) Requirements for an Order. An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.

(d) Inapplicability to Discovery. This rule does not apply to disclosures and discovery requests, responses, objections, and motions under Rules 16.1, 16.2, 16.205, 26 through 37, and 45(a)(4). Sanctions for improper discovery or refusal to make or allow discovery are governed by Rules 26(g) and 37.

## **NRCP 23**

### **Rule 23. Class Actions**

(a) Prerequisites to a Class Action. One or more members of a class may sue or be sued as representative parties on behalf of all only if:

(1) the class is so numerous that joinder of all members is impracticable;

(2) there are questions of law or fact common to the class;

(3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and

(4) the representative parties will fairly and adequately protect the interests

of the class.

(b) Aggregation. The representative parties may aggregate the value of the individual claims of all potential class members to establish district court jurisdiction over a class action.

(c) Class Actions Maintainable. An action may be maintained as a class action if the prerequisites of Rule 23(a) are satisfied, and in addition:

(1) the prosecution of separate actions by or against individual members of the class would create a risk of:

(A) inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for the party opposing the class; or

(B) adjudications with respect to individual members of the class that would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests;

(2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(3) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:

(A) the interest of members of the class in individually controlling the prosecution or defense of separate actions;

(B) the extent and nature of any litigation concerning the controversy already commenced by or against members of the class;

(C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(D) the difficulties likely to be encountered in the management of a class action.

(d) Determination by Order Whether Class Action to Be Maintained; Notice; Judgment; Actions Conducted Partially as Class Actions.

(1) As soon as practicable after the commencement of an action brought as a class action, the court must determine by order whether it is to be so maintained. The order may be conditional, and may be altered or amended before the decision on the merits.

(2) When determining whether an action may be maintained as a class action, the representative party's rejection of an offer made under Rule 68 or other offer of compromise that offers to resolve less than all of the class claims asserted by or against the representative party has no impact on the representative party's ability to satisfy the requirements of Rule 23(a)(4). When the representative party is unable or unwilling to continue as the class representative, the court must permit class members an opportunity to substitute a class representative meeting the requirements of Rule 23(a)(4), except in cases where the representative party has been sued.

(3) In any class action maintained under Rule 23(c)(3), the court should direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice must advise each member that:

(A) the court will exclude the member from the class if the member so requests by a specified date;

(B) the judgment, whether favorable or not, will include all members who do not request exclusion; and

(C) any member who does not request exclusion may, if the member desires, enter an appearance through the member's counsel.

(4) The judgment in an action maintained as a class action under Rule 23(c)(1) or (2), whether or not favorable to the class, must include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under Rule 23(c)(3), whether or not favorable to the class, must include and specify or describe those to whom the notice provided in Rule 23(d)(3) was directed, and who have not requested exclusion, and whom the court finds to be members of the class.

(5) When appropriate, an action may be brought or maintained as a class action with respect to particular issues, or a class may be divided into subclasses and each subclass treated as a class. In either case, the provisions of this rule should then be construed and applied accordingly.

(e) Orders in Conduct of Actions.

(1) When conducting actions to which this rule applies, the court may make appropriate orders:

(A) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(B) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given to some or all of the members in such manner as the court may direct:

(i) of any step in the action;

(ii) of the proposed extent of the judgment;

(iii) of the opportunity of members to signify whether they consider the representation fair and adequate;

(iv) to intervene and present claims or defenses; or

(v) to otherwise come into the action;

(C) imposing conditions on the representative parties or on intervenors;

(D) requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons and that the action proceed accordingly;

(E) dealing with similar procedural matters.

(2) The orders may be combined with an order under Rule 16, and may be altered or amended.

(f) Dismissal or Compromise. A class action must not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise must be given to all members of the class in such manner as the court directs.

## **NRCP 59**

### **Rule 59. New Trials; Amendment of Judgments**

(a) In General.

(1) Grounds for New Trial. The court may, on motion, grant a new trial on all or some of the issues — and to any party — for any of the following causes or grounds materially affecting the substantial rights of the moving party:

(A) irregularity in the proceedings of the court, jury, master, or adverse party or in any order of the court or master, or any abuse of discretion by which either party was prevented from having a fair trial;

(B) misconduct of the jury or prevailing party;

(C) accident or surprise that ordinary prudence could not have guarded against;

(D) newly discovered evidence material for the party making the

motion that the party could not, with reasonable diligence, have discovered and produced at the trial;

(E) manifest disregard by the jury of the instructions of the court;

(F) excessive damages appearing to have been given under the influence of passion or prejudice; or

(G) error in law occurring at the trial and objected to by the party making the motion.

(2) Further Action After a Nonjury Trial. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

(b) Time to File a Motion for a New Trial. A motion for a new trial must be filed no later than 28 days after service of written notice of entry of judgment.

(c) Time to Serve Affidavits. When a motion for a new trial is based on affidavits, they must be filed with the motion. The opposing party has 14 days after being served to file opposing affidavits. The court may permit reply affidavits.

(d) New Trial on the Court's Initiative or for Reasons Not in the Motion. No later than 28 days after service of written notice of entry of judgment, the court, on its own, may issue an order to show cause why a new trial should not be granted for any reason that would justify granting one on a party's motion. After giving the parties notice and the opportunity to be heard, the court may grant a party's timely motion for a new trial for a reason not stated in the motion. In either event, the court must specify the reasons in its order.

(e) Motion to Alter or Amend a Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after service of written notice of entry of judgment.

(f) No Extensions of Time. The 28-day time periods specified in this rule

cannot be extended under Rule 6(b).

## **NRCP 60**

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

(a) **Corrections Based on Clerical Mistakes; Oversights and Omissions.** The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

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

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

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

(1) **Timing.** A motion under Rule 60(b) must be made within a reasonable time — and for reasons (1), (2), and (3) no more than 6 months after the date of



the proceeding or the date of service of written notice of entry of the judgment or order, whichever date is later. The time for filing the motion cannot be extended under Rule 6(b).

(2) Effect on Finality. The motion does not affect the judgment's finality or suspend its operation.

(d) Other Powers to Grant Relief. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) upon motion filed within 6 months after written notice of entry of a default judgment is served, set aside the default judgment against a defendant who was not personally served with a summons and complaint and who has not appeared in the action, admitted service, signed a waiver of service, or otherwise waived service; or

(3) set aside a judgment for fraud upon the court.

(e) Bills and Writs Abolished. The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela.

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL MURRAY, MICHAEL RENO,  
Individually and on behalf of a class of persons  
similarly situated, MARCO BAKHTIARI,  
MICHAEL BRAUCHLE, THOMAS  
COHOON, GARY GRAY, JORDAN  
HANSEN, ROGER KELLER, CHRIS D.  
NORVELL, POLLY RHOLAS and GERRIE  
WEAVER

Appellants,

v.

JASMINKA DUBRIC, individually and on  
behalf of those similarly situated; A CAB, LLC,  
a Nevada Limited Liability Company; A CAB  
SERIES, LLC, EMPLOYEE LEASING  
COMPANY, a Nevada Series Limited Liability  
Company; CREIGHTON J. NADY, an  
individual; and DOES 3 through 20,

Respondents.

Electronically Filed  
Apr 04 2022 10:40 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No. 83492  
District Court No. A721063

---

**RESPONDENTS' ANSWERING BRIEF**

---

Esther C. Rodriguez (6473)  
RODRIGUEZ LAW OFFICE, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145

*Attorney for Respondents*  
*A Cab, LLC*  
*A Cab Series, LLC, Employee Leasing Company*  
*Creighton J. Nady*

RA0101

## NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(1), and must be disclosed:

A Cab, LLC, has no parent company and is not publicly traded. There is no publicly traded company that holds any ownership interest in A Cab, LLC.

A Cab Series, LLC, Employee Leasing Company has no parent company and is not publicly traded. There is no publicly traded company that holds any ownership interest in A Cab Series, LLC, Employee Leasing Company.

The attorneys who have appeared on behalf of appellant in this Court and in district court are:

Michael K. Wall (2098)  
HUTCHISON & STEFFEN, PLLC  
10080 W. Alta Drive, Suite 200  
Las Vegas, Nevada 89145

Esther C. Rodriguez (6473)  
RODRIGUEZ LAW OFFICE, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145

These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

DATED this 4<sup>th</sup> day of April, 2022.

RODRIGUEZ LAW OFFICES, P.C.

*/s/ Esther C. Rodriguez*

Esther C. Rodriguez, Esq. (6473)  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
[esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com)  
*Attorney for A Cab Defendants/Respondents*

## TABLE OF CONTENTS

NRAP 26.1 Disclosure .....	i
Table of Contents .....	ii
Table of Authorities Cited/ Rules and Statutes .....	iii
Table of Case Law and Other .....	iv
Response to Jurisdictional Statement .....	1
Response to Statement of the Issues .....	1
Statement of the Case .....	2-8
Discussion .....	8-21
1.    Murray is not an Aggrieved Party and this appeal should be dismissed. ....	8-12
2.    The Standard for Removal of a District Court Judge has Not Been Met. ....	12-15
3.    Appellants are improperly seeking an injunction from the appellate court. ....	15
4.    The Dubric Court settlement was fair, reasonable, adequate, comparable in the industry, reached through arms length negotiations, and with the assistance of an independent settlement judge. ...	15-17
5.    The Dubric claimants reached final resolution through the Eighth Judicial District Court settlement program two years before the Murray judgment was even considered .....	17-19
6.    A district court's final approval of class action settlement should not be reversed absent an abuse of discretion. ....	19-21
Conclusion .....	21
Attorney's Certificate .....	22
Certificate of Service .....	23

**AUTHORITIES CITED  
RULES AND STATUTES**

NRAP 3A .....	1,8
NRAP 4(a) .....	1
NRCP 16.1 .....	2
NRS 1.235 .....	12,13

## CASE LAW

<i>A Cab, LLC v. Michael Murray</i> , 137 Nev. Adv. Op. 84 (Dec 30, 2021) . . . . .	9,20
<i>Alper v. Posin</i> , 77 Nev. 328, 363 P.2d 502 (1961) . . . . .	17
<i>Bates v. Nevada Savings and Loan Assn.</i> , 85 Nev. 441, 456 P.2d 450 (1969) . . .	8
<i>Doctors Company v. Vincent</i> , 120 Nev. 644, 98 P.3d 681 (2004) . . . . .	15,17
<i>Hughes' Estate v. First Nat. Bank of Nevada</i> , 605 P.2d 1149, 96 Nev. 178 (1980) . . . . .	8
<i>In re Pet. to Recall Dunleavy</i> , 104 Nev. 784, 789-90 (1988) . . . . .	14
<i>In Re Ray's Estate</i> , 68 Nev. 355, 233 P.2d 393 (1951) . . . . .	8
<i>KDI Sylvan Pools v. Workman</i> , 107 Nev. 340, 810 P.2d 1217 (1991) . . . . .	19
<i>Kenney v. Hickey</i> , 60 Nev. 187, 105 P.2d 192 (1940) . . . . .	8
<i>Kondas v. Washoe County Bank</i> , 50 Nev. 181, 254 P. 1080 (1927) . . . . .	8
<i>Lee v. GNLV CORP.</i> , 116 Nev. 424, 996 P.2d 416 (Nev. 2000) . . . . .	17,19
<i>Magee et al. v. Whitacre et al.</i> , 60 Nev. 202, 96 P.2d 201 (1939) . . . . .	17
<i>Marcuse v. Del Webb Communities, Inc.</i> , 163 P.3d 462, 123 Nev. 278 (Nev. 2007) . . . . .	16
<i>Nevada Land &amp; Mortgage Co. v. Lamb</i> , 90 Nev. 247, 524 P.2d 326 (1974) . . . . .	8
<i>Novick v. Summerlin N. Cmty. Ass'n</i> , 484 P.3d 949(Table) (Nev. 2021) . . . . .	19
<i>Perkins v. Sierra Nevada S.M. Co.</i> , 10 Nev. 405 (1876) . . . . .	17
<i>Rae v. All American Life &amp; Cas. Co.</i> , 95 Nev. 920, 605 P.2d 196 (1979) . . . . .	19
<i>State v. Rippo</i> , 113 Nev. 1239, 1248 (1997) . . . . .	13,14
<i>Thomas v. Nev. Yellow Cab Corp.</i> , 130 Nev. 484, 327 P.3d 518 (2014) . . . . .	18

## **RESPONSE TO JURISDICTIONAL STATEMENT**

While Appellants [hereinafter “Murray”] indicate this Court has jurisdiction as it is an appeal from a final judgment, the actual relief sought in the appeal is not properly before this Court. The appeal seeks an injunction from this Court for an action which has not yet occurred - that being, an order to the Murray Court<sup>1</sup> that the Dubric Court’s<sup>2</sup> judgment will not affect any future entry of judgment in Murray.

Additionally, the appeal seeks the relief of removal of a district court judge which was not timely appealed or addressed by writ when Chief Judge Linda Bell denied the request in her order on November 18, 2019. There are no orders that are appealable under NRAP 3A, nor is the notice of appeal timely. NRAP 4(a). Further, as detailed below, Appellants are not an aggrieved party with standing to appeal. NRAP 3A(a).

## **RESPONSE TO STATEMENT OF THE ISSUES**

Appellants’ statement of the issues does not match the arguments they actually make in the contents of the brief. The issues for this Court to address are:

1. Did the district court abuse its discretion in entering final approval of a class action settlement reached through the Eighth Judicial Court settlement program.
2. Whether Chief District Court Judge Linda Bells’ decision finding no bias on the part of Hon. Kathleen Delaney is appealable at this stage, and should be reversed.

---

<sup>1</sup> *Murray v. A Cab*, A669926.

<sup>2</sup> *Dubric v. A Cab*, A721063.

## STATEMENT OF THE CASE

### The Dubric Case:

Plaintiff Jasminka Dubric filed her class action complaint on July 7, 2015, individually and on behalf of other similarly situated, alleging a failure to pay minimum wage and conversion. AA0008 - AA00018, Class Action Complaint and Demand for Jury Trial. A Cab, LLC denied, and continues to deny, each and every one of Plaintiff's claims. AA0020 - AA0026, Defendant A Cab, LLC's Answer to Complaint.

Over the next year and a half, the parties engaged in extensive discovery including the exchange of written interrogatories, requests for production of documents, and requests for admissions; the taking of multiple depositions; and the production of thousand of pages of documents in compliance with NRC 16.1. Towards the close of discovery, the parties entered into settlement discussions, but remained far apart in reaching any type of settlement. As such, the parties determined that the best means to bridge the gap was to jointly engage a qualified third party to review all of the relevant records and to provide a report regarding the dollar amounts of the allegedly unpaid wages for all potential class members. AA0086.

As a result, the parties retained an independent Certified Public Accountant, Nicole Omps of BETA Consultants LLC, to prepare her analysis to both parties. Following receipt of the CPA's report and upon close of discovery, the parties participated in the Eighth Judicial District Court settlement program and were assigned the chief settlement judge, Hon. Jerry A. Wiese II. On October 5, 2016, the parties engaged in nearly a full day of heated negotiations, but were able to resolve the matter with the assistance and wise counsel of Judge Wiese who spent extensive time with the parties and reviewing the numbers. *Id.* As the saying goes, cooler heads prevailed in agreeing upon a settlement while weighing both



the risks and future costs of litigation.

Consistent with the Settlement Agreement, on January 24, 2017, the Parties lodged with the district court a proposed order (1) conditionally certifying the settlement class; (2) appointing class counsel; (3) preliminarily approving class action settlement; (4) directing mailing of class notice; and (5) scheduling a final fairness hearing ("Fairness Hearing"). AA0080 - AA0138. Moreover, the Parties requested that the Court establish certain dates for the mailing of notice to the Settlement Class and the procedure and timing for filing objections, if any, to the Settlement, or to opt out of the Settlement. *Id.* As stated in the joint motion filed with the district court: "The Settlement Agreement was not reached until the Parties engaged in extensive discovery allowing them to make an informed judgment regarding the likelihood of success on the merits and the results that could be obtained through further litigation. The Parties have conducted a thorough investigation into the facts of this class action and have determined that the proposed Settlement is in the best interests of the Parties, and the class." *Id.*

Of note is that due to the number of appeals filed in the Murray matter, the parties in the Murray case have undergone a number of settlement conferences utilizing Nevada Supreme Court Settlement Judges, Hon. Kathleen Paustian, and Hon. William Turner, as well as JAMS Mediator Hon. Stewart Bell. None of these judges could make any headway towards resolving the Murray demands.

On May 24, 2018, the district court took additional evidence on the record in support of the parties' joint motion to certify the class and for preliminary approval of the settlement. The hearing was scheduled for the morning calendar at which Plaintiff Dubric was present, but due to the court's calendar was shifted that day to the afternoon at which time Dubric was unable to attend. Nevertheless, the court heard the sworn testimony of the following witnesses who were subjected to direct examination, cross examination, and questions from the court: Independent

CPA Nicole Omps, A Cab owner Creighton Nady, as well as the payroll manager, Donna Burleson. Id.; Hearing Transcript, AA0689 - AA0754. The district court also accepted into evidence the settlements reached in the other cab companies which demonstrated a larger number of drivers settling for a lesser amount. AA 0704 - AA0705, Reporter's Transcript of Joint Motion for Order Certifying Class dated May 24, 2018.

On October 21, 2020, notices were sent to all potential driver claimants advising them of their rights. AA1718 - AA1787, Declaration of Valerie S. Gray Regarding Mailing of Notice of Class Action and Opt Out Letters. The notice was particularly unusual in that at the request of Appellants, the additional wording was added to the notice to ensure that all drivers were made aware of their rights in both cases. The notice provided the information for both cases - Dubric and Murray - as well as the contact information for both lawfirms - The Bourassa Law Group and Leon Greenberg:

BE ON NOTICE there is a separate class action lawsuit against A Cab, LLC and A Cab Series, LLC in the Eighth Judicial District Court as Case No. A-12-669926-C (the "Murray Matter"). An acceptance of any settlement in this matter may affect your potential rights in the Murray Matter. Any questions regarding the Murray Matter should be directed at the attorney, Leon Greenberg, at (702)383-6085 or wagelaw@hotmail.com. AA1718 - AA1787.

Murray counsel's full contact information of name, phone number and email was provided in the notice at his request so that any driver would be able to make a fully informed decision, and have an opportunity to ask questions of each Plaintiff's counsel.

*The Intervenor's Obstruction to Finality:*

Unfortunately, despite the Dubric Parties (Plaintiff and Defendants) finding

a way to cooperate and to move the case along, the matter was continually delayed and obstructed by the Murray Intervenors with filings in both district court cases and in this appellate Court and in the federal bankruptcy court.

On October 14, 2016, Plaintiffs filed a Motion to enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief in the Murray matter. RA 0001 - RA 0087.

On February 3, 2017, Plaintiffs filed a Motion on OST to Expedite Issuance of Order Granting Motion Filed 10/14/16 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions filed in Murray matter. RA 0088 - RA 0442.

On April 6, 2018, this Court issued its Order of Reversal to the Murray Court for an abuse of discretion in granting Plaintiffs' request to enjoin the Dubric Court from moving forward with settlement and certification. Order of Reversal, RA 0447 - RA 0449.

Plaintiffs then filed a Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases in the Dubric matter on April 18, 2018. RA 0667 - RA 0883. An identical motion was filed in the Murray matter on April 17, 2018. RA 0450 - RA 0666. Three (3) supplemental declarations were also filed but are not included in the record due to the voluminous nature and will not be relied upon. The Murray Court issued a minute order on April 26, 2018 detailing the confusion of the filings caused by Appellants filing duplicative motions in both courts. RA 0884 - RA 0885.

Murray further attempted to enjoin Judge Delaney from moving forward in processing the settlement, filing a Writ of Mandamus with the Supreme Court on

May 21, 2018. AA 0660- AA 0688. Murray also filed an Emergency Motion for Stay with the Supreme Court on May 21, 2018. RA 0890 - RA 0894. The Supreme Court denied the Motion for Stay on May 25, 2019. A Supreme Court Order Dismissing the Petition for Writ of Mandamus was issued on September 13, 2018. AA 0755 - AA 0757.

On April 12, 2019, Murray placed Defendant A Cab, LLC into involuntary bankruptcy (RA 0895 - RA 0906, Involuntary Petition Against a Non-Individual), thereby stalling the Dubric case with the automatic bankruptcy stay. RA 0907 - RA 0921, Notice of Automatic Stay of Proceedings Pursuant to 11 U.S.C. 362. The Murray petition was ultimately dismissed by the U.S. Federal Bankruptcy Judge Nakagawa noting the Murray's complete lack of understanding of the bankruptcy court. RA 0922 - RA 0948, Notice of Entry of Order of Dismissal of Bankruptcy Proceedings. On September 26, 2019, the United States Bankruptcy Court for the District of Nevada, dismissed the petition in a 22 page decision outlining petitioners' misunderstanding of the procedures and "inefficiency", and addressing both the Murray and the Dubric cases. RA 0945 - RA 0946.

Once the petition was dismissed, the automatic stay was no longer applicable. The parties herein sought to place the matter back on the Court's calendar to finalize the resolution reached three years earlier on October 5, 2016 through the assistance of Hon. Jerry A. Wiese II through the case settlement program.

On November 25, 2020, Murray filed a Petition for Writ of Prohibition with this Court. RA 1057 - RA 1093. On November 25, 2020, Murray filed a Motion for Stay of Proceedings Pending Writ Proceedings Resolution as per NRAP 8(a) and NRAP 27 with Action Needed by December 9, 2020 with this Court. RA 1094 - RA 1099. An Affirmation of Counsel Advising of District Court's Continuance of Proceedings was filed with this Court on December 9, 2020. RA

1100 - RA 1104. An Order Denying Petition for Writ of Prohibition of Mandamus was entered by this Court on December 10, 2020. RA 1105 - RA 1107.

