

1 NOAS

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Attorneys for Plaintiffs

Electronically Filed
Jun 17 2022 03:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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14 Attorneys for Plaintiffs

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

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

20 Plaintiffs,

21 vs.

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

25 Defendants.

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF APPEAL

26 Michael Murray and Michael Reno individually and behalf of others similarly
27 situated, by and through their counsel of record Leon Greenberg, Esq., hereby appeal
28 to the Supreme Court of Nevada from the District Court's orders granting defendants'

1 motion for appellate costs in this case entered on May 17, 2022 and on June 3, 2022.

2 Submitted by:

3 Leon Greenberg Professional Corporation

4 /s/ Leon Greenberg

5 Leon Greenberg, Esq.

6 Attorney for the Proposed Intervenor/Objectors

7 2965 South Jones Boulevard - Suite E3

8 Las Vegas, Nevada 89146

9 (702) 383-6085

10 leongreenberg@overtimelaw.com

11 PROOF OF SERVICE

12 The undersigned certifies that on June 14, 2022, he served the within:

13 NOTICE OF APPEAL

14 by court electronic service to:

15 TO:

16 Esther C. Rodriguez, Esq.

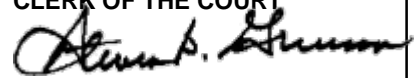
17 RODRIGUEZ LAW OFFICES, P.C.

18 10161 Park Run Drive, Suite 150

19 Las Vegas, NV 89145

20 /s/ Leon Greenberg

21 Leon Greenberg



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Attorneys for Appellants

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christian@gabroy.com

Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: IX

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

Michael Murray and Michael Reno individually and on behalf of others similarly
situated.

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

Honorable Gloria Sturman and Senior Judge Michael Cherry.

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

4 Appellants are Plaintiffs Michael Murray and Michael Reno individually and on
5 behalf of others similarly situated. Appellants are represented by Leon Greenberg,
6 2965 South Jones Boulevard, Suite E3, Las Vegas, Nevada 89146.

7
8 4. Identify each respondent and the name and address of appellate counsel, if
9 known, for each respondent:

10 Respondent defendants in the district court, A Cab Taxi Service LLC, A Cab
11 Series LLC, and Creighton Nady, are represented by Esther Rodriguez, 10161 Park Run
12 Drive, Suite 150 Las Vegas, NV 89145.

13
14 5. Indicate whether any attorney identified above in response to question 3 or
15 4 is not licensed to practice law in Nevada and, if so, whether the district court granted
16 that attorney permission to appear under SCR 42 (attach a copy of any district court
17 order granting such permission):

18 All attorneys are admitted to practice law in Nevada.

19
20 6. Indicate whether appellant was represented by appointed or retained
21 counsel in the district court:

22 Appellants were represented by retained counsel.

23
24 7. Indicate whether appellant is represented by appointed or retained counsel
25 on appeal:

26 Appellants are represented by retained counsel.

27
28 8. Indicate whether appellant was granted leave to proceed in forma pauperis,

1 and the date of entry of the district court order granting such leave:

2 No.

3
4 9. Indicate the date the proceedings commenced in the district court (e.g.,
5 date complaint, indictment, information, or petition was filed):

6 This action was commenced by a complaint in the District Court on October 8,
7 2012.

8
9 10. Provide a brief description of the nature of the action and result in the
10 district court, including the type of judgment or order being appealed and the relief
11 granted by the district court.

12 This appeal is limited to the District Court's Post Judgment Orders entered on
13 May 17, 2022 and on June 3, 2022. Those Orders granted the defendant/respondents'
14 motion for costs on appeal.

15 The nature of this case is that it is a class action lawsuit for unpaid minimum
16 wages pursuant to Article 15, Section 16 of the Nevada Constitution. It resulted in a
17 monetary judgment in favor of the plaintiffs by the District Court against respondent A
18 Cab entered on August 21, 2018 in the amount \$1,033,027.81. A post-judgment Order
19 was also entered by the District Court on February 6, 2019 awarding fees and costs to
20 plaintiffs' counsel in the amount of \$614,599.07. On December 30, 2021, the Nevada
21 Supreme Court, in an *en banc* Opinion, affirmed that judgment and modified it by
22 directing it be reduced by the amount awarded for the time period preceding October 8,
23 2010, the two-year statute of limitations. *A Cab LLC v. Murray*, 501 P.3d 961, 971
24 (Nev. Sup. Ct. 2021). The application of that shorter statute of limitations period
25 reduces that judgment by about 34% to \$685,886 on behalf of 661 class member taxi
26 drivers.

