

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

A CAB SERIES, LLC, ADMINISTRATION)
COMPANY,)

Appellants,)

vs.)

MICHAEL MURRAY; MICHAEL RENO,)
and WELLS FARGO BANK NA,)

Respondents.)
)
)

Case No.: 84472

Electronically Filed
Dec 01 2022 03:55 PM
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENTS'
OPPOSITION TO
APPELLANT'S MOTION
TO STAY OR FOR AN
EXTENSION OF TIME TO
FILE OPENING BRIEF

Respondents, Michael Murray, and Michael Reno file this opposition to the motion of Appellants A Cab, Series, LLC, Administration Company,

ARGUMENT

I. No basis exists to stay this appeal; this appeal does not present any question of law involving the liabilities of Nevada series limited liability companies as in the *Saticoy Bay* appeal.

A. The district court never reached the merits of appellant's claims regarding an alleged improper seizure of its property, rendering the outcome in *Saticoy Bay* irrelevant.

Appellant's motion to stay completely ignores what the district court found — that jurisdiction over plaintiff's claims involving an allegedly improper seizure of its property (certain Wells Fargo bank accounts) was confined to another case (*Murray*) where those claims were already heard and determined:

Any decision regarding the outcome of the money obtained from the Wells Fargo accounts, including any challenge regarding the Murray Court's determination that the accounts are not the property of Plaintiff, must come from the Murray Court. Order constituting final judgment, January 4, 2021, p. 7, l. 17-20 (Ex. "A")

This Court reviewed *en banc*, as part of the appeal of the *Murray* final judgment, the *Murray* order seizing the property at issue and relied upon by the district court in this case. It directed the district court in *Murray*, upon remand in *Murray*, to afford a further suitable hearing to appellant (if it so wished) as to its claims. *A Cab LLC v. Murray*, 501 P.3d 961, 978 (Nev. Sup. Ct. 2021). This Court issued that Opinion on December 30, 2021, and *Murray* was remanded on February 4, 2022, yet appellant has not requested that further hearing in *Murray*.

This appeal does not concern the merit of appellant's claim its property was improperly seized by the *Murray* judgment. It concerns whether the district court was correct in finding appellant's claim was beyond its jurisdiction and in refusing to address the merits of that claim. If the district court erred, and it should have addressed that claim's merits (rather than requiring appellant to seek relief in *Murray*), this Court will not rule on that claim's merits, irrespective of the outcome in the *Saticoy Bay* appeal. It will remand this case and direct the district court to rule on the merits of appellant's claim. And in doing so the district court will have to consider *Saticoy Bay* and any other relevant precedents. The outcome of the pending *Saticoy Bay* appeal, while arguably germane to the merits of appellant's contentions, is irrelevant to this appeal.

II. If any extension of time is granted for the filing of an opening brief it should be of a very limited length.

Appellant was found by the district court to have acted in bad faith and over \$18,000 in attorney's fees were awarded against it and its counsel and to respondents under NRS 7.085 and NRS 18.010(2)(b). Ex. "B" Order. Appellant has continued that bad faith conduct in this Court. It secured an exceptional additional second extension of 60 days to file an opening brief, based in large part on the elder care needs of parents and personal health issues. Appellant now waits

until three (3) days before its opening brief is due to retain new appellate counsel and request a *third* extension of 51 days.

Appellant's conduct is abusive. Its appeal is frivolous and it should not be afforded any extension of time to file its opening brief. Respondents are mindful that the Court, despite such improper conduct by appellant, may be reluctant to dismiss this appeal. If the Court elects to afford appellant an opportunity to file an opening brief it should only grant a brief extension of time (20 days or less) for it to do so. This appeal does not involve complex or difficult legal issues but very narrow ones. There is no record to review or appendix of any material size to assemble. It can be briefed by appellant's new counsel quite speedily. Indeed, in no more time than it took them to prepare and present their frivolous motion to stay this appeal.