Murray sought to intervene on three separate occasions. The first Motion to Intervene was filed on January 18, 2017. AA 0046 - AA 0079. The second Motion to Intervene was filed on May 10, 2018. AA 0444 - AA 0624. An Order Denying Motions for Intervention and Other Relief was entered by the District Court on May 16, 2018, wherein Judge Delaney found the Intervenors had not demonstrated good cause for intervention. RA 0886 - RA 0889. The third Motion to Intervene was filed on October 21, 2019 after summary judgment was entered in the Murray matter. AA 0785 - AA 1166. At that time, a Declaration of Counsel, Leon Greenberg, Esq., for Proposed Intervenors Re: Motion to Recuse Judge Kathleen Delaney From Hearing This Case Pursuant to NRS 123.5 was filed October 29, 2019. AA 1167 - AA 1177.

On November 18, 2019 Chief Judge Linda Marie Bell issued a Decision and Order denying Mr. Greenberg's request to disqualify Judge Delaney. AA 1290 - AA 1295.

An Order Granting Motion to Intervene and Denying Motion to Deny Preliminary Approval of Proposed Class Action Settlement was entered February 25, 2021. AA 1824 - AA 1829. Murray then continued to appear at each hearing, and briefed and orally continued to be heard by Judge Delaney. The Court weighed Intervenors' objections, but ruled that the record on a whole supported that final approval should be entered.

Objections were entered by a different set of people now labeled "Objectors" in addition to the "Intervenors" but nevertheless, none of these persons chose to opt out of the Dubric settlement.

The so-called Intervenors and Objectors now come before this Court requesting a declaratory order and instruction to the Murray Court that it should

not entertain evidence on any facts that certain claimants have accepted funds through the Dubric settlement. On the face, one would think this appeal is more appropriate in the Murray case. Murray is in essence seeking a Supreme Court order be issued to both district court judges to put on the horse blinders as to offsets and satisfactions. And by the way, upon remand, that judge should not be Judge Kathleen Delaney as she overruled the objections.

Notably, the Dubric parties reached resolution on October 5, 2016. The Murray judgment was not entered until August 22, 2018, nearly two years later. That judgment has now also been partially reversed and remanded by this Court. As previously briefed to this Court, the Murray Court was presented with the evidence of the settled claims, but chose not to address the issue before entering summary judgment.

**1. Murray is not an Aggrieved Party and this appeal should be dismissed.**

Only an aggrieved party may appeal. NRAP 3A(a); *In Re Ray's Estate*, 68 Nev. 355, 233 P.2d 393 (1951); *Kenney v. Hickey*, 60 Nev. 187, 105 P.2d 192 (1940); *Kondas v. Washoe County Bank*, 50 Nev. 181, 254 P. 1080 (1927). We have held that a party is aggrieved by the action of a probate court when either a personal right or right of property is adversely and substantially affected. *In Re Ray's Estate*, supra; see also *Bates v. Nevada Savings and Loan Assn.*, 85 Nev. 441, 456 P.2d 450 (1969); *Nevada Land & Mortgage Co. v. Lamb*, 90 Nev. 247, 524 P.2d 326 (1974). *Hughes' Estate v. First Nat. Bank of Nevada*, 605 P.2d 1149, 96 Nev. 178 (Nev. 1980). Here there is no order appealed from that demonstrates that a personal right or right of property has been adversely affected.

The Intervenor Murray and Reno are specifically excluded from the Dubric settlement. AA1903 The Objectors, Bakhtiari, Brauchle, Cohoon, Gray, Hansen, Keller, Norvell, Rholas, Weaver, objected to the settlement, yet none of these persons chose to opt out of the settlement nor to pursue their judgments through

the Murray case. AA1909. Each of these persons had the option to opt out, but did not do so. They should be estopped from now asserting that they are adversely affected when by their own actions they have chosen not to opt out, nor to proceed as Murray claimants, but rather to accept funds through the Dubric final approval. All claimants were provided with the notice providing the contact information for both the Dubric and the Murray case and the option to opt out - only the mother of 1 deceased claimant chose to opt out. AA1909.

Murray appeals for reversal of the final approval of the Dubric class action settlement as it “purports to release those Murray judgment amounts” listed on his model spreadsheet. Opening Brief, p. 2. In support of this statement, Murray does not cite to an order, but instead only cites to Plaintiffs counsel’s declaration and his prepared model spreadsheet showing that there are overlapping claimants in the two cases.

Appellant instead is arguing that “his” drivers’ claims should not be touched in the future by a district court. This is wrong on a number of levels; and this appellate court should not be the initial trier of fact on how each driver’s claim is to be handled; or even, what factors and offsets are yet to be calculated. Yes, the employer will be seeking relief and offsets for the claims which have been satisfied through the Dubric final approval, but that day has not yet come to fruition nor has any briefing been submitted to the district court.

Further, Appellants rely upon an erroneous and inflated spreadsheet to advance a list of the drivers that should not be touched in the future by any district court. Opening Brief, p. 2 citing AA1491-1519. Appellants’ spreadsheet is outdated and in error, and it is simply wrong to keep claiming there are 890 claimants with \$675,000 in damages - no court has determined that! That is simply Appellants stating a figure without any basis.

The spreadsheet contains numerous errors including a failure to exclude the

approximately 100 claimants that are now specifically excluded by this Court's remand limiting the statute of limitation to two years. *A Cab, LLC v. Michael Murray*, 137 Nev. Adv. Op. 84 (Dec 30, 2021); District Court Case A-12-669926-C. At least 100 claimants need to be altogether excluded as they worked solely before October 8, 2010. Opposition to Motion for Entry of Modified Judgment, RA 1528 - RA 1801. Moreover, the spreadsheet also fails to exclude for each remaining claimant, all of the amounts which require recalculations to exclude all monies prior to October 8, 2010. These facts alone will substantially decrease any future calculation of damages.

Secondly, the spreadsheet includes a number of "ghost" claimants (another 243 claimants) which cannot even be found by the federal government who sought to send them funds from the Department of Labor settlement. RA 1528 - RA 1801. These phantom persons as well are included in the model spreadsheet to pump up the numbers to create a false appearance. And yet, the requested relief sought by Appellants in this appeal is a blanket order from this Court on these claimants, and that the district court should not even consider such circumstances, but instead enter a judgment for these ghost claimants. This is a minimum of another 243 claimants that need to be excluded from any future entry by the district court. As referenced, briefing on this issue has been submitted to the district court for its determination but not yet addressed by the trial court. The Department of Labor with all of their government resources have been unable to locate 243 claimants. These are claimants who cannot be found or simply have refused to accept payments. Yet these claimants are included in the requested entry of judgment from Appellants and relied upon as a basis to strike down the Dubric settlement.

These basic issues should highlight to this Court that Appellants have completely jumped the gun in filing this appeal; and that Appellants are not an



aggrieved party with the present order approving a settlement between the parties. There has been no ruling by the district court that as to which if any of the Murray claims are “released”, or even any briefing on the individual claimants who have accepted settlement funds. In fact on numerous occasions, Appellants sought to “trap” the district court into stating these words, but the court did not do so:

Mr. Greenberg: This Court can proceed and issue any order it wants. I mean, presumably if the Defendants were to make payments to my clients, the 890 judgement creditors in Murray, they can then go and apply to Judge Bare [the Murray Court] that satisfaction, partial satisfactions issued in respect to those payments they made. Yes, I understand that. But this Court – the fundamental problem that I have with everything going on here is that this Court in this case cannot purport to issue an order that it going to extinguish the legal status of any of the judgments from my 890 clients issued in Murray. Anything else the Court does in this case is within this Court’s jurisdiction and proper judgment of Your Honor. And I may have disagreements of how you exercise that judgment, but I am not going to tell Your Honor it is not within your authority to do so.

The Court: So I have a follow-up question.

Mr. Greenberg: Yes. Your Honor.

The Court: There would be no order that comes here that says that those things are extinguished. The order that would come out of here would say that this is the proposal. This is the notice, and this is what your clients have the right to do. It would be their actions, would it not should they opt to come into this case, that would then result in extinguishment here?

Appellants then admit in response to the Court: “A Cab is free to go to

Judge Bare [the Murray Court] and propose this process to Judge Bare, have him green light it, and once those acceptances that you have hypothesized are made pursuant to that process, have those judgments released in Murray. Your Honor cannot do that in this case.” Hearing Transcript 2.19.20, AA1592-AA1594.

That process has not occurred at the district court. Instead of properly seeking a ruling from the district court on the individual Murray claims, Appellants instead are asking this Court to act as a fact finder and to enter an order which will determine the amount of each claim to be entered without allowing the trial court an opportunity to determine the unique circumstances of each claimant and the proper amount of each claim to be entered as a judgment.

This Court should dismiss this appeal and allow the trial courts to review the issues, the claims, the recalculations, the requests for full or partial satisfactions - as even the Appellants conceded during the hearing that the process should work. Hearing Transcript 2.19.20, AA1592-AA1594.

## **2. The Standard for Removal of a District Court Judge has Not Been Met.**

In their Opening Brief, Appellants lodge a barrage of character attacks upon Judge Delaney as being biased and colluding with both parties' counsel in approving the Dubric class action settlement for the sole purpose of achieving some unseemly end; and motivated by Judge Delaney's alleged personal bias against Mr. Greenberg, Appellants' counsel. Appellants' request to the Nevada Supreme Court is that Judge Delaney should be removed from the Dubric matter, and that her order must be estopped from affecting any judgment that the Murray Court may enter in the future in this case.

Chief Judge Linda Bell already reviewed Mr. Greenberg's accusations; and denied Mr. Greenberg's request to disqualify Judge Delaney, and found no support for his accusations. In her Order, Chief Judge Bell stated:

Mr. Greenberg does not have standing to disqualify Judge Delaney

under NRS 1.235 because Mr. Greenberg is not a party to case A721063. Furthermore, Mr. Greenberg does not bring any cognizable claims supported by factual or legal allegations against Judge Delaney.

Judge Delaney's rulings and actions in the course of official judicial proceedings are not evidence of bias or prejudice. Thus, the Mr. Greenberg's request to disqualify Judge Delaney is denied. AA 1290 - AA RA 1295.

Appellants never challenged Chief Judge Bell's decision and order. As this Court can read, the entire last third of Appellants' opening brief is a personal attack upon the trial judge, Judge Delaney, and her conduct in entering finality to a class action settlement that was reached through the assistance of settlement judge, Hon. Jerry A. Wiese, in the court settlement program more than 5 years ago. As the trial judge, Judge Delaney was not even involved in the settlement which is allegedly collusive; that would be Judge Wiese.

As briefed with supporting documentation to Chief Judge Bell, Appellants' counsel routinely argues judicial bias any time he receives an adverse ruling and seeks to have the district court judge removed. Former Chief Judge David Barker similarly refused to disqualify Judge Michael P. Villani after this same Appellants' counsel asserted bias in another minimum wage case. *Declaration of Esther C. Rodriguez, Esq., In Response to Attorney Greenberg's Request To Recuse Judge Delaney* (RA 0949 - RA 1056); Order Denying Plaintiff's Motion to Recuse Judge Michael Villani from this Case Pursuant to NRS 1.235 filed in Sargeant v. Henderson Taxi, A-15-714136-C (RA 1043 - RA 1047), and Affidavit of Michael P. Villani in Response to Request to Disqualify Pursuant to NRS 1.235(5)(b) (RA 1048 - RA 1053).

In his order, Chief Judge Barker indicated:

“A judge is presumed to be impartial and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. [citing *State v. Rippo*, 113 Nev. 1239, 1248 (1997)]. The Nevada Supreme Court has stated that ‘rulings and actions of a judge during the course of official judicial proceedings do not establish legally cognizable grounds for disqualification,’ and ‘the personal bias necessary to disqualify must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case.’ [citing *In re Pet. to Recall Dunleavy*, 104 Nev. 784, 789-90 (1988)] Disqualification must be based on facts and not on mere speculation. [*Rippo*, 113, Nev. at 1248] ‘Rumor, speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar nonfactual matters do not ordinarily satisfy the requirements for disqualification.’ [Id.] RA 1044 - RA 1046.

Similar to Judge Delaney, Judge Villani indicated he had no actual or implied bias against Mr. Greenberg who sought to remove him. In denying Greenberg’s request to remove Judge Villani, Chief Barker stated, “When a judge determines not to voluntarily disqualify himself, as is the situation here, the decision should be given substantial weight and should not be overturned in the absence of clear abuse of discretion.” RA 1046 [citing *Dunleavy*, 104 Nev. at 788]

Here, the accusations against Judge Delaney are even more tenuous. As reflected in the hearing transcripts, the majority of the time in the hearings was spent listening to the arguments and the objections by Mr. Greenberg. Judge Delaney demonstrated an enormous amount of patience allowing him to be heard in regurgitating the same arguments in repeated briefing and oral hearings. Nothing in the record will reflect that the Court was ever disrespectful or

dismissive of Mr. Greenberg, but instead the Court bent over backwards to accommodate the Intervenor, despite what was an obvious attempt to obstruct a case that had been resolved by the parties years before. As indicated by the Dubric Plaintiffs' motion for fees against Leon Greenberg, his actions escalated the fees for both parties by hundreds of thousands of dollars. *Motion for Attorneys' Fees Against Intervenor and Their Counsel Leon Greenberg, Esq.*, RA 1108 - RA 1316. This in essence defeated a major consideration of settling a case early on, that being saving on the costs of litigation.

**3. Appellants are improperly seeking an injunction from the appellate court.**

This Court has already rejected Appellants' prior attempts to enjoin the Dubric case. Order of Reversal, RA 0447 - RA 0449. At that time, Murray sought to have Judge Delaney halt from proceeding with the class action case which had already resolved. With this present appeal, Murray has not addressed any district court as to whether an offset for settled claims will be considered. This has not come before the district court by way of briefing by any party; instead, appellants are prematurely seeking an injunction to stop this issue from ever being considered at the trial level. Appellants seek a reversal and remand of the Dubric final approval, but are in reality seeking a preemptive injunction to the Murray court that it cannot consider the claims which were settled.

There are a number of items that are to be considered by the district court including which claimants opted out of the Dubric settlement, or were specifically excluded in the final approval. Instead, Appellants seek a blanket ruling to indicate there will be no consideration of any evidence that could be presented to the district court as to which class claimants have already accepted settlement funds in resolution of their claims.

Ironically, Appellants are seeking an order in the Dubric settlement, as

opposed to the Murray court where they have already admitted it is proper for A Cab to go seek relief. Hearing Transcript, AA1592-AA1594. This appeal is truly nonsensical and does not support a reversal of the Dubric settlement.

**4. The Dubric Court settlement was fair, reasonable, adequate, comparable in the industry, reached through arms length negotiations, and with the assistance of an independent settlement judge.**

A district court's approval of a settlement is subject to an abuse-of-discretion standard of review. *Doctors Company v. Vincent*, 120 Nev. 644, 653, 98 P.3d 681, 687 (2004). See Also, *Marcuse v. Del Webb Communities, Inc.*, 163 P.3d 462, 123 Nev. 278 (Nev. 2007), wherein the Court could discern no error in the district court's final approval of the settlement. “The district court granted final approval of the settlement and dismissed the class action only after the class plaintiffs moved for final approval and after the class plaintiffs and Del Webb stipulated to dismiss the action. Further, the Marcuses' objection to the settlement was focused on their right to recover resultant damages rather than the merits and actual subject matter of the class settlement as a whole. Under these circumstances, we conclude that the district court did not abuse its discretion in granting final approval of the settlement.”

Here, the Dubric settlement is above reproach; it is the Murray numbers which are “guesstimates” and not supportable. In presenting the settlement data to two (2) district court judges (Judge Wiese and Judge Delaney), over the course of several hearings and a settlement conference, the consensus was to approve the class action settlement as fair, adequate, and reasonable.

Also telling of the fact that the Dubric settlement is the desired outcome of the claimants themselves, is that with the exception of 1 person, no one opted out of the Dubric settlement - including those Objectors presently listed in this appeal.

This Court should not overturn the final approval, as there was no abuse of

discretion. There is absolutely no evidence of collusion on the part of the parties or the judge that was ever demonstrated. And Murray puts forth no evidence now, only accusations. The Opening Brief only contains accusations without any supporting basis for the defamatory statements against the parties, their attorneys, and the judges involved.

It is outrageous that Murray counsel is allowed to continue to lodge such slanderous and unbecoming accusations with no support of his statements whatsoever. He simply uses bully tactics and scorched earth methods; and unfortunately has not been shut down by any judicial officer. Judge Delaney indicated on the record that she found no evidence of collusion. He therefore proceeded to throw her good name into the mix as well in his accusations against her to this Court. Counsel continues to hurl unsubstantiated defamatory comments with no regard to the professional reputations of the judicial officers involved, or as to the attorneys for both parties.

**5. The Dubric claimants reached final resolution through the Eighth Judicial District Court settlement program two years before the Murray judgment was even considered.**

Murray seeks once again to enjoin the Dubric finality, by asserting he holds the “final judgment.” As this Court has indicated in prior caselaw, “As an initial matter, we observe that a final judgment has been described as one ‘that disposes of the issues presented in the case, determines the costs, and leaves nothing for the future consideration of the court.’” See, e.g., *Alper v. Posin*, 77 Nev. 328, 330, 363 P.2d 502, 503 (1961); *Magee et al. v. Whitacre et al.*, 60 Nev. 202, 96 P.2d 201 (1939); *Perkins v. Sierra Nevada S.M. Co.*, 10 Nev. 405 (1876). *Lee v. GNLV CORP.*, 116 Nev. 424, 996 P.2d 416 (Nev. 2000)

In the Murray court, there are no numbers that have been determined as damages; nor has a proper defendant been identified. This Court reversed and

remanded the findings of Judge Kenneth Cory based upon a number of reasons. One of these reasons is that the judgment included a number of claimants as well as claims that were far outside of the two year statute of limitations. There are at least 100 claimants which must altogether be excluded from any future entry of judgment. These claimants were previously noticed by Greenberg of their rights and that they were part of the Murray class when in fact they are now not included in the class at all. This portion of the class must be decertified. These persons must be notified of this change; and A Cab has asked the District Court to mandate Greenberg to do so after he refused. Similarly, for all claimants in the Murray class, any part of their claim that fell within the time period now excluded, each claim must be revised and modified. Accordingly, A Cab has filed a motion to decertify the class and the claims to address these issues. Motion for Declaratory Order, RA 1317 - RA 1527.

Similarly, upon this Court affirming that use of the Murray spreadsheets with estimates is an acceptable alternative when there are no other records available, the spreadsheets themselves demonstrate that decertification is also appropriate for the time period following June 26, 2014. The total underpayments after that date is \$211.72 for all drivers, which includes “rounding” of cents as well as two (2) individuals Chris Norvell and Kimberly Peace, who worked during that pay period but were terminated and received their paycheck prior to the *Thomas v. Nev. Yellow Cab Corp.*, 130 Nev. 484, 327 P.3d 518 (2014) decision. RA 1317 - RA 1527.

These items are addressed to the Court to demonstrate that in no way is there a final judgment that is in place that should be relied upon to enjoin or to overturn the final approval of the Dubric settlement. While the Murray matter was pending at the Nevada Supreme Court, it was also determined that there are a number of drivers who cannot even be found by the Department of Labor. These



are nonexistent claimants who must be excluded from a judgment in Murray, and who the district court must be provided an opportunity to address. These constitute another 243 claimants.

Finally, this Court has also remanded for a determination as to which entity even existed at the time of incurring any liability, and who will be liable for any judgment. Again, this is an issue which has not been briefed to the district court, and which Murray wants this Court to simply ignore - despite this being an issue on remand! How can there be a judgment against a “fill in the blank” defendant?

A “final judgment” adjudicates all rights of the parties. See *Novick v. Summerlin N. Cmty. Ass’n*, 484 P.3d 949(Table) (Nev. 2021): The district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order as final pursuant to NRCp 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979).

In the Murray case: 1) final damages have not been determined in compliance with the reversal and remand; 2) a proper defendant for any liability has not been determined; 3) decertification of portions of the class has not been addressed in compliance with the remand. Clearly, all of the rights and liabilities of the parties have not been adjudicated. Not to mention that the claims against Defendant Creighton J. Nady remain in limbo in the Murray case, and have never been addressed by the district court.

The Dubric parties reached resolution on October 5, 2016; the entry of judgment in Murray (which has been partially reversed and remanded) was entered nearly two years later on August 18, 2018. The Murray Court was fully aware of the Dubric settlement and presented with the evidence of the settled claims, but chose not to address the issue before entering summary judgment. The answer

now is not to un-do a resolution that has been in place for six years. This was the district court that got it right; and facilitated a reasonable and fair settlement, and one which was in the best interest of the drivers and did not seek to close down a Nevada business serving the local population.

**6. A district court's final approval of class action settlement should not be reversed absent an abuse of discretion.**

Appellants are critical of the methodology used in formulating settlement numbers in the Dubric matter. This is ironic in that the trial judge in Murray indicated that the Murray spreadsheets and methodology made no sense whatsoever to the Court and were not enough to go to the jury. "The Court further concludes that, before the jury or trier of fact, plaintiffs will need to present something more than what they have presented to allow the jury to determine what the numbers mean, where plaintiffs got them, and how the damages have been calculated." Order Denying Plaintiffs' Motion for Partial Summary Judgment, filed in Murray 07/14/2017 RA 0443 - RA 0446.

It was only later that the Murray Court altogether reversed itself and decided to allow the spreadsheet "estimates" be used for entry of an outrageous amount of damages exceeding a million dollars. The methodology utilized in Murray is clearly the more questionable methodology which resulted in a damages number that was far outside of the settlements reached in the industry, as well as a reversal and remand by this Court.

Appellants' whole basis of being critical of the Dubric settlement is that the total amount is less than the amount entered for Murray - an amount which has been reversed and remanded for new calculations. *A Cab, LLC v. Michael Murray*, 137 Nev. Adv. Op. 84 (Dec 30, 2021)

Appellants even admit that there are a number of claimants who will receive more funds through the Dubric settlement than through Murray: "I know that Ms.

Rodriguez had commented that there are certain individuals in this proceeding that will receive amounts greater than the judgments in Murray, and I will confirm that is in fact correct.” Hearing Transcript 2.19.20, AA1595.

Before entering final approval, the Dubric Court listened to the testimony, looked at the comparable settlements in the industry, and reviewed the supporting documentation. Simply because Murray counsel disagrees with the methodology, is not sufficient to overturn a district court for abuse of discretion.

## **CONCLUSION**

Based upon the foregoing, Respondents respectfully request that this appeal dismissed.