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

4 This case has been previously before the Supreme Court under the following
5 captions and case numbers:

6
7 “MICHAEL MURRAY, and MICHAEL RENO, Individually and on behalf of others
8 similarly situated, Appellants, vs. A CAB TAXI SERVICE LLC, A CAB, LLC and
9 CREIGHTON J. NADY, Respondents.” Supreme Court Case No. 82539.

10
11 “MICHAEL MURRAY, and MICHAEL RENO, Individually and on behalf of others
12 similarly situated, Appellants, vs. A CAB TAXI SERVICE LLC, A CAB, LLC and
13 CREIGHTON J. NADY, Respondents.” Supreme Court Case No. 81641.

14
15 “A CAB, LLC, and Creighton J. Nady, Appellants, vs. Michael Murray and Michael
16 Reno, et al. Respondents.” Supreme Court Case No. 72691.

17
18 “A CAB, LLC, and A CAB SERIES LLC, Appellants vs. MICHAEL MURRAY, and
19 MICHAEL RENO, Individually and on behalf of others similarly situated,
20 Respondents.” Supreme Court Case No. 77050.

21
22 “A CAB, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND CREIGHTON
23 J NADY, AN INDIVIDUAL, Petitioners, vs. THE EIGHTH JUDICIAL DISTRICT
24 COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK;
25 AND THE HONORABLE KENNETH C. CORY, DISTRICT JUDGE, Respondents,
26 and MICHAEL MURRAY; AND MICHAEL RENO, INDIVIDUALLY AND ON
27 BEHALF OF OTHERS SIMILARLY SITUATED, Real Parties in Interest.” Supreme
28 Court Case No. 73326.

1 “MICHAEL MURRAY, and MICHAEL RENO, Individually and on behalf of others
2 similarly situated, Petitioners, vs. The Eighth Judicial District Court of the State of
3 Nevada, in and for the County of Clark, and The Honorable, District Judge Carli
4 Kierny Respondents, and A CAB TAXI SERVICE LLC, A CAB SERIES LLC
5 formerly known as A CAB, LLC, and CREIGHTON J. NADY, Real Parties in
6 Interest.” Supreme Court Case No. 84456.

7

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

9 This case does not involve child custody or visitation.

10

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

13 Appellants do not believe settlement of this appeal is possible.

14

15 Dated: June 14, 2022

16

Submitted by

17

Leon Greenberg Professional Corporation

18

/s/ Leon Greenberg

19

Leon Greenberg, Esq.
LEON GREENBERG PROFESSIONAL
CORPORATION

20

21

Attorney for the Appellants
2965 South Jones Boulevard - Suite E3
Las Vegas, Nevada 89146
(702) 383-6085

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PROOF OF SERVICE

The undersigned certifies that on June 14, 2022, he served the within:

CASE APPEAL STATEMENT

by court electronic service to:

TO:

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

/s/ Leon Greenberg

Leon Greenberg

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-12-669926-C**

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

§
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§

Location: **Department 9**
 Judicial Officer: **Vacant, DC 9**
 Filed on: **10/08/2012**
 Case Number History:
 Cross-Reference Case Number: **A669926**
 Supreme Court No.: **72691**
77050
81641
82539

CASE INFORMATION**Statistical Closures**

08/21/2018 Summary Judgment

Case Type: **Other Civil Filing**Subtype: **Other Civil Matters**

Case
Status: **04/15/2022 Reopened**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-12-669926-C
 Court Department 9
 Date Assigned 04/04/2022
 Judicial Officer Vacant, DC 9