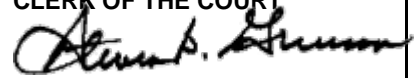
CONCLUSION

Wherefore, the motion should be denied or no extension of time exceeding twenty (20) days should be granted.

Dated: December 1, 2022

/s/ Leon Greenberg
Leon Greenberg, Esq. (Bar # 8094)
A Professional Corporation
1811 S. Rainbow Blvd., Suite 210
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(702) 383-6085
Attorney for Respondents

EXHIBIT "A"



1 **NEO**

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11 MURRAY and RENO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 A CAB SERIES, LLC,
13 ADMINISTRATION COMPANY,

14 Plaintiffs,

15 vs.

16 MICHAEL MURRAY, MICHAEL
17 RENO, WELLS FARGO BANK NA,
18 DOES 1-100 and ROE BUSINESS
19 ENTITIES I through C,

20 Defendants.

Case No.: A-19-792961-C

Dept.: 14

**NOTICE OF ENTRY OF
ORDER**

21 PLEASE TAKE NOTICE that the annexed Order of the Court is served this date
22 with notice of its entry.

23 Dated: January 20, 2021

24 LEON GREENBERG PROFESSIONAL CORP.

25 /s/Leon Greenberg

26 Leon Greenberg, Esq.
27 Nevada Bar No. 8094
28 2965 S. Jones Boulevard - Ste. E-3
Las Vegas, NV 89146
Tel (702) 383-6085
Attorney for the Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on January 20, 2021, he served the within:

ORDER WITH NOTICE OF ENTRY

by court electronic service to:

JAY A. SHAFER, ESQ.
CORY READE DOWS AND SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, NV 89128

/s/ Leon Greenberg
Leon Greenberg

1 **ORDR**

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

5 A CAB SERIES, LLC, Administration
6 Company,

7 Plaintiff(s),

8 vs.

9 MICHAEL MURRAY; MICHAEL RENO;
10 WELLS FARGO BANK, NA; DOES 1-100;
and ROE BUSINESS ENTITIES I through C,

11 Defendant(s).

CASE NO.: A-19-792961-C
DEPT. NO.: XIV (14)

12
13 **ORDER GRANTING DEFENDANTS MURRAY AND RENO'S MOTION FOR**
14 **JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12(C) AND DENYING**
15 **DEFENDANTS MURRAY AND RENO'S MOTION FOR SANCTIONS PURSUANT**
16 **TO NRCP 11(C)**

17 Defendants Michael Murray and Michael Reno's Motion for Judgment on the
18 Pleadings Pursuant to NRCP 12(c) and Motion for Sanctions Pursuant to NRCP 11(c)
19 The motions of defendants Michael Murray and Michael Reno to dismiss the
20 Plaintiff's complaint pursuant to NRCP Rule 12 and for sanctions pursuant to NRCP
21 Rule 11 came on for Chambers Calendar before Department 14 of the Eighth Judicial
22 District Court, the Honorable Adriana Escobar presiding, on September 2, 2020. This
23 Court hereby finds and Orders as follows:

24 **Motion for Judgment**

25 "After the pleadings are closed—but early enough not to delay trial—a party
26 may move for judgment on the pleadings." NRCP 12(c). A district court may grant a

1 motion for judgment on the pleadings when the material facts of the case are not in
2 dispute and the movant is entitled to judgment as a matter of law. *Perry v. Terrible*
3 *Herbst, Inc.*, 132 Nev. 767, 769 (2016); see also *Duff v. Lewis*, 114 Nev. 564, 568
4 (1998) (“a motion under NRCP 12(c) is designed to provide a means of disposing of
5 cases when material facts are not in dispute and a judgment on the merits can be
6 achieved by focusing on the content of the pleadings.”) (quotations omitted). “[A]
7 defendant will not succeed on a motion under Rule 12(c) if there are allegations in the
8 plaintiff’s pleadings that, if proved, would permit recovery.” *Duff*, 114 Nev. 564, 568.
9 An NRCP 12(c) motion for judgment on the pleadings “has utility only when all
10 material allegations of fact are admitted in the pleadings and only questions of law
11 remain.” *Id.*

12 Because a motion for judgment on the pleadings is functionally identical to a
13 motion to dismiss for failure to state a claim, the same standard of review applies to
14 motions brought under either rule. *Curb Mobility, LLC v. Kaptyn, Inc.*, 434 F. Supp.
15 3d 854, 857 (D. Nev. 2020).