Dated this 4<sup>th</sup> day of April, 2022.

RODRIGUEZ LAW OFFICES, P.C.

*/s/ Esther C. Rodriguez*

\_\_\_\_\_  
Esther C. Rodriguez, Esq. (6473)  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
[esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com)  
*Attorney for A Cab Defendants/Respondents*

### **ATTORNEY'S CERTIFICATE**

1. I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using WordPerfect X4 in 14 point Times New Roman font.

2. I further certify that this brief complies with the type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points and contains 6454 words.

3. Finally, I certify that I have read this appellate brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 4<sup>th</sup> day of April, 2022.

RODRIGUEZ LAW OFFICES, P.C.

*/s/ Esther C. Rodriguez*

\_\_\_\_\_  
Esther C. Rodriguez, Esq. (6473)  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
[esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com)  
*Attorney for A Cab Defendants/Respondents*

### **CERTIFICATE OF SERVICE**

I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that on this date the foregoing RESPONDENTS' ANSWERING BRIEF was electronically filed the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Leon Greenberg, Esq.  
Leon Greenberg Professional Corp.  
2965 S. Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146  
*Counsel for Appellants*

Mark Bourassa, Esq.  
Bourassa Law Group, LLC  
2350 W. Charleston Blvd., Suite 100  
Las Vegas, Nevada 89102  
*Counsel for Respondent Dubric*

Dated this 4<sup>th</sup> day of April, 2022.

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

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

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

## REGISTER OF ACTIONS

### CASE NO. A-12-669926-C

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

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case Type: Other Civil Filing  
 Subtype: Other Civil Matters  
 Date Filed: 10/08/2012  
 Location: Department 9  
 Cross-Reference Case Number: A669926  
 Supreme Court No.: 72691  
 77050  
 81641  
 82539  
 84888

#### PARTY INFORMATION

Defendant	A Cab LLC	Lead Attorneys Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Defendant	A Cab Taxi Service LLC	Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Defendant	Nady, Creighton J	Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Other	Bass, Charles	
Other	Dubric, Jasminka	Mark J. Bourassa <i>Retained</i> 702-851-2180(W)
Other	Wells Fargo	
Plaintiff	Murray, Michael	Leon Greenberg <i>Retained</i> 7023836085(W)
Plaintiff	Reno, Michael	Leon Greenberg <i>Retained</i> 7023836085(W)
Special Master	Resolution Economics LLC	
Special Master	Rosten, Michael	Stephen R. Hackett <i>Retained</i> 702-360-6000(W)
Special Master	Saad, Ali	Peter Dubrovsky <i>Retained</i>

RA0129

---

EVENTS & ORDERS OF THE COURT

---

05/11/2022 | Status Check (9:00 AM) (Judicial Officer Gibbons, Mark)

**05/11/2022, 08/10/2022**

*Status Check: Stay*

**Minutes**

05/11/2022 9:00 AM

- Ruthann Deveraux-Gonzalez Esq. present on behalf of Plaintiffs. Ms. Deveraux-Gonzalez stated this case is pending a stay due to waiting on a decision from the Supreme Court in another case, adding the other case has been briefed, however does not know if there is going to be argument. COURT ORDERED, matter CONTINUED. CONTINUED TO: 8/10/2022 9:00 A.M.

08/10/2022 9:00 AM

Parties Present

Return to Register of Actions

RA0130

**REGISTER OF ACTIONS**  
**CASE NO. A-12-669926-C**

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

www.pearsoned.com

Case Type: **Other Civil Filing**  
 Subtype: **Other Civil Matters**  
 Date Filed: **10/08/2012**  
 Location: **Department 9**  
 Case Number: **A669926**  
 Case Court No.: **72691**  
**77050**  
**81641**  
**82539**  
**84888**

## PARTY INFORMATION

**Defendant      A Cab LLC**

**Lead Attorneys**  
**Esther C. Rodriguez**  
*Retained*  
7023208400(W)

**Defendant      A Cab Taxi Service LLC**

**Esther C. Rodriguez**  
Retained  
7023208400(W)

**Defendant**      **Nady, Creighton J**

**Esther C. Rodriguez**  
Retained  
7023208400(W)

**Other**                      **Bass, Charles**

Other Dubric, Jasminka

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

Other	Wells Fargo
100%	100%

**Plaintiff**            **Murray, Michael**

**Leon Greenberg**  
*Retained*  
7023836085(W)

<b>Plaintiff</b>	<b>Reno, Michael</b>
------------------	----------------------

**Leon Greenberg**  
*Retained*  
7023836085(W)

Special Master Resolution Economics LLC

**Special Master**Rosten, Michael

**Stephen R. Hackett**  
Retained  
702-360-6000(W)

**Special Master Saad, Ali**

**Peter Dubowsky**  
*Retained*  
7023603500(W)

**Special Master Swarts, George C.**

**Steven J. Parsons**  
*Retained*  
702-384-9900(W)

## EVENTS & ORDERS OF THE COURT

## DISPOSITIONS

RA0131



05/07/2018 **Clerk's Certificate** (Judicial Officer: Cory, Kenneth)  
Debtors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Creditors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)  
Judgment: 05/07/2018, Docketed: 05/14/2018  
Comment: Supreme Court No. 72691 " Appeal Reversed"

08/21/2018 **Order** (Judicial Officer: Cory, Kenneth)  
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant)  
Creditors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Judgment: 08/21/2018, Docketed: 08/22/2018  
Total Judgment: 1,033,027.81  
Comment: (Judgment includes Murray, Reno and ALL Class Members)

02/04/2019 **Judgment** (Judicial Officer: Cory, Kenneth)  
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)  
Creditors: Resolution Economics LLC (Special Master)  
Judgment: 02/04/2019, Docketed: 02/04/2019  
Total Judgment: 94,780.56

02/06/2019 **Order** (Judicial Officer: Cory, Kenneth)  
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)  
Creditors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Judgment: 02/06/2019, Docketed: 02/07/2019  
Total Judgment: 614,599.07

08/09/2019 **Clerk's Certificate** (Judicial Officer: Bare, Rob)  
Debtors: Creighton J Nady (Defendant)  
Creditors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Judgment: 08/09/2019, Docketed: 08/09/2019  
Comment: Supreme Court No. 77050 " Appeal Dismissed"

12/15/2020 **Clerk's Certificate** (Judicial Officer: Bare, Rob)  
Debtors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Creditors: A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)  
Judgment: 12/15/2020, Docketed: 12/16/2020  
Comment: Supreme Court No. 81641 Appeal Dismissed

02/04/2022 **Clerk's Certificate** (Judicial Officer: Kierny, Carli)  
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant)  
Creditors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Judgment: 02/04/2022, Docketed: 02/04/2022  
Comment: Supreme Court No. 77050 Appeal Affirmed in Part  
Debtors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Creditors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant)  
Judgment: 02/04/2022, Docketed: 02/04/2022  
Comment: Supreme Court No. 77050 Appeal Reversed in Part

04/15/2022 **Clerk's Certificate** (Judicial Officer: Vacant, DC 9)  
Debtors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Creditors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)  
Judgment: 04/15/2022, Docketed: 04/18/2022  
Comment: Supreme Court No. 82539; Rehearing Denied

05/17/2022 **Order** (Judicial Officer: Vacant, DC 9)  
Debtors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)  
Creditors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant)  
Judgment: 05/17/2022, Docketed: 05/18/2022  
Total Judgment: 7,052.87

**OTHER EVENTS AND HEARINGS**

10/08/2012 **Case Opened**

10/08/2012 **Complaint With Jury Demand** **Doc ID# 1**  
*[1] Complaint*

10/10/2012 **Initial Appearance Fee Disclosure** **Doc ID# 2**  
*[2] Initial Appearance Fee Disclosure*

11/15/2012 **Initial Appearance Fee Disclosure** **Doc ID# 3**  
*[3] Defendant A Cab, LLC's Initial Appearance Fee Disclosure (NRS Chapter 19)*

11/15/2012 **Motion to Dismiss** **Doc ID# 4**  
*[4] Defendant's Motion to Dismiss Complaint*

11/16/2012 **Notice of Hearing** **Doc ID# 5**  
*[5] Notice of Hearing*

11/30/2012 **Notice of Department Reassignment** **Doc ID# 6**  
*[6]*

11/30/2012 **Peremptory Challenge** **Doc ID# 7**  
*[7] Peremptory Challenge of Judge*

12/06/2012 **Opposition to Motion** **Doc ID# 8**  
*[8] Response in Opposition to Defendants' Motion to Dismiss*

01/10/2013 **Reply in Support** **Doc ID# 9**  
*[9] Defendant's Reply in Support of Motion to Dismiss Complaint*

01/17/2013 **Motion to Dismiss** (9:00 AM) (Judicial Officer Cory, Kenneth)  
*Defendant's Motion to Dismiss Complaint*  
[Parties Present](#)  
[Minutes](#)

RA0132

01/17/2013 Reset by Court to 01/17/2013  
Result: Denied

01/30/2013 **Amended Complaint** Doc ID# 10  
[10] First Amended Complaint

02/11/2013 **Decision and Order** Doc ID# 11  
[11] Decision and Order

02/13/2013 **Notice of Entry of Order** Doc ID# 12  
[12] Notice of Entry of Decision and Order

02/27/2013 **Motion to Reconsider** Doc ID# 13  
[13] Defendant's Motion for Reconsideration

03/18/2013 **Opposition to Motion** Doc ID# 14  
[14] Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's February 8, 2013 Order Denying Defendants' Motion to Dismiss

03/25/2013 **Motion to Strike** Doc ID# 15  
[15] Defendant's Motion to Strike Amended Complaint

03/28/2013 **Reply in Support** Doc ID# 16  
[16] Defendant's Reply in Support of Motion for Reconsideration

04/01/2013 **Motion For Reconsideration** (3:00 AM) (Judicial Officer Cory, Kenneth)  
Defendant's Motion for Reconsideration  
[Minutes](#)

Result: Denied

04/05/2013 **Objection** Doc ID# 17  
[17] Defendant's Objection to Three Day Notice of Intent to Default

04/11/2013 **Opposition and Counter-motion** Doc ID# 18  
[18] Plaintiffs' Response in Opposition to Defendants' Motion to Strike First Amended Complaint and Counter-Motion for a Default Judgment or Sanctions Pursuant to EDCR 7.602(b)

04/22/2013 **Answer to Complaint** Doc ID# 19  
[19] Defendant A Cab, LLC's Answer to Complaint

04/22/2013 **Reply in Support** Doc ID# 20  
[20] Defendant's reply in support of motion to strike amended complaint

04/29/2013 **Motion to Strike** (3:00 AM) (Judicial Officer Cory, Kenneth)  
Defendant's Motion to Strike Amended Complaint  
[Minutes](#)

Result: Denied

05/02/2013 **Order Denying Motion** Doc ID# 21  
[21] Order

05/06/2013 **Notice of Entry of Order** Doc ID# 22  
[22] Notice of Entry of Order

05/23/2013 **Answer to Amended Complaint** Doc ID# 23  
[23] Defendant A Cab, LLC's Answer to First Amended Complaint

05/28/2013 **Order Denying Motion** Doc ID# 24  
[24] Order Denying Plaintiffs' Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)

05/28/2013 **Joint Case Conference Report** Doc ID# 25  
[25] Joint Case Conference Report

05/29/2013 **Notice of Entry of Order** Doc ID# 26  
[26] Notice of Entry of Order Denying Plaintiffs' Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)

06/07/2013 **Scheduling Order** Doc ID# 27  
[27] Scheduling Order

06/19/2013 **Order Setting Civil Jury Trial** Doc ID# 28  
[28] Order Setting Civil Jury Trial and Pretrial Procedures

01/27/2014 **Stipulation and Order** Doc ID# 29  
[29] Stipulation and Order Staying All Proceedings For a Period of Ninety (90) Days

01/29/2014 **Notice of Entry of Order** Doc ID# 30  
[30] Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) Days

04/23/2014 **Stipulation and Order** Doc ID# 31  
[31] Stipulation and Order Staying All Proceedings for a Period of Ninety (90) Days (Second Request)

04/23/2014 **Notice of Entry of Stipulation and Order** Doc ID# 32  
[32] Notice of Stipulation and Order Staying All Proceedings for Ninety (90) Days (Second Request)

07/17/2014 **Pretrial/Calendar Call** (9:00 AM) (Judicial Officer Cory, Kenneth)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard

07/25/2014 **Order** Doc ID# 33  
[33] Order Staying All Proceedings for a Period of Sixty (60) Days

07/28/2014 **Notice of Entry of Stipulation and Order** Doc ID# 34  
[34] Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Sixty (60) Days (Third Request)

08/04/2014 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer Cory, Kenneth)  
Vacated  
08/04/2014 Reset by Court to 08/04/2014

08/05/2014 **CANCELED Status Check: Status of Case** (9:00 AM) (Judicial Officer Cory, Kenneth)  
Vacated  
04/22/2014 Reset by Court to 08/05/2014

08/05/2014 **CANCELED Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)  
Vacated - On in Error

10/14/2014 **Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard

11/10/2014 **Stipulation and Order** Doc ID# 35  
[35] Stipulation and Order Extending Discovery Deadlines (First Request)

RA0133

11/11/2014 **Notice of Entry of Order Doc ID# 36**  
*[36] Stipulation and ORder Extending Discovery Deadlines*

01/28/2015 **Order Setting Civil Jury Trial Doc ID# 37**  
*[37] Order Setting Civil Jury Trial and Pretrial Procedures*

02/11/2015 **Motion to Compel Doc ID# 38**  
*[38] Motion to Compel the Production of Documents*

02/11/2015 **Notice of Motion Doc ID# 39**  
*[39] Notice of Motion to Compel the Production of Documents*

03/02/2015 **Opposition to Motion to Compel Doc ID# 40**  
*[40] Defendant's Opposition to Motion to Compel the Production of Documents*

03/11/2015 **Reply to Opposition Doc ID# 41**  
*[41] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents*

03/18/2015 **Motion to Compel (9:00 AM) (Judicial Officer Bulla, Bonnie)**  
**03/18/2015, 05/20/2015, 07/22/2015, 09/23/2015, 11/18/2015**  
*Pltfs' Motion to Compel the Production of Documents*  
[Parties Present](#)  
[Minutes](#)  
*04/08/2015 Reset by Court to 04/15/2015*  
*04/08/2015 Reset by Court to 04/15/2015*  
*04/15/2015 Reset by Court to 05/20/2015*  
*10/14/2015 Reset by Court to 11/18/2015*  
Result: Matter Continued

04/02/2015 **Recorders Transcript of Hearing Doc ID# 42**  
*[42] Recorder's Transcript of Proceedings - Notice of Plaintiffs' Motion to Compel the Production of Documents - heard on March 18, 2015*

05/19/2015 **Motion for Class Certification Doc ID# 43**  
*[43] Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53*

05/19/2015 **Notice of Motion Doc ID# 44**  
*[44] Notice of Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53*

06/04/2015 **Motion to Compel Doc ID# 45**  
*[45] Motion to Compel the Production of Documents*

06/04/2015 **Notice of Motion Doc ID# 46**  
*[46] Notice of Motion to Compel the Production of Documents*

06/08/2015 **Opposition to Motion Doc ID# 47**  
*[47] Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53*

06/22/2015 **Motion to Certify Class (3:00 AM) (Judicial Officer Cory, Kenneth)**  
**06/22/2015, 07/15/2015, 08/11/2015, 09/22/2015, 11/03/2015, 11/09/2015**  
*Plaintiff's Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53*  
[Parties Present](#)  
[Minutes](#)  
Result: Continued

06/22/2015 **Motion for Leave to File Doc ID# 48**  
*[48] Motion for Leave to File a Second Amended and Supplemental Complaint*

06/22/2015 **Notice of Motion Doc ID# 49**  
*[49] Notice of Motion for Leave to File a Second Amended and Supplemental Complaint*

06/22/2015 **Opposition to Motion to Compel Doc ID# 50**  
*[50] Defendant's Opposition to Plaintiffs' Second Motion to Compel the Production of Documents*

07/10/2015 **Opposition to Motion Doc ID# 51**  
*[51] Defendant's Opposition to Motion for Leave to File a Second Amended and Supplemental Complaint*

07/13/2015 **Reply to Opposition Doc ID# 52**  
*[52] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53*

07/15/2015 **Reply to Opposition Doc ID# 53**  
*[53] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents*

07/20/2015 **Reply to Opposition Doc ID# 54**  
*[54] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Leave to File a Second Amended and Supplemental Complaint*

07/27/2015 **Motion for Leave (3:00 AM) (Judicial Officer Cory, Kenneth)**  
*Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint*  
[Minutes](#)  
Result: Granted

08/10/2015 **Motion to Dismiss Doc ID# 55**  
*[55] Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief*

08/10/2015 **Motion Doc ID# 56**  
*[56] Defendant's Motion for Declaratory Order Regarding Statute of Limitations*

08/12/2015 **Notice of Deposition Doc ID# 57**  
*[57] Notice to take Deposition*

08/17/2015 **Order Granting Motion Doc ID# 58**  
*[58] Order Granting Motion to Serve and File A Second Amended and Supplemental Complaint*

08/17/2015 **Notice of Entry of Order Doc ID# 59**  
*[59] Notice of Entry of Order Granting Motion to Serve and File A Second Amended and Supplemental Complaint*

08/18/2015 **Amended Notice of Taking Deposition Doc ID# 60**  
*[60] Amended Notice of Taking Deposition of Plaintiff Michael Murray*

08/19/2015 **Amended Complaint Doc ID# 61**  
*[61] Second Amended and Supplemental Complaint*

08/28/2015 **Response Doc ID# 62**  
*[62] Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' Second Claim for Relief*

08/28/2015 **Response Doc ID# 63**  
*[63] Plaintiffs' Response in Opposition to Defendants' Motion for Declaratory Order Regarding Statute of Limitations*

09/08/2015 **Reply in Support Doc ID# 64**  
*[64] Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Second Claim for Relief*

09/08/2015 **Reply in Support Doc ID# 65**

RA0134

09/11/2015 [65] Defendant's Reply in Support of Motion for Declaratory Order Regarding Statute of Limitations  
**Motion to Dismiss Doc ID# 66**

09/11/2015 [66] Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief  
**Notice of Motion Doc ID# 67**

09/11/2015 [67] Notice of Motion to Extend Discovery Schedule  
**Supplement to Opposition Doc ID# 68**

[68] Supplement to Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53

09/14/2015 **Answer to Amended Complaint Doc ID# 69**

[69] Defendant A Cab, LLC's Answer to Second Amended Complaint

09/14/2015 **Motion to Extend Discovery Doc ID# 70**

[70] Motion to Extend Discovery Schedule (Second Request)

09/18/2015 **Response Doc ID# 71**

[71] Plaintiffs' Response to Defendants' Supplement to Their Opposition to Plaintiffs' Motion to Certify Case as a Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53

09/21/2015 **Subpoena Electronically Issued Doc ID# 72**

[72] Deposition Subpoena (For Personal Appearance at Deposition)

09/21/2015 **Motion to Dismiss Doc ID# 73**

[73] Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno

09/21/2015 **Motion to Dismiss Doc ID# 75**

[75] Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray

09/22/2015 **Motion to Dismiss (10:30 AM) (Judicial Officer Cory, Kenneth)**  
**09/22/2015, 11/03/2015, 11/09/2015**  
Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief  
09/15/2015 Reset by Court to 09/22/2015

Result: Continued

09/22/2015 **Initial Appearance Fee Disclosure Doc ID# 74**

[74] Defendant A Cab, LLC's Fee Disclosure

09/22/2015 **Initial Appearance Fee Disclosure Doc ID# 76**

[76] Defendant A Cab, LLC's Fee Disclosure

09/22/2015 **All Pending Motions (10:30 AM) (Judicial Officer Cory, Kenneth)**  
Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief...Plaintiffs' Motion to Certify This Case As A Class Action Pursuant To NRCP Rule 23 and Appoint A Special Master Pursuant To NRCP Rule 53  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard

09/28/2015 **Subpoena Electronically Issued Doc ID# 77**

[77] Deposition Subpoena (For Personal Appearance at Deposition)

09/28/2015 **Response Doc ID# 78**

[78] Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Claim for Relief

09/30/2015 **Affidavit of Service Doc ID# 79**

[79] Notice of Filing Affidavit of Service for Creighton J. Nady

10/06/2015 **Answer to Amended Complaint Doc ID# 80**

[80] Defendant Creighton J. Nady's Answer to Second Amended Complaint

10/06/2015 **Initial Appearance Fee Disclosure Doc ID# 81**

[81] Defendant Creighton J. Nady's Initial Appearance Fee Disclosure (NRS Chapter 19)

10/07/2015 **Opposition to Motion Doc ID# 82**

[82] Defendant's Opposition to Plaintiffs' Motion to Extend Discovery Schedule (Second Request)

10/08/2015 **Response Doc ID# 83**

[83] Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray

10/08/2015 **Response Doc ID# 84**

[84] Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno

10/13/2015 **Supplement Doc ID# 85**

[85] Plaintiffs' Supplement to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23

10/20/2015 **Supplement to Opposition Doc ID# 86**

[86] Second Supplement to Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53

10/27/2015 **Reply in Support Doc ID# 87**

[87] Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno

10/27/2015 **Reply in Support Doc ID# 88**

[88] Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray

10/28/2015 **Reply in Support Doc ID# 89**

[89] Defendant's Reply in Support of Motion to Dismiss Plaintiffs' First Claim for Relief

11/03/2015 **Motion (9:00 AM) (Judicial Officer Cory, Kenneth)**  
Defendant's Motion for Declaratory Order Regarding Statute of Limitations  
09/14/2015 Reset by Court to 11/03/2015

Result: Matter Heard

11/03/2015 **Motion to Dismiss (9:00 AM) (Judicial Officer Cory, Kenneth)**  
**11/03/2015, 11/09/2015**  
Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief  
10/19/2015 Reset by Court to 11/03/2015

Result: Continued

11/03/2015 **Motion to Dismiss (9:00 AM) (Judicial Officer Cory, Kenneth)**  
Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno  
10/27/2015 Reset by Court to 11/03/2015