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Murray, Michael	Greenberg, Leon <i>Retained</i> 7023836085(W)
	Reno, Michael	Greenberg, Leon <i>Retained</i> 7023836085(W)
Defendant	A Cab LLC	Rodriguez, Esther C. <i>Retained</i> 7023208400(W)
	A Cab Taxi Service LLC	Rodriguez, Esther C. <i>Retained</i> 7023208400(W)
	Nady, Creighton J	Rodriguez, Esther C. <i>Retained</i> 7023208400(W)
Other	Bass, Charles	
	Dubric, Jasminka	Bourassa, Mark J. <i>Retained</i> 702-851-2180(W)
	Wells Fargo	
Special Master	Piercy Bowler Taylor & Kern of Las Vegas Removed: 02/13/2018 Inactive	Hackett, Stephen R. <i>Retained</i> 702-360-6000(W)
	Resolution Economics LLC	

CASE SUMMARY**CASE NO. A-12-669926-C****Rosten, Michael**

Removed: 02/13/2018

Inactive

Rosten, Michael**Saad, Ali****Swarts, George C.****Hackett, Stephen R.***Retained*











702-360-6000(W)

Dubowsky, Peter*Retained*

7023603500(W)

Parsons, Steven J.*Retained*

702-384-9900(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
10/08/2012	 Complaint With Jury Demand Filed By: Plaintiff Murray, Michael <i>[1] Complaint</i>	
10/08/2012	Case Opened	
10/10/2012	 Initial Appearance Fee Disclosure Filed By: Plaintiff Reno, Michael <i>[2] Initial Appearance Fee Disclosure</i>	
11/15/2012	 Initial Appearance Fee Disclosure Filed By: Defendant A Cab LLC <i>[3] Defendant A Cab, LLC's Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
11/15/2012	 Motion to Dismiss Filed By: Defendant A Cab LLC <i>[4] Defendant's Motion to Dismiss Complaint</i>	
11/16/2012	 Notice of Hearing Filed By: Defendant A Cab LLC <i>[5] Notice of Hearing</i>	
11/30/2012	 Peremptory Challenge Filed by: Plaintiff Murray, Michael <i>[7] Peremptory Challenge of Judge</i>	
11/30/2012	 Notice of Department Reassignment <i>[6]</i>	
12/06/2012	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>[8] Response in Opposition to Defendants' Motion to Dismiss</i>	
01/10/2013	 Reply in Support Filed By: Defendant A Cab LLC <i>[9] Defendant's Reply in Support of Motion to Dismiss Complaint</i>	
01/30/2013	 Amended Complaint	

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Plaintiff Murray, Michael <i>[10] First Amended Complaint</i></p>
02/11/2013	<p> Decision and Order Filed By: Plaintiff Murray, Michael <i>[11] Decision and Order</i></p>
02/13/2013	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[12] Notice of Entry of Decision and Order</i></p>
02/27/2013	<p> Motion to Reconsider Filed By: Defendant A Cab LLC <i>[13] Defendant's Motion for Reconsideration</i></p>
03/18/2013	<p> Opposition to Motion Filed By: Plaintiff Murray, Michael <i>[14] Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's February 8, 2013 Order Denying Defendants' Motion to Dismiss</i></p>
03/25/2013	<p> Motion to Strike Filed By: Defendant A Cab LLC <i>[15] Defendant's Motion to Strike Amended Complaint</i></p>
03/28/2013	<p> Reply in Support Filed By: Defendant A Cab LLC <i>[16] Defendant's Reply in Support of Motion for Reconsideration</i></p>
04/05/2013	<p> Objection Filed By: Defendant A Cab LLC <i>[17] Defendant's Objection to Three Day Notice of Intent to Default</i></p>
04/11/2013	<p> Opposition and Countermotion Filed By: Plaintiff Murray, Michael <i>[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)</i></p>
04/22/2013	<p> Answer to Complaint Filed by: Defendant A Cab LLC <i>[19] Defendant A Cab, LLC's Answer to Complaint</i></p>
04/22/2013	<p> Reply in Support Filed By: Defendant A Cab LLC <i>[20] Defendant's reply in support of motion to strike amended complaint</i></p>
05/02/2013	<p> Order Denying Motion Filed By: Plaintiff Murray, Michael <i>[21] Order</i></p>
05/06/2013	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[22] Notice of Entry of Order</i></p>
05/23/2013	