16 ***Issue Preclusion***

17 Issue preclusion bars the successive litigation of an issue of fact or law
18 actually litigated and resolved in a valid court determination essential to the prior
19 judgment, even if the issue recurs in the context of a different claim. *Paulos v.*
20 *FCH1, LLC*, 136 Nev. 18, 23 (2020). Thus, issue preclusion will apply to prevent the
21 relitigation of matters that parties have had a full and fair opportunity to litigate. *Id.*
22 Issue preclusion is proper where the following four elements are met:

- 23 1) Same issue the issue decided in the prior litigation
24 must be identical to the issue presented in the current
25 action;
- 26 2) Final adjudication the merits the initial ruling must have
27 been on the merits and have become final;

- 1 3) Same parties or their privies the party against whom
2 the judgment is asserted must have been a party or in
3 privity with a party to the prior litigation
4 4) Actually and necessarily litigated the issue was
5 actually and necessarily litigated.

6 *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. 252, 258 (2014).

7 Availability of issue preclusion is a mixed question of law and fact, in which
8 legal issues predominate and, once it is determined to be available, the actual
9 decision to apply it is left to the discretion of the tribunal in which it is invoked.

10 *Redrock Valley Ranch, LLC v. Washoe Cty.*, 127 Nev. 451, 460 (2011).

11 On August 12, 2018, in a separate class action lawsuit, *Murray v. A Cab Taxi*
12 *Service, LLC et al*, A-12-669926-C, Judge Cory entered a judgment against A Cab,
13 LLC for \$1,000,000 in unpaid premium wages in favor of 890 class members that
14 were taxi driver employees [hereinafter, the "Murray Action"]. Plaintiff brings causes
15 of action for declaratory relief, injunction, and breach of contract against Wells Fargo.
16 Primarily, Plaintiff seeks a judgment that funds taken by Defendants, as class
17 representatives, was Plaintiff s property, and that Plaintiff is a separate entity from the
18 judgment debtor and not subject to execution.

19 ***The same issues***

20 For issue preclusion to attach, the issue decided in the prior proceeding must
21 be identical to the issue presented in the current proceeding. *Alcantara*, 130 Nev.
22 252, 259. In the prior Murray Action, the Defendant(s) there moved to quash a writ of
23 execution on Wells Fargo. In its Order Denying the Motion to Quash Writ of
24 Execution, the ultimate issue presented was whether Wells Fargo was subject to the
25 writ. Order Denying Defendants Motion to Quash Writ of Execution, *Murray*, No. A-
26 12-669926-C (Dec. 18, 2018), Exhibit B (Murray and Reno's Motion). The Murray
27 Court Plaintiffs' writ of execution resulted in Wells Fargo placing a hold on

1 \$233,619.56 maintained in six different bank accounts, each having a different name
2 that began with A Cab Series LLC. *Id.* All six of those accounts were identified by
3 Wells Fargo under the same IRS Employer Identification Number (EIN). *Id.*
4 Defendant brought the motion to quash on the ground that those accounts were the
5 property of six legally separate entities, each such entity being a separate series LLC
6 issued by the judgment debtor, A Cab LLC, as per NRS 86.296. *Id.* Notably, Plaintiff
7 in the instant case was alleged to be one of the six legally separate entities. *Id.* at
8 n.1.