Result: Denied Without Prejudice

11/03/2015 **Motion to Dismiss (9:00 AM) (Judicial Officer Cory, Kenneth)**  
Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray  
10/27/2015 Reset by Court to 11/03/2015

Result: Denied Without Prejudice

11/03/2015 **All Pending Motions (9:00 AM) (Judicial Officer Cory, Kenneth)**

RA0135

	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Matter Heard
11/09/2015	<b>All Pending Motions</b> (3:00 AM) (Judicial Officer Cory, Kenneth) <i>Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief...Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief...Plaintiff's Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53</i>
	<a href="#">Minutes</a>
	Result: Matter Heard
11/10/2015	<b>Reply to Opposition</b> <b>Doc ID# 90</b> <i>[90] Reply to Opposition to Motion to Extend Discovery Schedule</i>
11/16/2015	<b>Supplement</b> <b>Doc ID# 91</b> <i>[91] Supplemental Brief Re: Motion to Compel the Production of Documents (first heard on 3/18/15)</i>
11/16/2015	<b>Disclosure of Documents and Witnesses Pursuant to NRCP 16.1</b> <b>Doc ID# 92</b> <i>[92] Creighton J. Nady's Disclosure of Documents and Witnesses Pursuant to NRCP 16.1</i>
11/17/2015	<b>Opposition</b> <b>Doc ID# 93</b> <i>[93] Defendant's Opposition to Plaintiffs' Supplemental Brief</i>
11/17/2015	<b>Opposition</b> <b>Doc ID# 94</b> <i>[94] Defendant's Opposition to Plaintiffs' Supplemental Brief</i>
11/18/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer Bulla, Bonnie) <i>Status Check: Scheduling Order</i> <i>09/23/2015 Reset by Court to 10/23/2015</i> <i>10/23/2015 Reset by Court to 11/18/2015</i>
	Result: Report & Recommendations to Issue
11/18/2015	<b>Motion to Extend Discovery</b> (9:00 AM) (Judicial Officer Bulla, Bonnie) <i>Plaintiffs' Motion to Extend Discovery Schedule</i> <i>10/14/2015 Reset by Court to 11/18/2015</i>
	Result: Granted
11/18/2015	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer Bulla, Bonnie)
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Matter Heard
11/25/2015	<b>Joint Case Conference Report</b> <b>Doc ID# 95</b> <i>[95] Joint Case Conference Report</i>
12/01/2015	<b>Recorders Transcript of Hearing</b> <b>Doc ID# 96</b> <i>[96] Recorder's Transcript of Proceedings - All Pending Motions - heard on November 18, 2015</i>
12/10/2015	<b>CANCELED Pretrial/Calendar Call</b> (9:00 AM) (Judicial Officer Cory, Kenneth) <i>Vacated - per Commissioner</i>
12/21/2015	<b>Order</b> <b>Doc ID# 97</b> <i>[97] Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statute of Limitations</i>
12/22/2015	<b>Notice of Entry of Order</b> <b>Doc ID# 98</b> <i>[98] Notice of Entry of Order</i>
12/28/2015	<b>Objection to Discovery Commissioners Report and Recommend</b> <b>Doc ID# 99</b> <i>[99] Defendants' Objection to Discovery Commissioner's Report &amp; Recommendation</i>
01/04/2016	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer Cory, Kenneth) <i>Vacated - per Commissioner</i>
01/08/2016	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer Bulla, Bonnie) <i>Vacated</i>
01/08/2016	<b>Supplemental</b> <b>Doc ID# 100</b> <i>[100] Defendant's Supplemental Briefing to Discovery Commissioner</i>
01/13/2016	<b>Further Proceedings</b> (9:00 AM) (Judicial Officer Bulla, Bonnie) <i>Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions</i>
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Matter Heard
02/10/2016	<b>Recorders Transcript of Hearing</b> <b>Doc ID# 101</b> <i>[101] Recorder's Transcript of Proceedings Discovery Production/Deferred Ruling - Defendant's Rule 37 Sanctions January 13, 2016</i>
02/10/2016	<b>Order</b> <b>Doc ID# 102</b> <i>[102] 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 NRCP Rule 53</i>
02/10/2016	<b>Notice of Entry of Order</b> <b>Doc ID# 103</b> <i>[103] Notice of Entry of Order</i>
02/18/2016	<b>Order</b> <b>Doc ID# 104</b> <i>[104] Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Reno</i>
02/18/2016	<b>Order</b> <b>Doc ID# 105</b> <i>[105] Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Murray</i>
02/18/2016	<b>Notice of Entry of Order</b> <b>Doc ID# 106</b> <i>[106] Notice of Entry of Order</i>
02/18/2016	<b>Notice of Entry of Order</b> <b>Doc ID# 107</b> <i>[107] Notice of Entry of Order</i>
02/19/2016	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer Bulla, Bonnie) <i>Vacated</i>
02/25/2016	<b>Motion to Reconsider</b> <b>Doc ID# 108</b> <i>[108] Defendants' Motion for Reconsideration</i>
03/01/2016	<b>Declaration</b> <b>Doc ID# 109</b> <i>[109] Declaration of Plaintiffs' Counsel Leon Greenberg</i>
03/03/2016	<b>Discovery Commissioners Report and Recommendations</b> <b>Doc ID# 110</b> <i>[110] Discovery Commissioner's Report and Recommendations</i>
03/03/2016	<b>Motion to Stay</b> <b>Doc ID# 111</b> <i>[111] Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i>

RA0136



03/04/2016 **Notice of Entry of Order Doc ID# 112**  
[112] Notice of Entry of Order

03/04/2016 **Order Doc ID# 113**  
[113] Order on Discovery Commissioner's Report and Recommendations

03/04/2016 **Notice of Entry of Order Doc ID# 114**  
[114] Notice of Entry of Order on Discovery Commissioner's Report and Recommendation

03/11/2016 **Declaration Doc ID# 115**  
[115] Declaration of Plaintiffs' Counsel, Leon Greenberg, Esq.

03/11/2016 **Order Shortening Time Doc ID# 116**  
[116] Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with That Order on an Order Shortening Time

03/14/2016 **Motion to Stay Doc ID# 117**  
[117] Defendants' Motion for Stay Pending Proceedings

03/14/2016 **Notice of Association of Counsel Doc ID# 118**  
[118] Notice of Association of Counsel

03/14/2016 **Opposition and Countermotion Doc ID# 119**  
[119] Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs

03/14/2016 **Opposition to Motion Doc ID# 120**  
[120] Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification

03/14/2016 **Status Report Doc ID# 121**  
[121] Defendants' Status Report Before the Discovery Commissioner

03/15/2016 **Opposition/Response/Objection/Reply Doc ID# 122**  
[122] Defendants' Opposition to Plaintiffs' Request for Additional Fees & Costs

03/15/2016 **Opposition/Response/Objection/Reply Doc ID# 123**  
[123] Defendants' Opposition to Plaintiffs' Request for Additional Fees & Costs Before the Discovery Commissioner

03/16/2016 **Motion (9:00 AM) (Judicial Officer Cory, Kenneth)**  
Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with That Order on an Order Shortening Time  
Result: Denied

03/16/2016 **Opposition and Countermotion (9:00 AM) (Judicial Officer Cory, Kenneth)**  
Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs  
Result: Denied

03/16/2016 **All Pending Motions (9:00 AM) (Judicial Officer Cory, Kenneth)**  
PLAINTIFFS' MOTION TO IMPOSE SANCTIONS AGAINST DEFENDANTS FOR VIOLATING THIS COURT'S ORDER OF FEBRUARY 10, 2016 AND COMPELLING COMPLIANCE WITH THAT ORDER ON AN ORDER SHORTENING TIME...DEFENDANT'S OPPOSITION TO MOTION TO IMPOSE SANCTIONS ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS AGAINST PLAINTIFFS  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

03/17/2016 **Errata Doc ID# 124**  
[124] Errata to Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification

03/18/2016 **Opposition to Motion Doc ID# 125**  
[125] Plaintiffs' Response in Opposition to Defendants' Motion for Stay of Proceedings

03/21/2016 **Minute Order (9:26 AM) (Judicial Officer Cory, Kenneth)**  
[Minutes](#)  
Result: Minute Order - No Hearing Held

03/21/2016 **Motion to Reconsider Doc ID# 126**  
[126] Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations

03/22/2016 **Transcript of Proceedings Doc ID# 127**  
[127] Transcript of Proceedings All Pending Motions 11-03-15

03/24/2016 **Reply in Support Doc ID# 128**  
[128] Reply in Support of Defendants' Motion for Reconsideration

03/24/2016 **Reply in Support Doc ID# 129**  
[129] Reply in Support of Defendants' Motion for Stay of Proceedings

03/28/2016 **Motion For Reconsideration (3:00 AM) (Judicial Officer Cory, Kenneth)**  
Defendant's Motion for Reconsideration  
Result: Granted in Part

03/28/2016 **Motion to Stay (3:00 AM) (Judicial Officer Cory, Kenneth)**  
Defendants' Motion for Stay Pending Proceedings  
04/18/2016 Reset by Court to 03/28/2016  
Result: Denied

03/28/2016 **All Pending Motions (3:00 AM) (Judicial Officer Cory, Kenneth)**  
DEFENDANT'S MOTION FOR RECONSIDERATION ...DEFENDANTS' MOTION FOR STAY PENDING PROCEEDINGS  
[Minutes](#)  
Result: Matter Heard

03/31/2016 **Supplement Doc ID# 130**  
[130] Reply to Defendants' "Opposition to Plaintiffs' Request for Additional Fees and Costs" (Re: Plaintiffs' Counsel's Declaration Filed March 1, 2016 as Supplement in Support of Request for Award of Fees and Costs). Further Supplement: Re: Defendant's Non-compliance with Court's Prior Discovery Order and Plaintiffs' Request for Production of All Computer Database Files in Their Entirety.

04/04/2016 **CANCELED Motion For Stay (3:00 AM) (Judicial Officer Cory, Kenneth)**  
Vacated  
Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order

04/05/2016 **Minute Order (3:00 PM) (Judicial Officer Cory, Kenneth)**  
[Minutes](#)  
Result: Minute Order - No Hearing Held

04/06/2016 **Order Denying Motion Doc ID# 131**  
[131] Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with That Order on an Order Shortening Time

04/06/2016 **Order Granting Motion Doc ID# 132**  
[132] Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order

RA0137

04/07/2016 **Notice of Entry of Order Doc ID# 133**  
*[133] Notice of Entry of Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants*

04/07/2016 **Notice of Entry of Order Doc ID# 134**  
*[134] Notice of Entry of Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order*

04/07/2016 **Opposition to Motion Doc ID# 135**  
*[135] Plaintiffs' Response in Opposition to Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016 Pertaining to Discovery Commissioner's Report and Recommendations*

04/07/2016 **Opposition/Response/Objection/Reply Doc ID# 136**  
*[136] Defendants' Opposition to Plaintiffs' Request for Production of All Computer Data Base Files in Their Entirety*

04/08/2016 **Further Proceedings (10:00 AM)** (Judicial Officer Bulla, Bonnie)  
*Further Proceedings: Discovery Production / Deferred Ruling*  
[Parties Present](#)  
[Minutes](#)  
03/16/2016 Reset by Court to 04/08/2016  
Result: Matter Heard

04/18/2016 **Reply in Support Doc ID# 137**  
*[137] Defendants' Reply in Support of Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations*

04/25/2016 **Motion For Reconsideration (3:00 AM)** (Judicial Officer Cory, Kenneth)  
*Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations*  
[Minutes](#)  
Result: Denied

04/28/2016 **Order Doc ID# 138**  
*[138] Order on Defendants' Motion for Reconsideration*

04/28/2016 **Notice of Entry of Order Doc ID# 139**  
*[139] Notice of Entry of Order on Defendants' Motion for Reconsideration*

04/29/2016 **Recorders Transcript of Hearing Doc ID# 140**  
*[140] Recorder's Transcript of Proceedings - Further Proceedings: Discovery Production/Deferred Ruling - heard on April 8, 2016*

05/20/2016 **Status Check: Status of Case (10:00 AM)** (Judicial Officer Bulla, Bonnie)  
[Parties Present](#)  
[Minutes](#)  
Result: Report & Recommendations to Issue

05/26/2016 **Order Denying Motion Doc ID# 141**  
*[141] Order Denying Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations*

05/27/2016 **Notice of Entry of Order Doc ID# 142**  
*[142] Notice of Entry of Order*

06/07/2016 **Order Doc ID# 143**  
*[143] 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*

06/07/2016 **Notice of Entry of Order Doc ID# 144**  
*[144] Notice of Entry of Order*

06/09/2016 **Motion to Compel Doc ID# 145**  
*[145] Motion to Compel the Production of Documents and Interrogatory Responses*

07/12/2016 **Opposition and Countermotion Doc ID# 146**  
*[146] Defendant's Opposition to Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses & Defendants' Request for Sanctions of Fees Against Plaintiffs*

07/13/2016 **Motion to Compel (9:00 AM)** (Judicial Officer Bulla, Bonnie)  
**07/13/2016, 09/07/2016**  
*Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses*  
[Parties Present](#)  
[Minutes](#)  
08/10/2016 Reset by Court to 08/24/2016  
08/24/2016 Reset by Court to 09/07/2016  
Result: Matter Continued

07/13/2016 **Discovery Commissioners Report and Recommendations Doc ID# 147**  
*[147] Discovery Commissioner's Report and Recommendations*

07/13/2016 **Notice of Entry of Order Doc ID# 148**  
*[148] Notice of Entry of Discovery Commissioner's Report and Recommendations*

07/20/2016 **Status Check: Compliance (10:00 AM)** (Judicial Officer Bulla, Bonnie)  
*Status Check: Compliance - DCRR*  
06/29/2016 Reset by Court to 07/20/2016  
Result: Matter Heard

07/20/2016 **Status Conference (10:00 AM)** (Judicial Officer Bulla, Bonnie)  
*Status Conference: Status of Case - Exchange of Electronic Information*  
06/29/2016 Reset by Court to 07/20/2016  
Result: Matter Heard

07/20/2016 **All Pending Motions (10:00 AM)** (Judicial Officer Bulla, Bonnie)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

07/25/2016 **Motion Doc ID# 149**  
*[149] Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief*

08/15/2016 **Opposition to Motion Doc ID# 150**  
*[150] Defendant's Opposition to Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief*

RA0138

08/23/2016 **Reply to Opposition Doc ID# 151**  
*[151] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief*

08/29/2016 **Motion to Continue Trial** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiff's Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief*  
[Minutes](#)  
 Result: Granted

08/31/2016 **Reply to Opposition Doc ID# 152**  
*[152] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses*

09/02/2016 **Supplemental Doc ID# 153**  
*[153] Defendant's Supplemental Opposition to Plaintiffs' Motion to Compel the Production of Documents & Interrogatory Responses and Defendants' Request for Sanctions of Fees Against Plaintiffs*

09/02/2016 **Supplement Doc ID# 154**  
*[154] Supplemental Brief Re: Discovery Status Conference*

09/07/2016 **Status Check: Status of Case** (9:30 AM) (Judicial Officer Bulla, Bonnie)  
*08/24/2016 Reset by Court to 09/07/2016*  
 Result: Matter Heard

09/07/2016 **All Pending Motions** (9:30 AM) (Judicial Officer Bulla, Bonnie)  
*Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses ..... Status Check: Status of Case*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

09/09/2016 **Declaration Doc ID# 155**  
*[155] Declaration of Sydney Saucier Re: Mailing of Class Notice*

09/14/2016 **Recorders Transcript of Hearing Doc ID# 156**  
*[156] Recorder's Transcript of Proceedings Re: Plaintiff's Motion to Compel the Production of Documents and Interrogatory Responses - Status Check: Status of Case September 7, 2016*

09/20/2016 **Motion for Protective Order Doc ID# 157**  
*[157] Defendants' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on Order Shortening Time*

09/22/2016 **Minute Order** (5:00 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

10/06/2016 **Response Doc ID# 158**  
*[158] Plaintiffs' Response in Opposition to Defendants' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC (30)(B)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady and Motion for Protective Order from Plaintiffs' Written Discovery on Order Shortening Time*

10/12/2016 **Status Check: Compliance** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
 Result: Matter Continued

10/12/2016 **Status Check** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Status Check: Production*  
 Result: Matter Heard

10/12/2016 **Motion for Protective Order** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Defts' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on OST*  
*09/23/2016 Reset by Court to 10/12/2016*  
 Result: Granted in Part

10/12/2016 **All Pending Motions** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

10/14/2016 **Motion Doc ID# 159**  
*[159] Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief*

10/18/2016 **CANCELED Status Check** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Vacated*  
*Status Check: Status of Case*

10/19/2016 **Recorders Transcript of Hearing Doc ID# 160**  
*[160] Recorder's Transcript of Proceedings - Re: Motions; Status Check: Compliance; Status Check: Production - heard on October 12, 2016*

11/04/2016 **Opposition to Motion Doc ID# 161**  
*[161] Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief*

11/08/2016 **Motion to Compel Doc ID# 162**  
*[162] Motion to Compel Interrogatory Responses*

11/09/2016 **Discovery Commissioners Report and Recommendations Doc ID# 163**  
*[163] Discovery Commissioner's Report and Recommendations*

11/10/2016 **Reply to Opposition Doc ID# 164**  
*[164] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief*

11/15/2016 **Objection to Discovery Commissioners Report and Recommend Doc ID# 165**  
*[165] Withdrawn 11/22/16 - Defendants' Objection to Discovery Commissioner's Report & Recommendation*

11/16/2016 **Objection to Discovery Commissioners Report and Recommend Doc ID# 166**  
*[166] Plaintiffs' Objections to Discovery Commissioner's Report and Recommendations*

11/17/2016 **Motion Doc ID# 167**  
*[167] Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations*

11/18/2016 **Status Check: Compliance** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
[Parties Present](#)  
[Minutes](#)  
*11/18/2016 Reset by Court to 11/18/2016*

RA0139



Result: Matter Heard  
 11/18/2016 **CANCELED Status Check** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Vacated - per Commissioner*  
*Status Check: Status of Case*

11/21/2016 **Motion** (3:00 AM) (Judicial Officer Cory, Kenneth)  
**11/21/2016, 01/03/2017**  
*Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief*  
[Minutes](#)  
*01/03/2017 Reset by Court to 02/07/2017*

Result: Continued  
 11/21/2016 **Order Granting Doc ID# 168**  
*[168] Order Granting in Part and Denying in Part Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief*

11/22/2016 **Withdrawal Doc ID# 169**  
*[169] Withdrawal of Defendants' Objection to Discovery Commissioner's Report & Recommendation*

11/23/2016 **Notice of Entry of Order Doc ID# 170**  
*[170] Notice of Entry of Order*

11/28/2016 **Opposition to Motion to Compel Doc ID# 171**  
*[171] Defendant's Opposition to Plaintiffs' Motion to Compel Interrogatory Responses*

11/29/2016 **Supplement Doc ID# 172**  
*[172] Plaintiffs' Supplement in Support of Their Motion to Compel Interrogatory Responses*

11/29/2016 **Motion to Amend Answer Doc ID# 173**  
*[173] Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint*

12/02/2016 **Reply to Opposition Doc ID# 174**  
*[174] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel Interrogatory Responses*

12/07/2016 **Supplemental Doc ID# 175**  
*[175] Plaintiffs' Second Supplement in Support of Their Motion to Compel Interrogatory Responses*

12/08/2016 **CANCELED Pre Trial Conference** (9:00 AM) (Judicial Officer Cory, Kenneth)  
*Vacated - per Commissioner*

12/08/2016 **Opposition and Countermotion Doc ID# 176**  
*[176] Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing*

12/09/2016 **Motion to Compel** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Motion to Compel Interrogatory Responses*

Result: Granted  
 12/09/2016 **Status Check: Compliance** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Status Check: Compliance - Report and Recommendation*

Result: Matter Heard  
 12/09/2016 **All Pending Motions** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard  
 12/16/2016 **Opposition and Countermotion Doc ID# 177**  
*[177] Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees*

12/16/2016 **Notice of Withdrawal of Motion Doc ID# 178**  
*[178] Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint*

12/19/2016 **Recorders Transcript of Hearing Doc ID# 179**  
*[179] Recorder's Transcript of Proceedings - Motion to Compel Interrogatory Responses; Status Check: Compliance - Report and Recommendation - heard on Dec. 9, 2016*

12/19/2016 **Opposition Doc ID# 180**  
*[180] Partial Opposition to Defendants' Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint*

12/21/2016 **Minute Order** (8:45 AM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)

Result: Minute Order - No Hearing Held  
 12/21/2016 **Recorders Transcript of Hearing Doc ID# 181**  
*[181] Recorder's Transcript of Proceedings - Status Check: Compliance - heard on November 18, 2016*

12/23/2016 **Motion to Compel Doc ID# 182**  
*[182] Motion to Compel the Production of Documents*

12/28/2016 **Reply to Opposition Doc ID# 183**  
*[183] Reply to Plaintiffs' Partial Opposition to Defendants' Notice of Withdrawal of Motion for Leave to Amend Answer to Assert a Third-Party Complaint*

12/28/2016 **Reply in Support Doc ID# 184**  
*[184] Reply in Support of Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-Year Statute of Limitations, and Opposition to Plaintiffs' Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing*

01/03/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer Cory, Kenneth)  
*Vacated - per Commissioner*

01/03/2017 **Motion for Judgment** (9:00 AM) (Judicial Officer Barker, David)  
**01/03/2017, 02/28/2017, 05/18/2017**  
*Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statute of Limitations*  
*01/03/2017 Reset by Court to 02/07/2017*  
*02/07/2017 Reset by Court to 02/28/2017*

Result: Matter Continued  
 01/03/2017 **Motion to Amend Answer** (9:00 AM) (Judicial Officer Barker, David)  
**01/03/2017, 02/28/2017**  
*Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint*  
*01/03/2017 Reset by Court to 02/07/2017*  
*02/07/2017 Reset by Court to 02/28/2017*

RA0140

01/03/2017 Result: Matter Continued  
**Opposition and Countermotion** (9:00 AM) (Judicial Officer Barker, David)  
**01/03/2017, 02/28/2017, 05/18/2017**  
*Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing*  
*01/03/2017 Reset by Court to 02/07/2017*  
*02/07/2017 Reset by Court to 02/28/2017*