CASE SUMMARY

CASE NO. A-12-669926-C

	 Answer to Amended Complaint Filed By: Defendant A Cab LLC <i>[23] Defendant A Cab, LLC's Answer to First Amended Complaint</i>
05/28/2013	 Joint Case Conference Report Filed By: Plaintiff Murray, Michael <i>[25] Joint Case Conference Report</i>
05/28/2013	 Order Denying Motion Filed By: Defendant A Cab Taxi Service LLC <i>[24] Order Denying Plaintiffs' Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)</i>
05/29/2013	 Notice of Entry of Order Filed By: Defendant A Cab Taxi Service LLC <i>[26] Notice of Entry of Order Denying Plaintiffs' Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)</i>
06/07/2013	 Scheduling Order <i>[27] Scheduling Order</i>
06/19/2013	 Order Setting Civil Jury Trial <i>[28] Order Setting Civil Jury Trial and Pretrial Procedures</i>
01/27/2014	 Stipulation and Order Filed by: Plaintiff Murray, Michael <i>[29] Stipulation and Order Staying All Proceedings For a Period of Ninety (90) Days</i>
01/29/2014	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[30] Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) Days</i>
04/23/2014	 Stipulation and Order Filed by: Plaintiff Murray, Michael <i>[31] Stipulation and Order Staying All Proceedings for a Period of Ninety (90) Days (Second Request)</i>
04/23/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Murray, Michael <i>[32] Notice of Stipulation and Order Staying All Proceedings for Ninety (90) Days (Second Request)</i>
07/25/2014	 Order Filed By: Plaintiff Murray, Michael <i>[33] Order Staying All Proceedings for a Period of Sixty (60) Days</i>
07/28/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Murray, Michael <i>[34] Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Sixty (60) Days (Third Request)</i>
11/10/2014	 Stipulation and Order Filed by: Plaintiff Murray, Michael <i>[35] Stipulation and Order Extending Discovery Deadlines (First Request)</i>

CASE SUMMARY

CASE NO. A-12-669926-C

11/11/2014	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[36] Stipulation and ORder Extending Discovery Deadlines</i>
01/28/2015	 Order Setting Civil Jury Trial <i>[37] Order Setting Civil Jury Trial and Pretrial Procedures</i>
02/11/2015	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>[38] Motion to Compel the Production of Documents</i>
02/11/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>[39] Notice of Motion to Compel the Production of Documents</i>
03/02/2015	 Opposition to Motion to Compel Filed By: Defendant A Cab LLC <i>[40] Defendant's Opposition to Motion to Compel the Production of Documents</i>
03/11/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[41] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents</i>
04/02/2015	 Recorders Transcript of Hearing <i>[42] Recorder's Transcript of Proceedings - Notice of Plaintiffs' Motion to Compel the Production of Documents - heard on March 18, 2015</i>
05/19/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>[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</i>
05/19/2015	 Motion for Class Certification Filed By: Plaintiff Murray, Michael <i>[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</i>
06/04/2015	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>[45] Motion to Compel the Production of Documents</i>
06/04/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>[46] Notice of Motion to Compel the Production of Documents</i>
06/08/2015	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[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</i>
06/22/2015	 Opposition to Motion to Compel Filed By: Defendant A Cab LLC

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>[50] Defendant's Opposition to Plaintiffs' Second Motion to Compel the Production of Documents</i>
06/22/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>[49] Notice of Motion for Leave to File a Second Amended and Supplemental Complaint</i>
06/22/2015	 Motion for Leave to File Party: Plaintiff Murray, Michael <i>[48] Motion for Leave to File a Second Amended and Supplemental Complaint</i>
07/10/2015	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[51] Defendant's Opposition to Motion for Leave to File a Second Amended and Supplemental Complaint</i>
07/13/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[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</i>
07/15/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[53] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents</i>
07/20/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[54] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Leave to File a Second Amended and Supplemental Complaint</i>
08/10/2015	 Motion Filed By: Defendant A Cab LLC <i>[56] Defendant's Motion for Declaratory Order Regarding Statute of Limitations</i>
08/10/2015	 Motion to Dismiss Filed By: Defendant A Cab LLC <i>[55] Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief</i>
08/12/2015	 Notice of Deposition Filed By: Plaintiff Murray, Michael <i>[57] Notice to take Deposition</i>
08/17/2015	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[59] Notice of Entry of Order Granting Motion to Serve and File A Second Amended and Supplemental Complaint</i>
08/17/2015	 Order Granting Motion Filed By: Plaintiff Murray, Michael <i>[58] Order Granting Motion to Serve and File A Second Amended and Supplemental Complaint</i>
08/18/2015	 Amended Notice of Taking Deposition













CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Defendant A Cab LLC <i>[60] Amended Notice of Taking Deposition of Plaintiff Michael Murray</i></p>
08/19/2015	<p> Amended Complaint Filed By: Plaintiff Murray, Michael <i>[61] Second Amended and Supplemental Complaint</i></p>
08/28/2015	<p> Response Filed by: Plaintiff Murray, Michael <i>[62] Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' Second Claim for Relief</i></p>
08/28/2015	<p> Response Filed by: Plaintiff Murray, Michael <i>[63] Plaintiffs' Response in Opposition to Defendants' Motion for Declaratory Order Regarding Statute of Limitations</i></p>
09/08/2015	<p> Reply in Support Filed By: Defendant A Cab LLC <i>[65] Defendant's Reply in Support of Motion for Declaratory Order Regarding Statute of Limitations</i></p>
09/08/2015	<p> Reply in Support Filed By: Defendant A Cab LLC <i>[64] Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Second Claim for Relief</i></p>
09/11/2015	<p> Supplement to Opposition Filed By: Defendant A Cab LLC <i>[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</i></p>
09/11/2015	<p> Notice of Motion Filed By: Plaintiff Murray, Michael <i>[67] Notice of Motion to Extend Discovery Schedule</i></p>
09/11/2015	<p> Motion to Dismiss Filed By: Defendant A Cab LLC <i>[66] Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief</i></p>
09/14/2015	<p> Motion to Extend Discovery Filed By: Plaintiff Murray, Michael <i>[70] Motion to Extend Discovery Schedule (Second Request)</i></p>
09/14/2015	<p> Answer to Amended Complaint Filed By: Defendant A Cab LLC <i>[69] Defendant A Cab, LLC's Answer to Second Amended Complaint</i></p>
09/18/2015	<p> Response Filed by: Plaintiff Murray, Michael <i>[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</i></p>
09/21/2015	<p> Motion to Dismiss Filed By: Defendant A Cab Taxi Service LLC</p>