9 In its Order Denying Defendant(s) Motion to Quash Writ of Execution, the
10 Murray Court made multiple, but separate findings, and made clear that each finding
11 would provide a basis for its denial of the Motion to Quash. Specifically, each finding
12 was “intended, either on their own or in conjunction, to provide a proper basis for the
13 Court's decision.” *Id.* The Murray Court denied the Motion to Quash finding that
14 Defendant A Cab LLC lacked standing and the other Series LLCs had not made an
15 appearance. Relevant here, the Murray Court made a specific finding that the Wells
16 Fargo funds are properly levied upon by the judgment, explaining that an allegedly
17 legally independent series LLC entity paying its own employees separate from A Cab
18 LLC’s funds “would have to secure its own unique, EIN number, and process its
19 payroll with the IRS under such number and not under A Cab LLC’s EIN number.” *Id.*

20 The Murray Court additionally found that there was no evidence that the
21 independent series LLCs exist, or if they exist, they have not complied with the asset
22 shielding provisions of NRS 68.696(3). *Id.* The Murray court explained under
23 Nevada law, none of the alleged series LLCs had been created, and if they were,
24 there was no evidence supporting that their obligations were limited with respect to A
25 Cab LLC. “Specifically, [t]he Court finds that even if the six alleged series LLCs have
26 been created, they have not complied with NRS 86.296(3) and have never adopted

1 the liability limitations available to series LLCs under that statute.” *Id.* And
2 importantly, the Murray Court found that the “six Series LLCs in the Murray Action
3 failed to show any basis in the Motion to Quash to conclude they have, in respect to
4 the Wells Fargo accounts and any other assets they are alleged to possess,
5 accounted for such assets separately from the other assets of the judgment debtor A
6 Cab LLC as required by NRS 86.296(3) to invoke the statute’s liability limitations.” *Id.*

7 The issues in the Murray Action and instant action are the same—whether
8 funds subject to the writ of execution on Wells Fargo was the separate property of the
9 alleged series LLCs, including Plaintiff. “Issue preclusion cannot be avoided by
10 attempting to raise a new legal or factual argument that involves the same ultimate
11 issue previously decided in the prior case.” *Alcantara*, 130 Nev. 252, 259. The
12 Murray Court specifically analyzed and made findings that Plaintiff was not created,
13 that even if Plaintiff exists, Plaintiff is not subject to limiting its liability from that of the
14 judgment debtor, and that the funds in the account are that of judgment debtor. This
15 Court rejects the argument by Plaintiff that the Murray Court must have conducted an
16 evidentiary hearing on these issues for issue preclusion to apply. Those issues are
17 the same issues that Plaintiff now asks this Court to address.

18 ***The same parties or their privies***

19 Issue preclusion can only be used against a party whose due process rights
20 have been met by virtue of that party having been a party or in privity with a party in
21 the prior litigation. *Alcantara*, 130 Nev. 252, 260. The Nevada Supreme Court has
22 recognized that “privity does not lend itself to a neat definition, thus determining
23 privity for preclusion purposes requires a close examination of the facts and
24 circumstances of each case.” *Mendenhall v. Tassinari*, 133 Nev. 614, 619 (2017).

25 Here, Plaintiff's argument that it was a not party to the Murray Action, and thus
26 issue preclusion does not apply, lacks merit. Plaintiff is in privity with defendants

1 from the Murray Action. “[T]he record demonstrates a substantial identity between
2 the parties.” *Mendenhall*, 133 Nev. 614, 619. Plaintiff does not point to anything in
3 the pleadings supporting that Plaintiff is not in privity with the judgment debtor.

4 ***Final Adjudication on the Merits***

5 The Murray Court's Order Denying Defendants Motion to Quash Writ of
6 Execution, which was adjudicated on the merits, addressed the same issues Plaintiff
7 makes in the instant motion, with the Murray Court finding the funds in the six Wells
8 Fargo accounts were not immune to execution as they were assets of the judgment
9 debtor.