01/03/2017 Result: Matter Continued  
**Opposition and Countermotion** (9:00 AM) (Judicial Officer Barker, David)  
**01/03/2017, 02/28/2017**  
*Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees*  
*01/03/2017 Reset by Court to 02/07/2017*  
*02/07/2017 Reset by Court to 02/28/2017*

01/03/2017 Result: Matter Continued  
**All Pending Motions** (9:00 AM) (Judicial Officer Barker, David)  
[Minutes](#)

01/06/2017 Result: Matter Continued  
**Motion to Compel** **Doc ID# 185**  
*[185] Motion to Compel Compliance with Subpoena*

01/11/2017 **Motion for Partial Summary Judgment** **Doc ID# 186**  
*[186] Motion for Partial Summary Judgment*

01/12/2017 **Motion** **Doc ID# 187**  
*[187] Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief*

01/13/2017 **CANCELED Status Check: Compliance** (11:00 AM) (Judicial Officer Bulla, Bonnie)  
*Vacated - per Commissioner*  
*01/13/2017 Reset by Court to 01/13/2017*

01/13/2017 **Errata** **Doc ID# 188**  
*[188] Errata to Plaintiffs' Motion for Partial Summary Judgment*

01/18/2017 **Motion** **Doc ID# 189**  
*[189] Motion to Have Case Reassigned to Department I Per EDCR Rule 1.60 and Designated as Complex Litigation Per NRCP Rule 16.1(f) on an Order Shortening Time*

01/18/2017 **Order Shortening Time** **Doc ID# 190**  
*[190] Order Shortening Time*

01/18/2017 **Notice of Non Opposition** **Doc ID# 191**  
*[191] Notice of Non-Opposition*

01/18/2017 **Opposition to Motion to Compel** **Doc ID# 192**  
*[192] Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents, and Request for Greenberg to Cease and Desist*

01/19/2017 **Reply to Opposition** **Doc ID# 193**  
*[193] Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Compel the Production of Document*

01/22/2017 **Opposition** **Doc ID# 194**  
*[194] Defendants' Opposition to Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP Rule 16.1(f) on an Order Shortening Time*

01/23/2017 **Reply to Opposition** **Doc ID# 195**  
*[195] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP Rule 16.1(f) on an Order Shortening Time*

01/24/2017 **Motion** (11:00 AM) (Judicial Officer Loehrer, Sally)  
*Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as complex Litigation Per NRCP Rule 16.1(f) on an Order Shortening Time*  
[Parties Present](#)  
[Minutes](#)  
*01/24/2017 Reset by Court to 01/24/2017*

01/25/2017 Result: Granted  
**Motion to Compel** (9:00 AM) (Judicial Officer Bulla, Bonnie)  
*Pltfs' Motion to Compel the Production of Documents*  
[Parties Present](#)  
[Minutes](#)

01/26/2017 Result: Granted  
**Opposition to Motion to Compel** **Doc ID# 196**  
*[196] Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Subpoena*

01/27/2017 **Notice of Department Reassignment** **Doc ID# 197**  
*[197] Notice of Department Reassignment*

01/27/2017 **Motion to Amend Answer** **Doc ID# 198**  
*[198] Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint*

01/27/2017 **Objection to Discovery Commissioners Report and Recommend** **Doc ID# 199**  
*[199] Plaintiffs' Partial Objections to Discovery Commissioner Report and Recommendation*

01/30/2017 **Opposition to Motion** **Doc ID# 200**  
*[200] Defendants' Opposition to Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief*

02/02/2017 **Reply to Opposition** **Doc ID# 201**  
*[201] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Subpoena*

02/02/2017 **Opposition to Motion** **Doc ID# 202**  
*[202] Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment*

02/02/2017 **Re-Notice** **Doc ID# 203**  
*[203] Re-Notice of Motion for Partial Summary Judgment*

02/03/2017 **Re-Notice** **Doc ID# 204**  
*[204] Plaintiffs' Re-notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief*

02/03/2017 **Motion** **Doc ID# 205**

RA0141

02/07/2017 [205] *Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions*  
**Recorders Transcript of Hearing Doc ID# 206**  
 02/08/2017 [206] *Recorder's Transcript of Proceedings - Plaintiffs' Motion to Compel the Production of Documents Jan. 25, 2017*  
**Motion to Compel (9:00 AM)** (Judicial Officer Bulla, Bonnie)  
*Pltf's Motion to Compel Compliance with Subpoena*  
[Parties Present](#)  
[Minutes](#)  
 Result: Granted  
 02/10/2017 **Recorders Transcript of Hearing Doc ID# 207**  
 [207] *Recorder's Transcript of Proceedings - Plaintiffs' Motion to Compel Compliance with Subpoena - heard on February 8, 2017*  
 02/10/2017 **Opposition to Motion Doc ID# 208**  
 [208] *Defendants' Opposition to Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed 10/14/16 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions*  
 02/10/2017 **Reply to Opposition Doc ID# 209**  
 [209] *Plaintiffs' Reply to Defendants's Opposition to Plaintiffs' Motion on Ost to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions*  
 02/13/2017 **Opposition and Countermotion Doc ID# 210**  
 [210] *Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees*  
 02/14/2017 **CANCELED Motion for Partial Summary Judgment (9:00 AM)** (Judicial Officer Loehrer, Sally)  
 Vacated  
 02/14/2017 **Motion (9:00 AM)** (Judicial Officer Cory, Kenneth)  
*Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions*  
[Parties Present](#)  
[Minutes](#)  
 Result: Granted  
 02/14/2017 **Supplemental Doc ID# 211**  
 [211] *Plaintiffs' Post Hearing Supplement to Motion on Ost to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions*  
 02/16/2017 **Order Doc ID# 212**  
 [212] *Order Granting Certain Relief on Motion To Enjoin Defendants From Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief*  
 02/16/2017 **Notice of Entry of Order Doc ID# 213**  
 [213] *Notice of Entry of Order*  
 02/17/2017 **Minute Order (12:20 PM)** (Judicial Officer Cory, Kenneth)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held  
 02/17/2017 **Supplement Doc ID# 214**  
 [214] *Supplement to Order for Injunction Filed on February 16, 2017*  
 02/17/2017 **Supplement Doc ID# 215**  
 [215] *Supplement to Order for Injunction Filed on February 16, 2017*  
 02/21/2017 **CANCELED Motion to Bifurcate (8:30 AM)** (Judicial Officer Loehrer, Sally)  
 Vacated  
*Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief*  
 02/21/2017 **Order Doc ID# 216**  
 [216] *Order Granting in Part and Denying in Part Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP 16.1(f)*  
 02/21/2017 **Errata Doc ID# 217**  
 [217] *Second Errata to Plaintiffs' Motion for Partial Summary Judgment*  
 02/21/2017 **Notice of Entry of Order Doc ID# 218**  
 [218] *Notice of Entry of Order*  
 02/22/2017 **Reply to Opposition Doc ID# 219**  
 [219] *Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment*  
 02/23/2017 **Supplement Doc ID# 220**  
 [220] *Plaintiffs' Supplement to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment*  
 02/24/2017 **CANCELED Status Check: Compliance (11:00 AM)** (Judicial Officer Bulla, Bonnie)  
 Vacated - per Commissioner  
 02/27/2017 **Motion for Leave (3:00 AM)** (Judicial Officer Cory, Kenneth)  
**02/27/2017, 05/18/2017, 06/05/2017**  
*Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint*  
 Result: Continued  
 02/27/2017 **Opposition and Countermotion (3:00 AM)** (Judicial Officer Cory, Kenneth)  
**02/27/2017, 05/18/2017, 06/05/2017**  
*Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees*  
 Result: Continued  
 02/27/2017 **Declaration Doc ID# 221**  
 [221] *Declaration of Charles Bass*  
 02/27/2017 **All Pending Motions (3:00 AM)** (Judicial Officer Cory, Kenneth)  
**DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES**  
[Minutes](#)  
 Result: Matter Heard  
 02/28/2017 **Status Check: Trial Setting (9:00 AM)** (Judicial Officer Cory, Kenneth)  
 Status Check: Trial Setting

RA0142

02/28/2017 Result: Trial Date Set  
**Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Cory, Kenneth)  
**02/28/2017, 05/18/2017, 05/25/2017**  
*Plaintiff's Re-Notice of Motion for Partial Summary Judgment*  
[Parties Present](#)  
[Minutes](#)  
03/07/2017 Reset by Court to 02/28/2017

02/28/2017 Result: Continued  
**All Pending Motions** (9:00 AM) (Judicial Officer Cory, Kenneth)  
STATUS CHECK: TRIAL SETTING... PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT... DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12(C) WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO-YEAR STATUTE OF LIMITATIONS... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR AN EVIDENTIARY HEARING... DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT.... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES  
[Parties Present](#)  
[Minutes](#)

03/06/2017 Result: Matter Heard  
**Minute Order** (12:00 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)

03/07/2017 Result: Minute Order - No Hearing Held  
**Stipulation and Order** Doc ID# 222  
[222] Stipulation and Order Staying All Proceedings for a Maximum Period of Sixty (60) Days and Continuing Motion Hearing Dates

03/09/2017 **Notice of Entry of Stipulation and Order** Doc ID# 223  
[223] Notice of Entry of Stipulation and Order

03/09/2017 **Discovery Commissioners Report and Recommendations** Doc ID# 224  
[224] Discovery Commissioner's Report and Recommendations

03/09/2017 **Discovery Commissioners Report and Recommendations** Doc ID# 225  
[225] Discovery Commissioners Report and Recommendations

03/13/2017 **Notice of Entry of Order** Doc ID# 226  
[226] Notice of Entry of Order

03/13/2017 **Notice of Entry of Order** Doc ID# 227  
[227] Notice of Entry of Order

03/17/2017 **CANCELED Status Check: Compliance** (11:00 AM) (Judicial Officer Bulla, Bonnie)  
Vacated - per Commissioner

03/20/2017 **Notice of Appeal** Doc ID# 228  
[228] Notice of Appeal

03/20/2017 **Case Appeal Statement** Doc ID# 229  
[229] Defendants' Case Appeal Statement

03/24/2017 **Notice of Filing Cost Bond** Doc ID# 230  
[230] Notice of Filing Cost Bond

03/29/2017 **Discovery Commissioners Report and Recommendations** Doc ID# 231  
[231] Discovery Commissioner's Report and Recommendations

03/31/2017 **Notice of Entry of Order** Doc ID# 232  
[232] Notice of Entry of Order

05/11/2017 **Reply** Doc ID# 233  
[233] Plaintiffs Reply to Defendants Response to Plaintiffs Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief

05/17/2017 **Discovery Commissioners Report and Recommendations** Doc ID# 234  
[234] Discovery Commissioner's Report and Recommendations

05/18/2017 **Motion to Bifurcate** (9:00 AM) (Judicial Officer Cory, Kenneth)  
**05/18/2017, 06/05/2017**  
*Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief*  
03/06/2017 Reset by Court to 05/16/2017  
05/16/2017 Reset by Court to 05/18/2017

05/18/2017 Result: Continued  
**All Pending Motions** (9:00 AM) (Judicial Officer Cory, Kenneth)  
PLAINTIFF S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT... DEFENDANTS MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS PLTFs OPPOSITION TO DEFENDNATS MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS RE-NOTIC OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF... DEFENDANTS MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS FEES  
[Parties Present](#)  
[Minutes](#)

05/18/2017 Result: Matter Heard  
**Notice of Entry of Order** Doc ID# 235  
[235] Notice of Entry of Discovery Commissioner's Report & Recommendations

05/23/2017 **Recorders Transcript of Hearing** Doc ID# 236  
[236] Transcript Re: Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/16 to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions 02-14-17

05/24/2017 **Supplement to Opposition** Doc ID# 237  
[237] Supplement to Defendants Opposition to Plaintiffs Motion for Partial Summary Judgment

05/25/2017 **Recorders Transcript of Hearing** Doc ID# 238

RA0143

05/31/2017 [238] Transcript Re: All Pending Motions May 18, 2017  
**Supplement to Opposition Doc ID# 239**  
 [239] Supplement to Defendants Opposition to Plaintiffs Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief

06/02/2017 **Motion Doc ID# 240**  
 [240] Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief

06/05/2017 **Recorders Transcript of Hearing Doc ID# 241**  
 [241] Transcript Re: Plaintiffs Re-Notice of Motion for Partial Summary Judgment 05-25-17

06/05/2017 **All Pending Motions (3:00 AM) (Judicial Officer Cory, Kenneth)**  
 DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF  
[Minutes](#)  
 Result: Matter Heard

06/07/2017 **Decision and Order Doc ID# 242**  
 [242] Decision and Order

06/07/2017 **Notice of Entry of Decision and Order Doc ID# 243**  
 [243] Notice of Entry of Decision and Order

06/09/2017 **Opposition to Motion Doc ID# 244**  
 [244] Defendants Opposition to Plaintiffs Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief

06/13/2017 **Motion (9:00 AM) (Judicial Officer Cory, Kenneth)**  
 Plaintiff's Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

06/13/2017 **Minute Order (2:28 PM) (Judicial Officer Cory, Kenneth)**  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

06/19/2017 **Recorders Transcript of Hearing Doc ID# 245**  
 [245] Transcript Re: Plaintiff's Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief 06-13-17

07/10/2017 **Decision (3:00 AM) (Judicial Officer Cory, Kenneth)**  
 PLAINTIFF'S MOTION FOR OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF  
[Minutes](#)  
 Result: Off Calendar

07/11/2017 **Stipulation and Order Doc ID# 246**  
 [246] Stipulation and Order

07/12/2017 **Motion for Contempt Doc ID# 247**  
 [247] Plaintiffs Motion to Impose Sanctions Against Defendants for Violating this Court s Order of March 9, 2017 and Compelling Compliance with That Order

07/14/2017 **Order Denying Motion Doc ID# 248**  
 [248] Order Denying Plaintiffs' Motion for Partial Summary Judgment

07/17/2017 **Notice of Entry of Order Doc ID# 249**  
 [249] Notice of Entry of Order Denying Plaintiffs' Motion for Partial Summary Judgment

07/17/2017 **Order Doc ID# 250**  
 [250] Order

07/17/2017 **Order Doc ID# 251**  
 [251] Order

07/21/2017 **Notice to Appear for Discovery Conference Doc ID# 252**  
 [252] Notice to Appear for Discovery Conference

07/31/2017 **Opposition to Motion Doc ID# 253**  
 [253] Defendants' Opposition to Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with That Order

07/31/2017 **Order Denying Motion Doc ID# 254**  
 [254] Order Denying Plaintiffs' Counter-Motion for Sanctions and Attorneys' Fees and Order Denying Plaintiffs' Anti-SLAPP Motion

07/31/2017 **Notice of Entry of Order Doc ID# 255**  
 [255] Notice of Entry of Order Denying Plaintiffs' Counter-motion for Sanctions and Attorneys' Fees and Order Denying Plaintiffs' Anti-SLAPP Motion

08/03/2017 **Motion Doc ID# 256**  
 [256] Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017

08/07/2017 **Reply to Opposition Doc ID# 257**  
 [257] Plaintiffs Reply to Defendants Opposition to Motion to Impose Sanctions Against Defendants for Violating this Court s Order of March 9, 2017 and Compelling Compliance with That Order

08/08/2017 **Discovery Conference (10:00 AM) (Judicial Officer Bulla, Bonnie)**  
 Discovery Conference  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

08/14/2017 **Motion for Sanctions (3:00 AM) (Judicial Officer Cory, Kenneth)**  
 Plaintiffs Motion to Impose Sanctions Against Defendants for Violating this Court s Order of March 9, 2017 and Compelling Compliance with That Order  
[Minutes](#)  
 Result: Referred to Discovery Commissioner

08/16/2017 **Recorders Transcript of Hearing Doc ID# 258**  
 [258] Recorders Transcript of Proceedings - Discovery Conference - heard on Aug. 8, 2017

08/21/2017 **Opposition to Motion Doc ID# 259**  
 [259] Defendants Opposition to Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017

08/25/2017 **Reply to Opposition Doc ID# 260**  
 [260] Plaintiffs Reply to Defendant s Opposition to Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017

08/28/2017 **Notice of Referral to Discovery Commissioner Doc ID# 261**

RA0144



[261]  
09/05/2017 **Motion** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiffs Motion for Partial Rehearing of Court's Order Entered on July 17, 2017*  
[Minutes](#)  
Result: Granted

09/07/2017 **Notice to Appear for Discovery Conference** **Doc ID# 262**  
[262] *Notice to Appear for Discovery Conference*

10/04/2017 **Discovery Conference** (9:30 AM) (Judicial Officer Bulla, Bonnie)  
*Discovery Conference - referred by Judge*  
[Parties Present](#)  
[Minutes](#)  
09/27/2017 *Reset by Court to 10/04/2017*  
Result: Matter Continued

10/05/2017 **CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer Bulla, Bonnie)  
*Vacated - per Commissioner*

10/09/2017 **Notice of Appearance** **Doc ID# 263**  
[263] *Notice of Appearance*

10/11/2017 **Notice** **Doc ID# 264**  
[264] *Notice of Videotaping Deposition*

10/11/2017 **Notice** **Doc ID# 265**  
[265] *Notice of Videotaping Deposition*

10/16/2017 **Motion for Appointment** **Doc ID# 266**  
[266] *Plaintiffs' Motion for Appointment of Co-Class Counsel*

10/20/2017 **Recorders Transcript of Hearing** **Doc ID# 267**  
[267] *Recorders Transcript of Hearing - Discovery Conference - Referred by Judge - heard on October 4, 2017*

10/24/2017 **Discovery Commissioners Report and Recommendations** **Doc ID# 268**  
[268] *Discovery Commissioner's Report and Recommendations*

10/24/2017 **Notice of Entry** **Doc ID# 269**  
[269] *Notice of Entry of Discovery Commissioner's Report & Recommendations*

11/02/2017 **Motion for Partial Summary Judgment** **Doc ID# 270**  
[270] *Motion for Partial Summary Judgment And Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare Nac 608.102(2)(B) Invalid*

11/02/2017 **Declaration** **Doc ID# 271**  
[271] *Declaration and Exhibits*

11/03/2017 **Motion to Bifurcate** **Doc ID# 272**  
[272] *Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(b)*

11/13/2017 **Objection to Discovery Commissioners Report and Recommend** **Doc ID# 273**  
[273] *Defendants' Objection to Discovery Commissioner's Report & Recommendation*

11/16/2017 **Motion for Appointment of Attorney** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiffs' Motion for Appointment of Co-Class Counsel*  
[Minutes](#)  
Result: Granted

11/20/2017 **Opposition to Motion For Summary Judgment** **Doc ID# 274**  
[274] *Defendants Opposition to Plaintiffs Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(b) Invalid*

11/22/2017 **Response** **Doc ID# 275**  
[275] *Response In Opposition To Defendants' Motion on OST to Continue Hearing of 12/5/17*

11/22/2017 **Response** **Doc ID# 276**  
[276] *Plaintiffs Response to Defendants Objection to Discovery Commissioner s Report and Recommendation*

11/22/2017 **Motion** **Doc ID# 277**  
[277] *Defendants' Motion on Order Shortening Time to Continue Hearing of December 5, 2017*

11/27/2017 **Motion for Summary Judgment** **Doc ID# 278**  
[278] *Defendants' Motion for Summary Judgment*

11/27/2017 **Opposition to Motion** **Doc ID# 279**  
[279] *Defendants Opposition to Plaintiffs Motion for Bifurcation and/or to Limit Issues for Trial per NRCP 42(b)*

11/28/2017 **Motion to Continue** (9:00 AM) (Judicial Officer Cory, Kenneth)  
*Defendants' Motion on Order Shortening Time to Continue Hearing of December 5, 2017*  
[Parties Present](#)  
[Minutes](#)  
Result: Granted

11/29/2017 **Reply to Opposition** **Doc ID# 280**  
[280] *Plaintiffs Reply to Defendant s Opposition to Plaintiffs Motions for Partial Summary Judgment and to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare Nac 608.102(2)(B) Invalid*

12/01/2017 **Reply to Opposition** **Doc ID# 281**  
[281] *Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(b)*

12/07/2017 **Motion to Bifurcate** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiff's Motion for Bifurcation and/or to Limit Issues for Trial Per NRCP 42(b)*  
[Minutes](#)  
Result: Denied

12/12/2017 **Notice of Entry of Order** **Doc ID# 282**  
[282] *Notice of Entry of Order*

12/12/2017 **Notice of Entry of Order** **Doc ID# 283**  
[283] *Notice of Entry of Order*

12/14/2017 **CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer Bulla, Bonnie)  
*Vacated - per Commissioner*  
DCRR 10-4-17 - See Clerk's note

12/14/2017 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiff's Motion for Partial Summary Judgment And Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare Nac 608.102(2)(B) Invalid*  
[Parties Present](#)

RA0145

	<a href="#">Minutes</a>
	12/05/2017 Reset by Court to 12/14/2017
	Result: Granted in Part
12/14/2017	<b>Opposition to Motion For Summary Judgment Doc ID# 284</b> [284] Response in Opposition to Defendants Motion for Summary Judgment
12/22/2017	<b>Motion in Limine Doc ID# 285</b> [285] Plaintiffs' Omnibus Motion in Limine #1-25
12/22/2017	<b>Motion in Limine Doc ID# 286</b> [286] Defendants Motion in Limine to Exclude the Testimony of Plaintiffs Experts
12/27/2017	<b>Reply in Support Doc ID# 287</b> [287] Defendants' Reply in Support of Motion for Summary Judgment
01/02/2018	<b>Motion for Summary Judgment (9:00 AM)</b> (Judicial Officer Cory, Kenneth) Defendant's Motion for Summary Judgment
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Denied
01/04/2018	<b>Order Doc ID# 288</b> [288] Order of Appointment of Co-Counsel Christian Gabroy
01/04/2018	<b>Notice of Entry Doc ID# 289</b> [289] Notice of Entry of Order
01/09/2018	<b>Supplemental Doc ID# 290</b> [290] Defendants Supplement as Ordered by the Court on January 2, 2018
01/09/2018	<b>Supplement to Motion for Summary Judgment Doc ID# 291</b> [291] Plaintiffs Supplement in Support of Motion for Partial Summary Judgment
01/12/2018	<b>Response Doc ID# 292</b> [292] Plaintiffs Response to Defendants Motion in Limine to Exclude Expert Testimony
01/12/2018	<b>Opposition to Motion in Limine Doc ID# 293</b> [293] Defendants Opposition to Plaintiffs Omnibus Motion in Limine #1-25
01/16/2018	<b>Stipulation and Order Doc ID# 294</b> [294] Stipulation and Order
01/16/2018	<b>Notice of Entry of Stipulation and Order Doc ID# 295</b> [295] Notice of Entry of Stipulation and Order
01/16/2018	<b>Notice Doc ID# 296</b> [296] Notice of Pre-Trial Conference
01/17/2018	<b>Reply to Opposition Doc ID# 297</b> [297] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion in Limine #1-#25
01/18/2018	<b>Calendar Call (9:00 AM)</b> (Judicial Officer Cory, Kenneth)
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Trial Date Set
01/19/2018	<b>Reply in Support Doc ID# 298</b> [298] Reply in Support of Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts
01/22/2018	<b>Order Doc ID# 299</b> [299] Order
01/22/2018	<b>Notice of Entry of Order Doc ID# 300</b> [300] Notice of Entry of Order
01/22/2018	<b>Objection Doc ID# 301</b> [301] Plaintiffs Nrcp 16.1(3) Objections To Defendants Exhibits And Witnesses
01/24/2018	<b>Objection Doc ID# 302</b> [302] Defendants Objections to Plaintiffs Pre-trial Disclosure Pursuant to NRCP 16.1 (a)(3)(C)
01/25/2018	<b>Motion in Limine (9:00 AM)</b> (Judicial Officer Cory, Kenneth) Plaintiffs' Omnibus Motion in Limine #1-25 01/23/2018 Reset by Court to 01/25/2018
	Result: Off Calendar
01/25/2018	<b>Motion in Limine (9:00 AM)</b> (Judicial Officer Cory, Kenneth) Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts 01/23/2018 Reset by Court to 01/25/2018
	Result: Off Calendar
01/25/2018	<b>All Pending Motions (9:00 AM)</b> (Judicial Officer Cory, Kenneth) PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	01/25/2018 Reset by Court to 01/25/2018
	Result: Matter Heard
01/31/2018	<b>Supplement Doc ID# 303</b> [303] Plaintiffs Supplement in Connection With Appointment of Special Master
02/02/2018	<b>Status Check (9:00 AM)</b> (Judicial Officer Cory, Kenneth) STATUS CHECK: APPOINTMENT OF SPECIAL MASTER
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	02/02/2018 Reset by Court to 02/02/2018
	Result: Matter Heard
02/02/2018	<b>Order Denying Motion Doc ID# 304</b> [304] Order Denying Plaintiffs' Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42 (b)
02/02/2018	<b>Notice of Entry of Order Doc ID# 305</b> [305] Notice of Entry of Order Denying Plaintiffs Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(B)

RA0146

02/05/2018 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer Cory, Kenneth)  
*Vacated*

02/05/2018 **Supplement Doc ID# 306**  
*[306] Defendants Supplement Pertaining to an Order to Appoint Special Master*

02/07/2018 **Supplement Doc ID# 307**  
*[307] Defendants Supplement to its Proposed Candidates for Special Master*

02/07/2018 **Order Doc ID# 308**  
*[308] Order Granting Plaintiffs' Motion to Appoint A Special Master*

02/08/2018 **Recorders Transcript of Hearing Doc ID# 309**  
*[309] Transcript Re: Plaintiff's Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(b) Invalid 12-14-17*

02/08/2018 **Recorders Transcript of Hearing Doc ID# 310**  
*[310] Transcript Re: Defendant's Motion for Summary Judgment 01-02-18*

02/08/2018 **Notice of Entry of Order Doc ID# 311**  
*[311] Notice of Entry of Order*

02/09/2018 **Motion to Strike Doc ID# 312**  
*[312] Motion to Strike Defendants Affirmative Defenses*

02/13/2018 **Minute Order** (11:04 AM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

02/13/2018 **Order Doc ID# 313**  
*[313] Order Modifying Court's Previous Order of February 7, 2018 Appointing A Special Master*

02/13/2018 **Order Doc ID# 314**  
*[314] (Duplicate) Order Modifying Court's Previous Order of February 7, 2018 Appointing A Special Master*

02/15/2018 **Status Check** (10:00 AM) (Judicial Officer Cory, Kenneth)  
*Appointment of Special Master*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

02/16/2018 **Notice of Entry of Order Doc ID# 315**  
*[315] Notice of Entry of Order*

02/26/2018 **CANCELED Jury Trial - FIRM** (1:30 PM) (Judicial Officer Cory, Kenneth)  
*Vacated*

03/02/2018 **Response Doc ID# 316**  
*[316] Plaintiffs Response To Defendants Motion For Stay On OST*

03/02/2018 **Opposition to Motion Doc ID# 317**  
*[317] Defendants Opposition to Plaintiffs Motion to Strike Defendants Affirmative Defenses*

03/02/2018 **Motion to Stay Doc ID# 320**  
*[320] Defendants Motion on Order Shortening Time for Stay of Proceedings*

03/06/2018 **Recorders Transcript of Hearing Doc ID# 318**  
*[318] Transcript Re: Status Check: Appointment of Special Master 02-02-18*

03/06/2018 **Recorders Transcript of Hearing Doc ID# 319**  
*[319] Transcript Re: Plaintiffs' Omnibus Motion in Limine 1-25, Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts 01-25-18*

03/06/2018 **Minute Order** (4:14 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

03/07/2018 **Notice of Entry of Order Doc ID# 321**  
*[321] Notice of Entry of Minute Order*

03/08/2018 **Recorders Transcript of Hearing Doc ID# 322**  
*[322] Transcript Re: Appointment of Special Master 02-15-18*

03/15/2018 **Motion to Strike** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiffs' Motion to Strike Defendants Affirmative Defenses*  
[Minutes](#)  
 Result: Off Calendar

04/17/2018 **Order Shortening Time Doc ID# 323**  
*[323] Plaintiffs Motion on Ost to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases*

04/23/2018 **Opposition to Motion Doc ID# 324**  
*[324] Plaintiff Jasminka Dubric's Opposition to Michael Murray and Michael Reno's Motion for Miscellaneous Relief*

04/26/2018 **Minute Order** (1:30 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

04/26/2018 **Declaration Doc ID# 325**  
*[325] Declaration of Counsel, Leon Greenberg, Esq.*

04/26/2018 **Reply to Opposition Doc ID# 326**  
*[326] Plaintiffs Reply to Jasminka Dubric s Opposition to Plaintiffs Motion for Miscellaneous Relief*

05/01/2018 **Minute Order** (4:35 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

05/04/2018 **CANCELED Motion** (9:00 AM) (Judicial Officer Cory, Kenneth)  
*Vacated*  
*Plaintiffs' Motion on OST to Lift Stay, Hold Defendants in Contempt, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases*  
*04/27/2018 Reset by Court to 05/04/2018*

05/07/2018 **NV Supreme Court Clerks Certificate/Judgment - Reversed Doc ID# 327**  
*[327] Nevada Supreme Court Clerk's Certificate Judgment - Reversed*

05/16/2018 **Declaration Doc ID# 328**  
*[328] SUPPLEMENTAL DECLARATION OF CLASS COUNSEL, LEON GREENBERG, ESQ. Re: Defendants scheduling of separate proceedings in Dubric for class settlement approval on 5/24/18, renewed request for immediate order lifting stay and granting EDCR Rule 25D coordination.*

RA0147



05/18/2018 **Declaration Doc ID# 329**  
*[329] Second Supplemental Declaration of Class Counsel, Leon Greenberg, Esq.*

05/20/2018 **Opposition to Motion Doc ID# 330**  
*[330] Defendants' Opposition to Plaintiffs' Declarations; Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases*

05/21/2018 **Reply to Opposition Doc ID# 331**  
*[331] Plaintiffs Reply to a Cab and Nady s Opposition to Plaintiffs Motion for Miscellaneous Relief*

05/22/2018 **Minute Order (3:23 PM) (Judicial Officer Cory, Kenneth)**  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

05/23/2018 **Motion (1:30 PM) (Judicial Officer Cory, Kenneth)**  
*Plaintiff's Motion for Miscellaneous Relief*  
[Parties Present](#)  
[Minutes](#)  
 Result: Denied in Part

05/24/2018 **Declaration Doc ID# 332**  
*[332] Declaration of Class Counsel Re: Nev. R. Civ. P. 41(e) time*

05/30/2018 **Declaration Doc ID# 333**  
*[333] DECLARATION OF CLASS COUNSEL, LEON GREENBERG, ESQ. Re: Status of Special Master Assignment and Defendants Delay of that Assignment*

05/31/2018 **Response Doc ID# 334**  
*[334] Defendants Response to Plaintiffs Additional Declaration*

06/01/2018 **Motion (10:00 AM) (Judicial Officer Cory, Kenneth)**  
*PLAINTIFF'S MOTION TO HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

06/04/2018 **Memorandum Doc ID# 335**  
*[335] MEMORANDUM Re: Legal Authorities on the Court s Power to Grant a Default Judgment as a Contempt or Sanctions Response to Defendants Failure to Pay the Special Master*

06/04/2018 **Supplement Doc ID# 336**  
*[336] Defendants Supplemental List of Citations Per Court Order*

06/05/2018 **Motion for Partial Summary Judgment (3:00 PM) (Judicial Officer Cory, Kenneth)**  
*Plaintiff's Motion for Partial Summary Judgment*  
[Parties Present](#)  
[Minutes](#)  
 Result: Granted

06/20/2018 **Declaration Doc ID# 337**  
*[337] Declaration of Class Counsel Leon Greenberg re: Documents submitted into the record in connection with the presentation of a proposed Order and final judgment as per the Court s 6/5/18 hearing.*

06/22/2018 **Supplemental Doc ID# 338**  
*[338] Plaintiffs Supplement in Support of Entry of Final Judgment per Hearing Held June 5, 2018*

06/27/2018 **Objection Doc ID# 339**  
*[339] Defendants' Objection to Billing by Stricken Special Master Michael Rosten*

07/10/2018 **Supplement Doc ID# 340**  
*[340] Defendants Supplemental Authority in Response to Declaration of June 20, 2018*

07/10/2018 **Opposition Doc ID# 341**  
*[341] Opposition to Additional Relief Requested in Plaintiffs Supplement*

07/12/2018 **Recorders Transcript of Hearing Doc ID# 342**  
*[342] Transcript Re: Plaintiff's Motion for Partial Summary Judgment 06-05-18*

07/13/2018 **Supplement Doc ID# 343**  
*[343] Plaintiffs' Supplement in Reply and In Support of Entry of Final Judgment Per Hearing Held June 5, 2018*

07/13/2018 **Notice of Appearance Doc ID# 344**  
*[344] Notice of Appearance*

07/13/2018 **Response Doc ID# 345**  
*[345] Michael Rosten's Response to Defendants' Objection to Billing By Stricken Special Master Michael Rosten*

07/18/2018 **Supplement Doc ID# 346**  
*[346] Defendants Supplemental Authority in Response to Plaintiffs Additional Supplement Filed July 13, 2018*

08/03/2018 **Supplement Doc ID# 347**  
*[347] Plaintiffs Supplement in Reply to Defendants Supplement Dated July 18, 2018*

08/21/2018 **Order Granting Judgment Doc ID# 348**  
*[348] Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment*

08/22/2018 **Notice of Entry of Order Doc ID# 349**  
*[349] Notice of Entry of Order*

08/22/2018 **Motion to Amend Judgment Doc ID# 350**  
*[350] Motion to Amend Judgment*

09/10/2018 **Opposition to Motion Doc ID# 351**  
*[351] Opposition to Plaintiffs Motion to Amend Judgment*

09/10/2018 **Motion to Reconsider Doc ID# 353**  
*[353] Defendants Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims*

09/11/2018 **Writ Electronically Issued Doc ID# 352**  
*[352] Writ of Execution*

09/20/2018 **Reply to Opposition Doc ID# 354**  
*[354] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion to Amend Judgment*

09/20/2018 **Notice Doc ID# 355**  
*[355] Notice*

09/20/2018 **Notice Doc ID# 356**  
*[356] Notice*

09/20/2018 **Notice of Association of Counsel Doc ID# 357**  
*[357] Revised Notice of Association of Counsel*

09/21/2018 **Notice of Appeal Doc ID# 358**

RA0148

09/21/2018 [358] Notice of Appeal  
**Case Appeal Statement Doc ID# 359**  
[359] Defendants' Case Appeal Statement

09/21/2018 **Motion Doc ID# 360**  
[360] Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time

09/21/2018 **Receipt of Copy Doc ID# 361**  
[361] Receipt of Copy

09/24/2018 **Response Doc ID# 362**  
[362] Plaintiffs Response and Counter-motion to Defendants Motion on OST to Quash

09/26/2018 **Motion to Quash (9:00 AM) (Judicial Officer Cory, Kenneth)**  
**09/26/2018, 09/28/2018**  
Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time  
Result: Continued

09/26/2018 **Opposition and Countermotion (9:00 AM) (Judicial Officer Cory, Kenneth)**  
**09/26/2018, 09/28/2018, 11/29/2018**  
PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF  
Result: Continued

09/26/2018 **All Pending Motions (9:00 AM) (Judicial Officer Cory, Kenneth)**  
ALL PENDINGS - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

09/27/2018 **Supplement to Opposition Doc ID# 363**  
[363] Plaintiffs Supplemental Response to Defendants Motion on OST to Quash

09/27/2018 **Response Doc ID# 364**  
[364] Plaintiffs Response in Opposition to Defendants Motion for Reconsideration of Judgment and New Trial

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

10/01/2018 **Exhibits Doc ID# 365**  
[365] Defendant's Exhibits in Support of Ex-Parte Motion to quash Writ of Execution and, in the Alternative, Motin for Partial Stay of Execution on Order Shortening Time

10/02/2018 **Notice of Filing Cost Bond Doc ID# 366**  
[366] Notice of Filing Cost Bond

10/04/2018 **Claim Doc ID# 367**  
[367] Claim of Exemption from Execution

10/04/2018 **Claim Doc ID# 368**  
[368] Claim of Exemption from Execution (A Cab Series, LLC, Taxi Leasing Company)

10/04/2018 **Claim Doc ID# 369**  
[369] Claim of Exemption from Execution (A Cab Series, LLC, Administration Company)

10/04/2018 **Claim Doc ID# 370**  
[370] Claim of Exemption from Execution (A Cab Series, LLC, Ccards Company)

10/04/2018 **Claim Doc ID# 371**  
[371] Claim of Exemption from Execution (A Cab Series, LLC, Maintenance Company)

10/04/2018 **Claim Doc ID# 372**  
[372] Claim of Exemption from Execution (A Cab Series, LLC, Medallion Comany)

10/04/2018 **Claim Doc ID# 373**  
[373] Claim of Exemption from Execution (A Cab Series, LLC Employee Leasing Company Two)

10/05/2018 **Motion Doc ID# 374**  
[374] Motion for an Order Granting a Judgment Debtor Examination and for Other Relief

10/12/2018 **Motion for Attorney Fees Doc ID# 375**  
[375] Motion for an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution

10/15/2018 **Objection Doc ID# 376**  
[376] Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing

10/15/2018 **Opposition to Motion Doc ID# 377**  
[377] Opposition to Plaintiffs Counter-Motion for Appropriate Judgment Relief

10/16/2018 **Reply Doc ID# 378**  
[378] Plaintiffs Reply to Defendants Response to Plaintiffs Counter-Motion for Appropriate Judgment Enforcement Relief

10/16/2018 **Reply in Support Doc ID# 379**  
[379] Reply in Support of Defendants Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims

10/17/2018 **Motion to Dismiss Doc ID# 380**  
[380] Defendant's Motion for Dismissal of Claims on Order Shortening Time

10/17/2018 **Response Doc ID# 381**  
[381] Plaintiffs Response in Opposition to Defendants Motion for Dismissal of Claims on an Order Shortening Time

10/17/2018 **Certificate of Mailing Doc ID# 382**  
[382] Certificate of Mailing

10/17/2018 **Certificate of Mailing Doc ID# 383**  
[383] Certificate of Mailing

10/17/2018 **Proof of Service Doc ID# 384**  
[384] Proof of Service

10/22/2018 **Motion to Amend Judgment (10:00 AM) (Judicial Officer Cory, Kenneth)**  
PLAINTIFF'S MOTION TO AMEND JUDGMENT  
09/27/2018 Reset by Court to 10/22/2018  
Result: Granted

RA0149

10/22/2018 **Motion For Reconsideration** (10:00 AM) (Judicial Officer Cory, Kenneth)  
*Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims*  
 10/18/2018 Reset by Court to 10/22/2018  
 Result: Denied

10/22/2018 **Motion to Dismiss** (10:00 AM) (Judicial Officer Cory, Kenneth)  
*Defendant's Motion for Dismissal of Claims on Order Shortening Time*  
 Result: Denied

10/22/2018 **Order Doc ID# 385**  
 [385] Order

10/22/2018 **Notice of Entry Doc ID# 386**  
 [386] Notice of Entry of Order

10/22/2018 **All Pending Motions** (10:00 AM) (Judicial Officer Cory, Kenneth)  
 ALL PENDING - DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS PLAINTIFF'S MOTION TO AMEND JUDGMENT  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

10/29/2018 **Motion Doc ID# 387**  
 [387] Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution

10/31/2018 **Notice of Non Opposition Doc ID# 388**  
 [388] Notice of Non-Opposition

11/01/2018 **Opposition to Motion Doc ID# 389**  
 [389] Opposition to Plaintiffs Motion for an Award of Attorneys Fees and Costs per NRCP Rule 54 and the Nevada Constitution

11/05/2018 **Motion for Contempt Doc ID# 390**  
 [390] Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt

11/05/2018 **Affidavit Doc ID# 391**  
 [391] Affidavit in Support of Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt

11/06/2018 **Writ Electronically Issued Doc ID# 393**  
 [393] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 392**  
 [392] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 394**  
 [394] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 395**  
 [395] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 396**  
 [396] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 397**  
 [397] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 398**  
 [398] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 399**  
 [399] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 400**  
 [400] Writ of Execution

11/07/2018 **Writ Electronically Issued Doc ID# 401**  
 [401] Writ of Execution

11/08/2018 **Reply to Opposition Doc ID# 402**  
 [402] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution

11/12/2018 **Writ Electronically Issued Doc ID# 403**  
 [403] Writ of Execution

11/16/2018 **Opposition to Motion Doc ID# 404**  
 [404] Opposition to Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs per NRCP Rule 54 and the Nevada Constitution

11/16/2018 **Opposition Doc ID# 405**  
 [405] Defendant's Opposition to Plaintiffs Motion For An Order Granting A Judgment Debtor Examination And For Other Relief

11/20/2018 **Reply Doc ID# 406**  
 [406] Plaintiffs' Reply to Defendants Opposition to Plaintiffs Motion for an Order Granting a Judgment Debtor Examination and for Other Relief

11/26/2018 **Opposition to Motion Doc ID# 407**  
 [407] Opposition to Resolution Economics Application for Order of Payment of Special Master s Fees and Motion for Contempt

11/26/2018 **Temporary Restraining Order Doc ID# 408**  
 [408] 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

11/26/2018 **Response Doc ID# 409**  
 [409] Plaintiffs Response to Special Master s Motion for an Order for Payment of Fees and Contempt

11/27/2018 **Recorders Transcript of Hearing Doc ID# 410**  
 [410] Transcript Re: All Pending Motions 10-22-18

11/28/2018 **Reply Doc ID# 411**  
 [411] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution

11/29/2018 **Motion for Order** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiffs' Motion for an Order Granting a Judgment Debtor Examination and for Other Relief*  
 11/08/2018 Reset by Court to 11/29/2018  
 Result: Continued

11/29/2018 **Motion** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution*  
 11/15/2018 Reset by Court to 11/29/2018  
 Result: Continued

11/29/2018 **Hearing** (3:00 AM) (Judicial Officer Cory, Kenneth)  
*Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing*

RA0150

11/15/2018 Reset by Court to 11/29/2018  
Result: Continued

11/29/2018 **All Pending Motions** (3:00 AM) (Judicial Officer Cory, Kenneth)  
ALL PENDING - 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  
[Minutes](#)

11/30/2018 **Opposition to Motion** **Doc ID# 412**  
[412] Defendant's Opposition To Plaintiffs Ex-Parte Motion For A Temporary Restraining Order And Motion On An Order [Sic] Requiring The Turnover Of Certain Property Of The Judgment Debtor Pursuant To NRS 21.320

12/03/2018 **Reply to Opposition** **Doc ID# 413**  
[413] Resolution Economics' Reply to Defendants' Opposition and Plaintiff's Response to its Application for Order of Payment of Special Master's Fees and Motion for Contempt

12/04/2018 **Motion** (9:00 AM) (Judicial Officer Cory, Kenneth)  
**12/04/2018, 12/13/2018**  
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  
[Parties Present](#)  
[Minutes](#)

12/04/2018 Result: Continued

12/04/2018 **Decision** (9:00 AM) (Judicial Officer Cory, Kenneth)  
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)

12/04/2018 Result: Matter Heard

12/04/2018 **All Pending Motions** (9:00 AM) (Judicial Officer Cory, Kenneth)  
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  
[Parties Present](#)  
[Minutes](#)

12/05/2018 Result: Matter Heard

12/05/2018 **Writ Electronically Issued** **Doc ID# 414**  
[414] Writ of Execution

12/06/2018 **CANCELED Motion** (3:00 AM) (Judicial Officer Cory, Kenneth)  
Vacated  
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

12/07/2018 **Claim** **Doc ID# 415**  
[415] (1/2/19 Withdrawn) Claim of Exemption from Execution

12/11/2018 **Motion for Order** (9:00 AM) (Judicial Officer Cory, Kenneth)  
Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt  
[Parties Present](#)  
[Minutes](#)

12/12/2018 Result: Matter Heard

12/12/2018 **Opposition** **Doc ID# 416**  
[416] Defendant's Opposition to Plaintiffs' Motion for Other Relief Including a Reciever