10 ***Actually and Necessarily Litigated***

11 When an issue is properly raised and is submitted for determination, the
12 issue is “actually litigated” for purposes of applying issue preclusion. *Alcantara*, 130
13 Nev. 252, 263. Whether the issue was necessarily litigated turns on whether the
14 common issue was necessary to the judgment in the earlier suit. *Id.*

15 Here, the issues of Plaintiff's existence as a separate legal entity from
16 judgment debtor and whether the funds in the Wells Fargo account belonged to
17 series LLCs, and thus, separate from the judgment debtor were a common issue
18 necessary to the Order Denying Defendants Motion to Quash Writ of Execution in the
19 Murray Action. Based on the foregoing, issue preclusion applies and Plaintiff cannot
20 bring the instant action. Even if the allegations contained in Plaintiff complaint are
21 true, recovery would not be permitted. Thus, Plaintiff fails to state any claims for
22 relief.

23 ***Subject Matter Jurisdiction***

24 Defendants also contend that this Court does not have subject matter
25 jurisdiction over the instant complaint because Plaintiff seeks to have funds returned
26 that are subject to the exclusive jurisdiction of the Murray Action. Plaintiff contends
27

1 that this Court has jurisdiction because Plaintiff also seeks a determination that it is a
2 separate entity from the Murray Court Judgment Debtor, created under NRS 86.296,
3 and is a sole and separate entity from A Cab Series LLC. Plaintiff further asserts that
4 its claim for injunctive relief is defensive in nature and does not seek an active
5 distribution of the funds, but rather a preservation of the funds until the declaratory
6 relief can be addressed.

7 Based on the above analysis regarding issue preclusion, any argument
8 Plaintiff makes that asks this Court to make a determination (1) as to Plaintiff's status
9 as a separate entity or (2) the ownership of the funds in the Wells Fargo accounts, is
10 precluded. Moreover, these arguments were directly addressed by the Murray Court.
11 Plaintiff cannot seek to bypass the rulings of the Murray Court by a filing a complaint
12 in a separate case.

13 Moreover, the Murray Court specifically ordered that class counsel only
14 release such monies as specified by a further Order of this Court in that case. Order
15 Granting Summary Judgment, Severing Claims, and Directing Entry of Final
16 Judgment, Murray v. A Cab Taxi Service LLC, No. A-12-669926-C (Dec. 18, 2018),
17 Exhibit A (Murray and Reno's Motion). Any decision regarding the outcome of the
18 money obtained from the Wells Fargo accounts, including any challenge regarding
19 the Murray Court's determination that the accounts are not the property of Plaintiff,
20 must come from the Murray Court.

21 Based on the foregoing, the Court **GRANTS** Murray and Reno's Motion and
22 dismisses Plaintiff's complaint as to Defendants Murray and Reno with prejudice.

23 **Defendants' Motion for Sanctions**

24 NRCP 11(b) provides:

25 By presenting to the court a pleading, written motion, or other
26 paper--whether by signing, filing, submitting, or later
advocating it--an attorney or unrepresented party certifies that

1 to the best of the person's knowledge, information, and belief,
2 formed after an inquiry reasonable under the circumstances:

3 (1) it is not being presented for any improper purpose, such
4 as to harass, cause unnecessary delay, or needlessly
5 increase the cost of litigation;

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

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

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

17 If the Court determines that Rule 11(b) has been violated, the Court has the
18 discretion to impose an appropriate sanction. NRCP 11(c)(1).

19 Plaintiff's complaint was not warranted as the issues raised are precluded
20 under the doctrine of collateral estoppel. See *Elyousef v. O Reilly & Ferrario, LLC*,
21 126 Nev. 441, 445 (2010) (providing that under the doctrine of collateral estoppel, if
22 an issue of fact or law has been actually litigated and determined by a valid and final
23 ruling, the determination is conclusive in a subsequent action between the parties).
24 Plaintiff's complaint violates NRCP 11(b)(2) as the Murray Court had already
25 determined that Plaintiff was not a separate entity as a matter of law, though, the
26 Court does not find that Plaintiff's instant action was brought for an improper purpose
27 in violation of NRCP 11(b)(1). The only sanction the Court finds appropriate is
granting Defendants' attorney fees and costs for defending this action. However,
because NRCP 11(b)(5) precludes monetary sanctions for an NRCP 11(b)(2)
violation, and this Court does not find nonmonetary directives proper, this Court
DENIES Defendants' Sanction Motion.

Accordingly,

IT IS ORDERED THAT Defendants' Motion for Judgment on the Pleadings is **GRANTED** and Plaintiff's complaint as to Defendants Murray and Reno is dismissed with prejudice.

IT IS FURTHER ORDERED THAT Defendants' Motion for Sanctions is **DENIED.**

IT IS SO ORDERED.

Dated this 4th day of January, 2021

G. Emsbach

JUDGE ADRIANA ESCOBAR
DISTRICT COURT JUDGE

C8B AC7 C9F2 7408
Adriana Escobar
District Court Judge

EXHIBIT “B”

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6 **DISTRICT COURT**
7
8 **CLARK COUNTY, NEVADA**

9 A CAB TAXI SERVICE LLC,
ADMINISTRATION COMPANY,

10 Plaintiff,

11 vs.

12 MICHAEL MURRAY, MICHAEL
13 RENO and WELLS FARGO BANK
NA,

14 Defendants.
15
16

Case No.: A-19-792961-C

DEPT.: 14

**ORDER GRANTING THE MOTION OF
DEFENDANTS MURRAY AND RENO
FOR AN AWARD OF ATTORNEY'S
FEES AND COSTS AND DENYING
THE MOTION OF THE PLAINTIFF TO
RETAX COSTS AND STRIKE
MEMORANADUM OF COSTS AND
DISBURSEMENTS**

17 The motion of defendants Michael Murray and Michael Reno for an Award of Attorney's
18 Fees and Costs (Fees and Costs Motion) pursuant to NRS 7.085, NRS 18.010(2)(b) and the Nevada
19 Constitution, Article 15, Section 16, the Minimum Wage Amendment (the "MWA") and the motion
20 of plaintiff to Retax Costs and Strike Memorandum of Costs and Disbursements (Retax Motion) was
21 set for a hearing on March 2, 2021, with the Court resolving both motions upon its thorough review
22 of the written submissions and without oral argument from counsel, the Court finds as follows:
23
24
25
26

1 **Fees and Costs Motion**

2 NRS 7.085 provides:

3 1. If a court finds that an attorney has:

4 (a) Filed, maintained or defended a civil action or proceeding in
5 any court in this State and such action or defense is not well-
6 grounded in fact or is not warranted by existing law or by an
argument for changing the existing law that is made in good faith;
or

7 (b) Unreasonably and vexatiously extended a civil action or
8 proceeding before any court in this State, the court shall require the
attorney personally to pay the additional costs, expenses and
attorney's fees reasonably incurred because of such conduct.

9 2. The court shall liberally construe the provisions of this section in favor
of awarding costs, expenses and attorney's fees in all appropriate
10 situations. It is the intent of the Legislature that the court award costs,
expenses and attorney's fees pursuant to this section and impose sanctions
11 pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
appropriate situations to punish for and deter frivolous or vexatious claims
12 and defenses because such claims and defenses overburden limited
judicial resources, hinder the timely resolution of meritorious claims and
13 increase the costs of engaging in business and providing professional
services to the public.

14 If claims, defenses, and other legal contentions are not warranted by existing law or by a
15 nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new
16 law, the Court may, after notice and a reasonable opportunity to respond, impose an appropriate
17 sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation.
18 NRCP 11(c)(1).