12/17/2018 **Recorders Transcript of Hearing** **Doc ID# 417**  
[417] Recorder's Transcript of Hearing: All Pending Motions 12-04-18

12/18/2018 **Order Denying Motion** **Doc ID# 418**  
[418] Order Denying Defendants' Motion to Quash Writ of Execution

12/18/2018 **Notice of Entry of Order** **Doc ID# 419**  
[419] Notice of Entry of Order

12/18/2018 **Order** **Doc ID# 420**  
[420] Order Granting in Part and Denying in Part Plaintiffs' Objections to Defendants' Claims of Exemption From Execution

12/18/2018 **Notice of Entry of Order** **Doc ID# 421**  
[421] Notice of Entry of Order

12/18/2018 **Minute Order** (4:19 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)

12/18/2018 Result: Minute Order - No Hearing Held

12/18/2018 **Order Granting** **Doc ID# 422**  
[422] Order Granting Plaintiffs' Counter Motion for Judgment Enforcement Relief

12/19/2018 **Objection** **Doc ID# 424**  
[424] Plaintiff's Objections to Claims of Exemption from Execution and Notice of Hearing

12/20/2018 **Order** **Doc ID# 423**  
[423] Order

12/26/2018 **Recorders Transcript of Hearing** **Doc ID# 425**  
[425] Transcript Re: Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt 12-11-18

12/26/2018 **Recorders Transcript of Hearing** **Doc ID# 426**  
[426] 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 12-13-18

01/02/2019 **CANCELED Objection** (10:00 AM) (Judicial Officer Cory, Kenneth)

RA0151

Vacated  
 Objections to Claims of Exemption from Execution and Notice of Hearing

01/02/2019 **Notice of Withdrawal** Doc ID# 427  
 [427] Notice of Withdrawal

01/02/2019 **Writ Electronically Issued** Doc ID# 428  
 [428] Writ of Execution

01/02/2019 **Notice of Entry of Order** Doc ID# 429  
 [429] Notice of Entry of Order

01/08/2019 **Order** Doc ID# 430  
 [430] Order

01/09/2019 **Writ Electronically Issued** Doc ID# 431  
 [431] Writ of Execution

01/09/2019 **Writ Electronically Issued** Doc ID# 432  
 [432] Writ of Execution

01/09/2019 **Writ Electronically Issued** Doc ID# 433  
 [433] Writ of Execution

01/15/2019 **Amended Notice of Appeal** Doc ID# 434  
 [434] Amended Notice of Appeal

01/15/2019 **Amended Case Appeal Statement** Doc ID# 435  
 [435] Defendants' Amended Case Appeal Statement

01/15/2019 **Motion** Doc ID# 436  
 [436] Motion to Distribute Funds Held by Class Counsel

01/15/2019 **Motion** Doc ID# 437  
 [437] Motion to Amend the Court's Order Entered on December 18, 2018

01/17/2019 **Minute Order** (4:00 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)

Result: Minute Order - No Hearing Held

01/17/2019 **Motion** Doc ID# 438  
 [438] Defendants' Motion to Pay Special Master on Order Shortening Time

01/30/2019 **Opposition and Countermotion** Doc ID# 439  
 [439] Plaintiffs Response in Opposition to Defendants Motion to Pay Special Master on an Order Shortening Time and Counter-motion for an Order to Turn Over Property

02/01/2019 **Status Report** Doc ID# 440  
 [440] Report of Special Master George C. Swarts, CPA

02/04/2019 **Order Granting** Doc ID# 441  
 [441] Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt

02/04/2019 **Opposition to Motion** Doc ID# 442  
 [442] Opposition to Plaintiffs Motion to Amend the Court's Order Entered on December 18, 2018

02/04/2019 **Opposition to Motion** Doc ID# 443  
 [443] Opposition to Motion to Distribute Funds Held by Class Counsel

02/04/2019 **Supplement** Doc ID# 444  
 [444] Plaintiffs Supplemental Brief

02/04/2019 **Reply in Support** Doc ID# 445  
 [445] Reply in Support of Motion to Pay the Special Master On Order Shortening Time

02/04/2019 **Reply** Doc ID# 446  
 [446] Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Distribute Funds Held by Class Counsel

02/05/2019 **Minute Order** (3:31 PM) (Judicial Officer Cory, Kenneth)  
[Minutes](#)

Result: Minute Order - No Hearing Held

02/05/2019 **Notice of Entry of Order** Doc ID# 447  
 [447] Notice of Entry of Order

02/06/2019 **Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)  
 STATUS CHECK: SPECIAL MASTERS REPORT  
 02/27/2019 Reset by Court to 03/13/2019  
 03/13/2019 Reset by Court to 03/13/2019

Result: Continued

02/06/2019 **Motion** (9:00 AM) (Judicial Officer Cory, Kenneth)  
 Motion to Distribute Funds Held by Class Counsel  
 02/27/2019 Reset by Court to 03/13/2019  
 03/13/2019 Reset by Court to 03/13/2019

Result: Continued

02/06/2019 **Motion** (9:00 AM) (Judicial Officer Cory, Kenneth)  
 Motion to Amend the Court's Order Entered on December 18, 2018  
 02/27/2019 Reset by Court to 03/13/2019  
 03/13/2019 Reset by Court to 03/13/2019

Result: Continued

02/06/2019 **Motion** (9:00 AM) (Judicial Officer Cory, Kenneth)  
 Defendants Motion to Pay Special Master on Order Shortening Time  
 02/27/2019 Reset by Court to 03/13/2019  
 03/13/2019 Reset by Court to 03/13/2019

Result: Continued

02/06/2019 **Response and Countermotion** (9:00 AM) (Judicial Officer Cory, Kenneth)  
 Plaintiffs Response in Opposition to Defendants Motion to Pay Special Master on an Order Shortening Time and Counter-motion for an Order to Turn Over Property  
 02/27/2019 Reset by Court to 03/13/2019  
 03/13/2019 Reset by Court to 03/13/2019

Result: Continued

02/06/2019 **All Pending Motions** (9:00 AM) (Judicial Officer Cory, Kenneth)

RA0152



STATUS CHECK: SPECIAL MASTERS REPORT... MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL MOTION TO AMEND THE COURT S ORDER ENTERED ON DECEMBER 18, 2018... DEFENDANT S MOTION TO PAY SPECIAL MASTER OST... PLAINTIFF S RESPONSE IN OPPOSITION TO DEFENDANT S MOTION TO PAY SPECIAL MASTER OST AND COUNTERMOTION FOR AN ORDER TO TURN OVER PROPERTY

[Parties Present](#)

[Minutes](#)

Result: Matter Heard

02/06/2019 **Order Granting** Doc ID# 448

[448] Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs Pursuant to NRCP 54 and the Nevada Constitution

02/07/2019 **Notice of Entry of Order** Doc ID# 449

[449] Notice of Entry of Order

02/08/2019 **Affidavit** Doc ID# 450

[450] Affidavit of Plaintiffs Counsel, Leon Greenberg, Esq.

02/25/2019 **Motion to Reconsider** Doc ID# 451

[451] Defendants Motion For Reconsideration Of Judgment And Order Granting Resolution Economics Application For Order Of Payment Of Special Master s Fees And Order Of Contempt

02/27/2019 **Notice of Change of Firm Name** Doc ID# 452

[452] Notice of Change of Firm Name

03/01/2019 **Minute Order** (3:38 PM) (Judicial Officer Cory, Kenneth)

[Minutes](#)

Result: Minute Order - No Hearing Held

03/01/2019 **Notice of Department Reassignment** Doc ID# 453

[453] Notice of Department Reassignment

03/04/2019 **Order** Doc ID# 454

[454] Order: 1. ACCEPTING AND APPROVING THE FEBRUARY 1, 2019 REPORT OF SPECIAL MASTER GEORGE C. SWARTS, CPA; 2. APPROVING THE RETENTION OF COUNSEL FOR THE SPECIAL MASTER; 3. APPROVING THE INTERIM FEES AND COSTS OF THE SPECIAL MASTER AND HIS COUNSEL; 4. THE PAPERS INCLUDING THE EXHIBITS TO THE SPECIAL MASTER S REPORT OF FEBRUARY 1, 2019 TO REMAIN IN THE CONFIDENTIAL POSSESSION OF THE COURT AND SPECIAL MASTER AND NOT OTHERWISE BE DISCLOSED TO THE PARTIES OR PUBLISHED; 5. THE ONGOING SERVICE AND THE REAPPOINTMENT OF THE SPECIAL MASTER; 6. PLAINTIFFS SHALL NOT INITIATE ANY FURTHER EFFORTS AT COLLECTION OF JUDGMENT AGAINST DEFENDANTS; and, 7. CONTINUING ALL OTHER MATTERS FOR HEARING ON WEDNESDAY, FEBRUARY 27, 2019 at 10:00 AM.

03/05/2019 **Order** Doc ID# 455

[455] Order Denying in Part and Continuing in Part Plaintiffs' Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct A Prove Up Hearing, and Coordinate Cases

03/05/2019 **Order** Doc ID# 456

[456] Order on Defendants' Motion for Reconsideration

03/05/2019 **Notice of Entry** Doc ID# 457

[457] Notice of Entry of Order

03/05/2019 **Notice of Entry** Doc ID# 458

[458] Notice of Entry of Order

03/06/2019 **Amended Notice of Appeal (Criminal)** Doc ID# 459

[459] Second Amended Notice of Appeal

03/06/2019 **Amended Case Appeal Statement** Doc ID# 460

[460] Defendant's Second Amended Case Appeal Statement

03/13/2019 **Motion to Strike** Doc ID# 461

[461] Special Master Resolution Economics' Motion to Strike Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Masters Fees and Order of Contempt

03/13/2019 **Clerk's Notice of Hearing** Doc ID# 462

[462] Notice of Hearing

03/14/2019 **Ex Parte Motion** Doc ID# 463

[463] Special Master Resolution Economics' Ex Parte Motion for Order Shortening Time on the Motion to Strike Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Masters Fees and Order of Contempt

03/15/2019 **Order Shortening Time** Doc ID# 464

[464] Special Master Resolution Economics Ex Parte Motion for Order Shortening Time on the Strike Defendant's Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Masters Fees and Order of Contempt

03/15/2019 **Notice of Entry of Order** Doc ID# 465

[465] Notice of Entry of Order

03/15/2019 **Peremptory Challenge** Doc ID# 466

[466] Notice of Peremptory Challenge

03/15/2019 **Objection** Doc ID# 467

[467] Defendants Objection to Notice of Peremptory Challenge

03/15/2019 **Response** Doc ID# 468

[468] Plaintiffs Response to Defendants Objection to Plaintiffs Notice of Peremptory Challenge of Judge

03/18/2019 **Clerk's Notice of Hearing** Doc ID# 469

[469] Notice of Hearing

03/18/2019 **Notice of Department Reassignment** Doc ID# 470

[470] Notice of Department Reassignment

03/18/2019 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)

[Minutes](#)

Result: Minute Order - No Hearing Held

03/20/2019 **Opposition** Doc ID# 471

[471] Opposition

03/21/2019 **Motion to Strike** (10:30 AM) (Judicial Officer Bare, Rob)

Special Master Resolution Economics' Motion to Strike Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Masters Fees and Order of Contempt

[Parties Present](#)

[Minutes](#)

03/20/2019 Reset by Court to 03/28/2019

03/28/2019 Reset by Court to 03/21/2019

RA0153

04/15/2019 Reset by Court to 03/20/2019  
Result: Motion Denied

03/21/2019 **Order Shortening Time Doc ID# 472**  
[472] Plaintiffs' Motion on Order Shortening Time for Reconsideration of Order of Recusal

03/21/2019 **Motion Doc ID# 473**  
[473] Motion for Reconsideration of Order of Recusal

03/25/2019 **Order Doc ID# 474**  
[474] Order to Deny Reconsideration

03/26/2019 **Minute Order (3:00 AM) (Judicial Officer Bare, Rob)**  
[Minutes](#)  
Result: Minute Order - No Hearing Held

03/28/2019 **CANCELED Motion For Reconsideration (9:30 AM) (Judicial Officer Bare, Rob)**  
Vacated  
Defendants Motion For Reconsideration Of Judgment And Order Granting Resolution Economics Application For Order Of Payment Of Special Master s Fees And Order Of Contempt  
03/28/2019 Reset by Court to 04/01/2019  
04/01/2019 Reset by Court to 03/28/2019

03/28/2019 **Opposition to Motion Doc ID# 475**  
[475] Special Master Resolution Economics' Opposition to Defendants Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt

03/28/2019 **Opposition to Motion Doc ID# 476**  
[476] Special Master Resolution Economics' Opposition to Defendants Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt

04/12/2019 **Motion to Quash Doc ID# 477**  
[477] Defendants Motion to Quash Subpoena Issued to Curb Mobility, LLC

04/12/2019 **Notice of Stay Doc ID# 478**  
[478] Notice of Automatic Stay of Proceedings Pursuant to 11 U.S.C. 362

04/13/2019 **Clerk's Notice of Hearing Doc ID# 479**  
[479] Notice of Hearing

04/15/2019 **Notice of Stay Doc ID# 480**  
[480] Corrected Notice of Automatic Stay of Proceedings Pursuant to 11 U.S.C. 362

04/16/2019 **Motion For Reconsideration (10:30 AM) (Judicial Officer Bare, Rob)**  
Motion for Reconsideration of Order of Recusal  
[Parties Present](#)  
[Minutes](#)  
Result: Hearing Set

04/22/2019 **Recorders Transcript of Hearing Doc ID# 481**  
[481] Transcript Re: Defendant's Motion to Dismiss Complaint 01-17-13

04/22/2019 **Recorders Transcript of Hearing Doc ID# 482**  
[482] Transcript Re: Plaintiffs' Motion to Certify This Case as a Class Action Pursuant to NCRP Rule 23 and Appoint a Special Master Pursuant to NCRP Rule 53 08-11-15

04/22/2019 **Recorders Transcript of Hearing Doc ID# 483**  
[483] Transcript Re: Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with that Order On OST, Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs 03-16-16

04/22/2019 **Recorders Transcript of Hearing Doc ID# 484**  
[484] Transcript Re: Plaintiffs' Motion for Miscellaneous Relief 05-23-18

04/22/2019 **Recorders Transcript of Hearing Doc ID# 485**  
[485] Transcript Re: Plaintiffs' Motion to Hold Defendants in Contempt; Strike Their Answer 06-01-18

04/22/2019 **Recorders Transcript of Hearing Doc ID# 486**  
[486] Transcript Re: Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time 09-26-18

04/22/2019 **Recorders Transcript of Hearing Doc ID# 487**  
[487] Transcript Re: Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time, Plaintiffs' Response to Defendant's Ex-Parte Motion to Quash Writ of Execution on OST and Countermotion for Appropriate Judgment Enforcement Relief 09-28-18

05/08/2019 **Brief Doc ID# 488**  
[488] Brief

05/09/2019 **Supplemental Brief Doc ID# 489**  
[489] Supplement to Brief Addressing Jurisdiction of this Court

05/17/2019 **Stipulation and Order Doc ID# 490**  
[490] Stipulation and Order

05/20/2019 **Stipulation and Order Doc ID# 491**  
[491] Stipulation and Order

05/21/2019 **Motion (10:30 AM) (Judicial Officer Bare, Rob)**  
Defendant's Motion to Pay Special Master on OST  
04/16/2019 Reset by Court to 04/30/2019  
04/30/2019 Reset by Court to 05/21/2019  
Result: Decision Pending

05/21/2019 **Motion (10:30 AM) (Judicial Officer Bare, Rob)**  
Plaintiff's Motion to Distribute Funds Held by Class Counsel  
04/30/2019 Reset by Court to 05/21/2019  
Result: Decision Pending

05/21/2019 **Motion to Quash (10:30 AM) (Judicial Officer Bare, Rob)**  
Defendant's Motion to Quash Subpoena Issued to Curb Mobility LLC  
05/14/2019 Reset by Court to 05/21/2019  
Result: Decision Pending

05/21/2019 **Hearing (10:30 AM) (Judicial Officer Bare, Rob)**  
Hearing Re: Jurisdiction  
Result: Matter Heard

RA0154

05/21/2019 **All Pending Motions** (10:30 AM) (Judicial Officer Bare, Rob)  
[Parties Present](#)  
[Minutes](#)  
05/21/2019 Reset by Court to 05/21/2019  
Result: Matter Heard

06/05/2019 **CANCELED Status Check** (3:00 AM) (Judicial Officer Bare, Rob)  
Vacated  
Status Check: Decision

06/06/2019 **Notice of Withdrawal of Motion** **Doc ID# 492**  
[492] Notice of Withdrawal of Motion to Distribute Funds Held by Class Counsel

06/10/2019 **Supplemental Brief** **Doc ID# 493**  
[493] Plaintiffs Supplemental Brief Regarding Effect of Bankruptcy Stay on These Proceedings

06/14/2019 **Recorders Transcript of Hearing** **Doc ID# 494**  
[494] Recorders Transcript of Hearing Re: All Pending Motions, May 21, 2019

06/21/2019 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

06/27/2019 **CANCELED Motion** (10:30 AM) (Judicial Officer Bare, Rob)  
Vacated - per Secretary  
Plaintiffs' Motion to Distribute Funds Held by Class Counsel, Plaintiffs' Motion to Amend the Court's Order Entered  
04/16/2019 Reset by Court to 04/30/2019  
04/30/2019 Reset by Court to 05/21/2019  
05/21/2019 Reset by Court to 06/20/2019  
06/20/2019 Reset by Court to 06/27/2019

06/27/2019 **CANCELED Motion** (10:30 AM) (Judicial Officer Bare, Rob)  
Vacated  
Plaintiff's Response in Opposition to Defendant's Motion to Pay Special Master on OST and Counter-Motion for an Order to Turn over Property  
04/16/2019 Reset by Court to 04/30/2019  
04/30/2019 Reset by Court to 05/21/2019  
05/21/2019 Reset by Court to 06/20/2019  
06/20/2019 Reset by Court to 06/27/2019

08/08/2019 **Order** **Doc ID# 495**  
[495] Order Denying Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt

08/08/2019 **Notice of Entry of Order** **Doc ID# 496**  
[496] Notice of Entry of Order

08/09/2019 **NV Supreme Court Clerks Certificate/Judgment - Dismissed** **Doc ID# 497**  
[497] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

10/03/2019 **Motion for Distribution** **Doc ID# 498**  
[498] Motion to Distribute Funds Held by Class Counsel

10/03/2019 **Motion** **Doc ID# 499**  
[499] Plaintiffs Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320

10/03/2019 **Motion to Enforce** **Doc ID# 500**  
[500] Motion to Allow Judgment Enforcement

10/04/2019 **Clerk's Notice of Hearing** **Doc ID# 501**  
[501] Notice of Hearing

10/24/2019 **Opposition to Motion** **Doc ID# 502**  
[502] Defendants' Opposition to Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor

10/24/2019 **Opposition to Motion** **Doc ID# 503**  
[503] Opposition to Motion to Distribute Funds Held by Class Counsel

10/24/2019 **Opposition and Countermotion** **Doc ID# 504**  
[504] Opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities

10/27/2019 **Opposition to Motion** **Doc ID# 505**  
[505] Defendants' Opposition to Motion to Intervene and Deny Preliminary Approval of Proposed Class Action Settlement on Order Shortening Time

11/05/2019 **Reply to Opposition** **Doc ID# 506**  
[506] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320

11/05/2019 **Reply to Opposition** **Doc ID# 507**  
[507] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Distribute Funds Held by Class Counsel

11/05/2019 **Reply to Opposition** **Doc ID# 508**  
[508] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Allow Judgment Enforcement Opposition to Counter-Motion to Stay Judgment

11/12/2019 **Motion for Distribution** (9:30 AM) (Judicial Officer Bare, Rob)  
**11/12/2019, 12/03/2019**  
Plaintiff's Motion to Distribute Funds Held by Class Counsel  
11/27/2019 Reset by Court to 12/03/2019  
Result: Matter Continued

11/12/2019 **Motion** (9:30 AM) (Judicial Officer Bare, Rob)  
**11/12/2019, 12/03/2019**  
Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320  
11/27/2019 Reset by Court to 12/03/2019  
Result: Matter Continued

11/12/2019 **Motion to Enforce** (9:30 AM) (Judicial Officer Bare, Rob)  
**11/12/2019, 12/03/2019**  
Plaintiffs' Motion to Allow Judgment Enforcement  
11/27/2019 Reset by Court to 12/03/2019  
Result: Matter Continued

RA0155



11/12/2019 **Opposition and Countermotion** (9:30 AM) (Judicial Officer Bare, Rob)  
**11/12/2019, 12/03/2019**  
*Opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities*  
*11/27/2019 Reset by Court to 12/03/2019*  
Result: Matter Continued

11/12/2019 **All Pending Motions** (9:30 AM) (Judicial Officer Bare, Rob)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

11/20/2019 **Motion Doc ID# 509**  
*[509] Defendants' Motion to Resume Court Hearings on Order Shortening Time*

11/25/2019 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

11/26/2019 **Opposition to Motion Doc ID# 510**  
*[510] Plaintiffs' Opposition to Defendants Motion to Resume Court Hearings on an Order Shorting Time*

12/03/2019 **Motion** (10:30 AM) (Judicial Officer Bare, Rob)  
*Defendants' Motion to Resume Court Hearings On Order Shortening Time*  
Result: Matter Heard

12/03/2019 **All Pending Motions** (10:30 AM) (Judicial Officer Bare, Rob)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

12/06/2019 **Minute Order** (3:00 AM) (Judicial Officer Bare, Rob)  
*Minute Order - RE: 12/03/19 All Pending Motions*  
[Minutes](#)  
Result: Decision Made

12/17/2019 **Supplemental Brief Doc ID# 511**  
*[511] Plaintiffs Supplemental Brief Regarding Appointment of Receiver*

12/31/2019 **Supplemental Brief Doc ID# 512**  
*[512] Defendants' Supplemental Brief Regarding Special Master*

01/16/2020 **Recorders Transcript of Hearing Doc ID# 513**  
*[513] Recorders Transcript of Hearing Re: All Pending Motions, December 3, 2019*