19 “In addition to the cases where an allowance is authorized by specific statute, the court may
20 make an allowance of attorney's fees to a prevailing party... Without regard to the recovery sought,
21 when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of
22 the opposing party was brought or maintained without reasonable ground or to harass the prevailing
23 party.” NRS 18.010(2)(b).

1 Defendants Murray and Reno request a fee award of \$18,720, or in the alternative, \$30,240,
2 claiming this amount to be a “more proper award.” In its January 4, 2021, Order, this Court granted the
3 motion of Defendants Murray and Reno for judgment on the pleadings pursuant to NRCP 12(c) on the
4 ground that Plaintiff’s complaint violated NRCP 11(b)(2). As found by the Court in that Order, Plaintiff
5 brought this action without reasonable ground—in fact as the issues raised in Plaintiff’s complaint
6 were not warranted as these issues were precluded under the doctrine of collateral estoppel. This
7 Court found in that Order that a sanction awarding Defendants Murray and Reno attorney fees and
8 costs for defending this action was appropriate.

9 Given this Court’s January 4, 2021, ruling, this Court awards Defendants Murray and Reno
10 attorney fees in the amount of \$18,720 pursuant to NRS 7.085 and NRS 18.010(2)(b) against
11 Plaintiff and its counsel, attorney Jay Shafer. Defendants’ request for \$30,240 in attorney fees is
12 denied. The Court finds in this case that attorney fees are not to be granted under the Minimum
13 Wage Act (MWA). Although Defendants Murray and Reno prevailed on MWA claims in Case No.
14 A-12-669926-C, they cannot use the MWA to seek attorney fees in this action. The proper avenue to
15 seek attorney fees under the MWA in Case No. A-12-669926-C was to seek such fees in that case.

16 Defendants Murray and Reno request a costs award in the amount of \$302.59. Defendants
17 seek \$253.00 for the filing fee incurred in filing their answer to Plaintiff’s complaint, \$7.59 for an
18 electronic payment (credit card) fee charged by the Wiznet system to file that answer, and \$52.50 in
19 Wiznet filing charges.

20 Defendants have supported their request for costs in the amount of \$253.00. *See Cadle Co. v.*
21 *Woods & Erickson, LLP*, 131 Nev. 114, 121 (2015). Thus, this Court awards Defendants Murray and
22 Reno \$253.00 in costs.

23 The Court does not grant Defendants Murray and Reno’s request that the fee and costs award that
24 is granted be entered as a judgment with their counsel, Leon Greenberg, as the judgment creditor. The

1 Court finds this request is not properly before this Court and their counsel has provided no legal authority
2 or analysis in connection with the same.

3 Based on the foregoing findings, Defendants Reno and Murray's Motion (the Fees and Costs
4 Motion) is **GRANTED IN PART AND DENIED IN PART.** Defendants Reno and Murray are
5 awarded \$18,720 in attorney's fees and \$253.00 in costs, for a total award of \$18,973.

6 **Retax Motion**

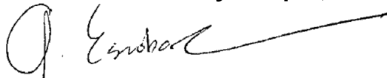
7 To retax and settle costs upon motion of the parties pursuant to NRS 18.110, a district court must
8 have before it evidence that the costs were reasonable, necessary, and actually incurred. *Cadle Co. v.*
9 *Woods & Erickson, LLP*, 131 Nev. 114, 121 (2015).

10 Plaintiff seeks to strike and retax Defendants Murray and Reno's cost memorandum on the
11 ground they have failed to support their costs request. The Court has found Defendants Murray and
12 Reno have supported their request for costs in the amount of \$253.00.

13 Accordingly, Plaintiff's Retax Motion is **DENIED.**

14 **IT IS SO ORDERED.**

Dated this 20th day of April, 2021

15 

16 Honorable Adriana Escobar
DISTRICT COURT JUDGE

17 **C0A 644 BC38 2BA7**
Adriana Escobar
District Court Judge

18 Submitted by:

19 /s/ Leon Greenberg

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25 Attorney for the Defendants Murray and Reno

26 Approved as to Form:

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