03/02/2020 **Notice of Withdrawal Doc ID# 514**  
*[514] Notice of Withdrawal of Attorney Dana Sniegocki*

07/17/2020 **Order Denying Motion Doc ID# 515**  
*[515] Order Denying Plaintiff's Motion to Allow Judgment Enforcement; Plaintiff's Motion to Distribute Funds Held by Class Counsel; and Plaintiff's 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*

07/17/2020 **Notice of Entry of Order Doc ID# 516**  
*[516] 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*

08/12/2020 **Notice of Appeal Doc ID# 517**  
*[517] NOTICE OF APPEAL*

08/12/2020 **Case Appeal Statement Doc ID# 518**  
*[518] CASE APPEAL STATEMENT*

08/20/2020 **Amended Case Appeal Statement Doc ID# 519**  
*[519] AMENDED CASE APPEAL STATEMENT*

12/15/2020 **NV Supreme Court Clerks Certificate/Judgment - Dismissed Doc ID# 520**  
*[520] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*

12/30/2020 **Motion for Appointment Doc ID# 521**  
*[521] Plaintiffs' Motion For Appointment Of A Receiver To Aid Judgment Enforcement Or Alternative Relief*

01/04/2021 **Case Reassigned to Department 2**  
*Judicial Reassignment to Judge Carli Kierny*

01/04/2021 **Clerk's Notice of Hearing Doc ID# 522**  
*[522] Notice of Hearing*

01/20/2021 **Opposition to Motion Doc ID# 523**  
*[523] Defendant's Opposition to Plaintiff's Motion for Appointment of a Receiver to Aid Judgment Enforcement or Alternative Relief*

01/25/2021 **Reply Doc ID# 524**  
*[524] Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion for Appointment of a Receiver to Aid Judgment Enforcement or Alternative Relief*

01/28/2021 **Status Report Doc ID# 525**  
*[525] Status Report of Steven J. Parsons, Attorney for Special Master George C. Swarts, CPA*

01/29/2021 **Supplement Doc ID# 526**  
*[526] PLAINTIFFS SUPPLEMENT TO PLAINTIFFS REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFFS MOTION FOR APPOINTMENT OF A RECEIVER TO AID JUDGMENT ENFORCEMENT OR ALTERNATIVE RELIEF*

02/01/2021 **Motion for Appointment of Receiver** (3:00 AM) (Judicial Officer Kierny, Carli)  
*Plaintiffs' Motion For Appointment Of A Receiver To Aid Judgment Enforcement Or Alternative Relief*  
[Minutes](#)  
Result: Denied

02/01/2021 **CANCELED Minute Order** (3:25 PM) (Judicial Officer Kierny, Carli)  
*Vacated - Duplicate Entry*

02/22/2021 **Order Doc ID# 527**  
*[527] Order on Plaintiff's Motion for Appointment of Receiver to Aid Judgment Enforcement of Alternative Relief*

02/22/2021 **Notice of Entry of Order Doc ID# 528**  
*[528] Notice of Entry of Order*

02/23/2021 **Notice of Appeal Doc ID# 529**  
*[529] Notice of Appeal*

02/23/2021 **Case Appeal Statement Doc ID# 530**

RA0156

03/15/2021 [530] Case Appeal Statement  
**Motion for Attorney Fees Doc ID# 531**  
[531] Defendant's Motion for Attorneys Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs

03/16/2021 **Clerk's Notice of Hearing Doc ID# 532**  
[532] Notice of Hearing

03/30/2021 **Stipulation and Order Doc ID# 533**  
[533] Stipulation and Order to Extend Briefing Schedule

05/04/2021 **Opposition and Countermotion Doc ID# 534**  
[534] Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter- Motion for Set off Judgment Owed

05/18/2021 **Response Doc ID# 535**  
[535] Defendants Response to Plaintiffs Counter-Motion for Set Off of Judgment Owed

06/03/2021 **Reply in Support Doc ID# 536**  
[536] Defendant's Reply in Support of its Motion for Attorneys' Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs

06/09/2021 **Motion for Attorney Fees (9:30 AM) (Judicial Officer Kierny, Carli)**  
Defendant's Motion for Attorney's Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs  
[Parties Present](#)  
Result: No Ruling

06/09/2021 **Response and Countermotion (9:30 AM) (Judicial Officer Kierny, Carli)**  
Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter- Motion for Set Off Judgment Owed  
[Parties Present](#)  
Result: No Ruling

06/09/2021 **All Pending Motions (9:30 AM) (Judicial Officer Kierny, Carli)**  
[Parties Present](#)  
[Minutes](#)  
Result: No Ruling

11/11/2021 **Ex Parte Motion Doc ID# 537**  
[537] Plaintiffs' Ex Parte Motion for Release of Appeal Bond

11/16/2021 **Order Doc ID# 538**  
[538] Plaintiff's Ex Parte Motion for Release of Appeal Bond

11/17/2021 **Ex Parte Doc ID# 539**  
[539] Plaintiff's Ex Parte Motion for Release of Appeal Bond

11/17/2021 **Notice of Entry Doc ID# 540**  
[540] NOTICE OF ENTRY OF ORDER

01/04/2022 **Notice of Hearing Doc ID# 541**  
[541] A-12-669926-C - NOH - Notice of Hearing

01/13/2022 **Motion for Costs Doc ID# 542**  
[542] Defendants' Motion for Costs

01/13/2022 **Clerk's Notice of Hearing Doc ID# 543**  
[543] Notice of Hearing

01/26/2022 **Stipulation and Order Doc ID# 544**  
[544] Stipulation and Order Re: Motion Briefing

02/03/2022 **Opposition to Motion Doc ID# 545**  
[545] PLAINTIFFS RESPONSE TO DEFENDANTS MOTION FOR COSTS COUNTER MOTION TO OFFSET COSTS AGAINST JUDGMENT

02/04/2022 **NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part Doc ID# 546**  
[546] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand

02/09/2022 **Reply in Support Doc ID# 547**  
[547] Reply in Support of Defendants Motion for Costs and Opposition to Countermotion

02/10/2022 **Supplement Doc ID# 548**  
[548] Supplement to Plaintiffs' Response to Defendants Motion for Costs

02/10/2022 **Supplement to Response and Opposition Doc ID# 549**  
[549] Defendants Supplement to Response and Opposition to Plaintiffs Rogue Supplement

02/11/2022 **Motion Doc ID# 550**  
[550] Defendants' Motion for Declaratory Order

02/14/2022 **Clerk's Notice of Hearing Doc ID# 551**  
[551] Notice of Hearing

02/14/2022 **Motion Doc ID# 552**  
[552] Plaintiffs Motion for Entry of a Modified Judgment as Provided for by Remittitur

02/15/2022 **Clerk's Notice of Hearing Doc ID# 553**  
[553] Notice of Hearing

02/16/2022 **Status Check: Status of Case (9:30 AM) (Judicial Officer Kierny, Carli)**  
Supreme Court order reverse in part/remand to DCT

02/16/2022 **Motion for Costs (9:30 AM) (Judicial Officer Kierny, Carli)**  
[542] Defendants' Motion for Costs

02/16/2022 **Motion for Attorney Fees Doc ID# 554**  
[554] Plaintiff's Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided by Remittitur

02/16/2022 **All Pending Motions (9:30 AM) (Judicial Officer Sturman, Gloria)**  
[Parties Present](#)  
[Minutes](#)  
Result: Granted in Part

02/17/2022 **Clerk's Notice of Hearing Doc ID# 555**  
[555] Notice of Hearing

02/17/2022 **Motion Doc ID# 556**  
[556] Plaintiffs' Motion for an Award of Attorney's Fees on Appeal

02/17/2022 **Clerk's Notice of Hearing Doc ID# 557**  
[557] Notice of Hearing

02/22/2022 **Motion Doc ID# 558**  
[558] Plaintiffs Motion For An Award Of Attorney S Fees On Appeal Of Order Denying Receiver, Opposing Mooted Motion For Attorney S Fees, And For Costs On Appeal

02/23/2022 **Clerk's Notice of Hearing Doc ID# 559**  
[559] Notice of Hearing

02/23/2022 **Errata Doc ID# 560**

RA0157

02/25/2022 [560] Errata to Plaintiffs Motion for Entry of Modified Award and Pre-Judgment Attorney's Fees and  
**Response Doc ID# 561**

02/28/2022 [561] Plaintiffs Response to Defendants Motion for Declaratory Order Counter-Motion for Award of Attorney's Fees  
**Order Shortening Time Doc ID# 562**

02/28/2022 [562] Defendant's Motion to Stay on Order Shortening Time  
**Opposition to Motion Doc ID# 563**

03/02/2022 [563] Opposition to Plaintiffs Motion for Entry of a Modified Judgment as Provided for by Remittitur  
**Opposition to Motion Doc ID# 564**

03/03/2022 [564] Opposition to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur  
**Opposition to Motion Doc ID# 565**

03/04/2022 [565] Opposition to Plaintiffs' Motion for an Award of Attorney's Fees on Appeal  
**Response Doc ID# 566**

03/08/2022 [566] Plaintiff's Resonse to Defendants' Motion for Stay on Order Shorteing Time Counter-Motion for Award of Attorney's Fees  
**Reply in Support Doc ID# 567**

03/08/2022 [567] Reply in Support of Defendants Motion to Stay on Order Shortening Time  
**Opposition to Motion Doc ID# 568**

03/08/2022 [568] Opposition to Plaintiffs' Motion for an Award of Attorney's Fees on Appeal of Order Denying Receiver, Opposing Mooted Motion for Attorney's Fees, and for Costs on Appeal

03/09/2022 **Motion (9:30 AM)** (Judicial Officer Kierny, Carli)  
Defendant's Motion to Stay on OST  
[Parties Present](#)  
[Minutes](#)  
Result: Granted

03/16/2022 **Statement Doc ID# 569**  
[569] Recorder Invoice

03/16/2022 **Recorders Transcript of Hearing Doc ID# 570**  
[570] Recorders Transcript of Hearing Re: Defendant's Motion to Stay on OST, March 9, 2022

03/23/2022 **CANCELED Motion (9:30 AM)** (Judicial Officer Kierny, Carli)  
Vacated  
Defendants' Motion for Declaratory Order

03/23/2022 **CANCELED Motion (9:30 AM)** (Judicial Officer Kierny, Carli)  
Vacated  
Plaintiffs Motion for Entry of a Modified Judgment as Provided for by Remittitur

03/23/2022 **CANCELED Motion for Attorney Fees (9:30 AM)** (Judicial Officer Kierny, Carli)  
Vacated  
Plaintiff's Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided by Remittitur

03/23/2022 **CANCELED Motion (9:30 AM)** (Judicial Officer Kierny, Carli)  
Vacated  
Plaintiffs' Motion for an Award of Attorney's Fees on Appeal

03/29/2022 **Petition for Writ of Mandamus Doc ID# 571**  
[571] Petition for Writ of Mandamus

03/29/2022 **Appendix Doc ID# 572**  
[572] Appendix to Petitioners' Writ of Mandamus Volume I of VI

03/29/2022 **Appendix Doc ID# 573**  
[573] Appendix to Petitioners' Writ of Mandamus Volume II of VI

03/29/2022 **Appendix Doc ID# 574**  
[574] Appendix to Petitioners' Writ of Mandamus Volume III of VI

03/29/2022 **Appendix Doc ID# 575**  
[575] Appendix to Petitioners' Writ of Mandamus Volume IV of VI

03/29/2022 **Appendix Doc ID# 576**  
[576] Appendix to Petitioners' Writ of Mandamus Volume V of VI

03/29/2022 **Appendix Doc ID# 577**  
[577] Appendix to Petitioners' Writ of Mandamus Volume VI of VI

03/30/2022 **CANCELED Motion for Attorney Fees (9:30 AM)** (Judicial Officer Vega, Valerie J.)  
Vacated  
Plaintiffs Motion For An Award Of Attorney S Fees On Appeal Of Order Denying Receiver, Opposing Mooted Motion For Attorney S Fees, And For Costs On Appeal

04/04/2022 **Case Reassigned to Department 9**  
Judicial Reassignment - From Judge Carli Kierny to Judge Vacant, DC9

04/15/2022 **NV Supreme Court Clerks Certificate/Judgment -Remanded Doc ID# 578**  
[578] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remand; Rehearing Denied

04/21/2022 **Order Doc ID# 579**  
[579] Order Setting Status Check

05/02/2022 **Miscellaneous Filing Doc ID# 580**  
[580] Letter

05/03/2022 **Order Granting Doc ID# 581**  
[581] Order Granting Defendant's Motion to Stay

05/03/2022 **Notice of Entry of Order Doc ID# 582**  
[582] Notice of Entry of Order

05/11/2022 **Status Check (9:00 AM)** (Judicial Officer Gibbons, Mark)  
**05/11/2022, 08/10/2022**  
Status Check: Stay  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

05/17/2022 **Miscellaneous Filing Doc ID# 583**  
[583] Letter

05/17/2022 **Order Granting Doc ID# 584**  
[584] ORDER GRANTING DEFENDANTS' MOTION FOR COSTS

05/17/2022 **Notice of Entry of Order Doc ID# 585**  
[585] Notice of Entry of Order Granting Defendants' Motion for Costs

05/19/2022 **Order Granting Motion Doc ID# 586**

RA0158

05/20/2022	[586] Order Granting Defendants' Motion for Release of Cost Bonds		
	<b>Notice of Entry of Order</b>	<b>Doc ID# 587</b>	
05/25/2022	[587] Notice of Entry of Order Granting Defendants' Motion for Release of Cost Bonds		
	<b>Motion</b>	<b>Doc ID# 588</b>	
05/25/2022	[588] Plaintiffs Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief		
	<b>Clerk's Notice of Hearing</b>	<b>Doc ID# 589</b>	
05/31/2022	[589] Notice of Hearing		
	<b>Motion to Stay</b>	<b>Doc ID# 590</b>	
06/01/2022	[590] Plaintiffs Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs		
	<b>Clerk's Notice of Hearing</b>	<b>Doc ID# 591</b>	
06/03/2022	[591] Notice of Hearing		
	<b>Order</b>	<b>Doc ID# 592</b>	
06/03/2022	[592] Order Granting Defendants' Motion for Costs		
	<b>Notice of Entry of Order</b>	<b>Doc ID# 593</b>	
06/03/2022	[593] Notice of Entry of Order		
	<b>Court Recorders Invoice for Transcript</b>	<b>Doc ID# 594</b>	
06/08/2022	[594]		
	<b>Opposition to Motion</b>	<b>Doc ID# 595</b>	
06/14/2022	[595] Opposition to Plaintiffs Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief and Countermotion for Attorneys Fees		
	<b>Opposition to Motion</b>	<b>Doc ID# 596</b>	
06/14/2022	[596] Opposition to Plaintiffs Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs and Countermotion for Attorneys Fees		
	<b>Notice of Appeal</b>	<b>Doc ID# 597</b>	
06/14/2022	[597] NOTICE OF APPEAL		
	<b>Case Appeal Statement</b>	<b>Doc ID# 598</b>	
06/16/2022	[598] CASE APPEAL STATEMENT		
	<b>Motion to Reconsider</b>	<b>Doc ID# 599</b>	
06/17/2022	[599] Plaintiffs' Motion to Reconsider Award of Costs		
	<b>Clerk's Notice of Hearing</b>	<b>Doc ID# 600</b>	
06/21/2022	[600] Notice of Hearing		
	<b>Recorders Transcript of Hearing</b>	<b>Doc ID# 601</b>	
06/22/2022	[601] Recorder's Transcript of Hearing: All Pending Motions, Wednesday, February 16, 2022		
	<b>Reply</b>	<b>Doc ID# 602</b>	
06/24/2022	[602] PLAINTIFFS REPLY TO DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR TURNOVER OF PROPERTY PURSUANT TO NRS 21.320 OR ALTERNATIVE RELIEF		
	<b>Ex Parte Motion</b>	<b>Doc ID# 603</b>	
06/29/2022	[603] Plaintiffs Ex Parte Motion For Release Of Appeal Bond		
	<b>Motion</b> (9:00 AM) (Judicial Officer Gibbons, Mark)		
07/11/2022	Plaintiffs Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief		
	<b>Motion to Stay</b> (3:00 AM) (Judicial Officer Vacant, DC 9)		
07/27/2022	Plaintiffs Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs		
	<b>Motion to Reconsider</b> (9:00 AM) (Judicial Officer Vacant, DC 9)		
	Plaintiffs' Motion to Reconsider Award of Costs		

## FINANCIAL INFORMATION

<b>Defendant A Cab LLC</b>			
	Total Financial Assessment		647.00
	Total Payments and Credits		647.00
	<b>Balance Due as of 06/26/2022</b>		<b>0.00</b>
11/15/2012	Transaction Assessment		223.00
11/15/2012	Efile Payment	Receipt # 2012-141555-CCCLK	(223.00)
09/22/2015	Transaction Assessment		200.00
09/22/2015	Efile Payment	Receipt # 2015-100143-CCCLK	(200.00)
11/28/2017	Transaction Assessment		200.00
11/28/2017	Efile Payment	Receipt # 2017-88344-CCCLK	(200.00)
09/21/2018	Transaction Assessment		24.00
09/21/2018	Efile Payment	Receipt # 2018-63040-CCCLK	(24.00)
<b>Defendant A Cab Taxi Service LLC</b>			
	Total Financial Assessment		224.00
	Total Payments and Credits		224.00
	<b>Balance Due as of 06/26/2022</b>		<b>0.00</b>
09/22/2015	Transaction Assessment		200.00
09/22/2015	Efile Payment	Receipt # 2015-100142-CCCLK	(200.00)
03/21/2017	Transaction Assessment		24.00
03/21/2017	Efile Payment	Receipt # 2017-26697-CCCLK	(24.00)
<b>Defendant Nady, Creighton J</b>			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	<b>Balance Due as of 06/26/2022</b>		<b>0.00</b>
10/06/2015	Transaction Assessment		223.00
10/06/2015	Efile Payment	Receipt # 2015-105219-CCCLK	(223.00)

RA0159

<b>Plaintiff Murray, Michael</b>			
Total Financial Assessment			2,057.60
Total Payments and Credits			1,960.60
<b>Balance Due as of 06/26/2022</b>			<b>97.00</b>
10/10/2012	Transaction Assessment		30.00
10/10/2012	Transaction Assessment		270.00
10/10/2012	Efile Payment	Receipt # 2012-126730-CCCLK	Murray, Michael (300.00)
05/19/2015	Transaction Assessment		349.00
05/19/2015	Efile Payment	Receipt # 2015-52608-CCCLK	Murray, Michael (349.00)
01/12/2017	Transaction Assessment		200.00
01/12/2017	Efile Payment	Receipt # 2017-03538-CCCLK	Murray, Michael (200.00)
11/03/2017	Transaction Assessment		200.00
11/03/2017	Efile Payment	Receipt # 2017-83834-CCCLK	Murray, Michael (200.00)
09/11/2018	Transaction Assessment		10.00
09/11/2018	Efile Payment	Receipt # 2018-60326-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74406-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74443-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74553-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74555-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74558-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74568-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74570-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74573-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74574-CCCLK	Murray, Michael (10.00)
11/08/2018	Transaction Assessment		10.00
11/08/2018	Efile Payment	Receipt # 2018-74576-CCCLK	Murray, Michael (10.00)
11/13/2018	Transaction Assessment		10.00
11/13/2018	Efile Payment	Receipt # 2018-74987-CCCLK	Murray, Michael (10.00)
12/05/2018	Transaction Assessment		10.00
12/05/2018	Efile Payment	Receipt # 2018-80100-CCCLK	Murray, Michael (10.00)
01/02/2019	Transaction Assessment		10.00
01/02/2019	Efile Payment	Receipt # 2019-00070-CCCLK	Murray, Michael (10.00)
01/10/2019	Transaction Assessment		10.00
01/10/2019	Efile Payment	Receipt # 2019-01768-CCCLK	Murray, Michael (10.00)
01/10/2019	Transaction Assessment		10.00
01/10/2019	Efile Payment	Receipt # 2019-01775-CCCLK	Murray, Michael (10.00)
01/11/2019	Transaction Assessment		10.00
01/11/2019	Efile Payment	Receipt # 2019-02090-CCCLK	Murray, Michael (10.00)
03/15/2019	Transaction Assessment		450.00
03/15/2019	Efile Payment	Receipt # 2019-16603-CCCLK	Murray, Michael (450.00)
08/12/2020	Transaction Assessment		24.00
08/12/2020	Efile Payment	Receipt # 2020-44535-CCCLK	Murray, Michael (24.00)
02/23/2021	Transaction Assessment		24.00
02/23/2021	Efile Payment	Receipt # 2021-10646-CCCLK	Murray, Michael (24.00)
03/16/2022	Transaction Assessment		97.00
03/22/2022	Transaction Assessment		97.00
03/22/2022	Payment (Mail)	Receipt # 2022-17218-CCCLK	Greenberg, Leon (97.00)
06/03/2022	Transaction Assessment		146.40
06/21/2022	Transaction Assessment		0.20
06/21/2022	Payment (Window)	Receipt # 2022-34979-CCCLK	Leon Greenberg, Professional Corp (146.60)
<b>Plaintiff Reno, Michael</b>			
Total Financial Assessment			24.00
Total Payments and Credits			24.00
<b>Balance Due as of 06/26/2022</b>			<b>0.00</b>
06/14/2022	Transaction Assessment		24.00
06/14/2022	Efile Payment	Receipt # 2022-33706-CCCLK	Reno, Michael (24.00)
<b>Special Master Resolution Economics LLC</b>			
Total Financial Assessment			5.00
Total Payments and Credits			5.00
<b>Balance Due as of 06/26/2022</b>			<b>0.00</b>
02/15/2019	Transaction Assessment		5.00
02/15/2019	Payment (Window)	Receipt # 2019-10115-CCCLK	Dubowsky Law Office, Chtd. (5.00)

RA0160

		<b>Special Master</b> Rosten, Michael	
		Total Financial Assessment	3.50
		Total Payments and Credits	3.50
		<b>Balance Due as of 06/26/2022</b>	<b>0.00</b>
07/16/2018	Transaction Assessment		3.50
07/16/2018	Efile Payment	Receipt # 2018-46907-CCCLK Rosten, Michael	(3.50)

RA0161