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>[73] Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i>
09/21/2015	 Subpoena Electronically Issued <i>[72] Deposition Subpoena (For Personal Appearance at Deposition)</i>
09/21/2015	 Motion to Dismiss Filed By: Defendant A Cab LLC <i>[75] Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i>
09/22/2015	 Initial Appearance Fee Disclosure Filed By: Defendant A Cab LLC <i>[76] Defendant A Cab, LLC's Fee Disclosure</i>
09/22/2015	 Initial Appearance Fee Disclosure Filed By: Defendant A Cab Taxi Service LLC <i>[74] Defendant A Cab, LLC's Fee Disclosure</i>
09/28/2015	 Subpoena Electronically Issued Filed by: Defendant A Cab LLC <i>[77] Deposition Subpoena (For Personal Appearance at Deposition)</i>
09/28/2015	 Response Filed by: Plaintiff Murray, Michael <i>[78] Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Claim for Relief</i>
09/30/2015	 Affidavit of Service Filed By: Plaintiff Murray, Michael <i>[79] Notice of Filing Affidavit of Service for Creighton J. Nady</i>
10/06/2015	 Answer to Amended Complaint Filed By: Defendant Nady, Creighton J <i>[80] Defendant Creighton J. Nady's Answer to Second Amended Complaint</i>
10/06/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Nady, Creighton J <i>[81] Defendant Creighton J. Nady's Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
10/07/2015	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[82] Defendant's Opposition to Plaintiffs' Motion to Extend Discovery Schedule (Second Request)</i>
10/08/2015	 Response Filed by: Plaintiff Murray, Michael <i>[83] Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i>
10/08/2015	 Response Filed by: Plaintiff Murray, Michael <i>[84] Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/13/2015	 Supplement Filed by: Plaintiff Murray, Michael <i>[85] Plaintiffs' Supplement to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23</i>
10/20/2015	 Supplement to Opposition Filed By: Defendant A Cab Taxi Service LLC <i>[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</i>
10/27/2015	 Reply in Support Filed By: Defendant A Cab Taxi Service LLC <i>[87] Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i>
10/27/2015	 Reply in Support Filed By: Defendant A Cab LLC <i>[88] Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i>
10/28/2015	 Reply in Support Filed By: Defendant A Cab LLC <i>[89] Defendant's Reply in Support of Motion to Dismiss Plaintiffs' First Claim for Relief</i>
11/10/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[90] Reply to Opposition to Motion to Extend Discovery Schedule</i>
11/16/2015	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Defendant A Cab LLC <i>[92] Creighton J. Nady's Disclosure of Documents and Witnesses Pursuant to NRCP 16.1</i>
11/16/2015	 Supplement Filed by: Plaintiff Murray, Michael <i>[91] Supplemental Brief Re: Motion to Compel the Production of Documents (first heard on 3/18/15)</i>
11/17/2015	 Opposition Filed By: Defendant A Cab LLC <i>[93] Defendant's Opposition to Plaintiffs' Supplemental Brief</i>
11/17/2015	 Opposition Filed By: Defendant A Cab LLC <i>[94] Defendant's Opposition to Plaintiffs' Supplemental Brief</i>
11/25/2015	 Joint Case Conference Report Filed By: Plaintiff Murray, Michael <i>[95] Joint Case Conference Report</i>
12/01/2015	 Recorders Transcript of Hearing <i>[96] Recorder's Transcript of Proceedings - All Pending Motions - heard on November 18, 2015</i>
12/21/2015	 Order

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Plaintiff Murray, Michael <i>[97] Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statute of Limitations</i></p>
12/22/2015	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[98] Notice of Entry of Order</i></p>
12/28/2015	<p> Objection to Discovery Commissioners Report and Recommend Filed By: Defendant A Cab Taxi Service LLC <i>[99] Defendants' Objection to Discovery Commissioner's Report & Recommendation</i></p>
01/08/2016	<p> Supplemental Filed by: Defendant A Cab LLC <i>[100] Defendant's Supplemental Briefing to Discovery Commissioner</i></p>
02/10/2016	<p> Order Filed By: Plaintiff Murray, Michael <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></p>
02/10/2016	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[103] Notice of Entry of Order</i></p>
02/10/2016	<p> Recorders Transcript of Hearing <i>[101] Recorder's Transcript of Proceedings Discovery Production/Deferred Ruling - Defendant's Rule 37 Sanctions January 13, 2016</i></p>
02/18/2016	<p> Order Filed By: Plaintiff Murray, Michael <i>[104] Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Reno</i></p>
02/18/2016	<p> Order Filed By: Plaintiff Murray, Michael <i>[105] Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Murray</i></p>
02/18/2016	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[107] Notice of Entry of Order</i></p>
02/18/2016	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[106] Notice of Entry of Order</i></p>
02/25/2016	<p> Motion to Reconsider Filed By: Defendant A Cab LLC <i>[108] Defendants' Motion for Reconsideration</i></p>
03/01/2016	<p> Declaration Filed By: Plaintiff Murray, Michael <i>[109] Declaration of Plaintiffs' Counsel Leon Greenberg</i></p>












CASE SUMMARY

CASE NO. A-12-669926-C

03/03/2016	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>[110] Discovery Commissioner's Report and Recommendations</i>
03/03/2016	 Motion to Stay Filed By: Defendant A Cab Taxi Service LLC <i>[111] Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i>
03/04/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[112] Notice of Entry of Order</i>
03/04/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[114] Notice of Entry of Order on Discovery Commissioner's Report and Recommendation</i>
03/04/2016	 Order Filed By: Plaintiff Murray, Michael <i>[113] Order on Discovery Commissioner's Report and Recommendations</i>
03/11/2016	 Order Shortening Time Filed By: Plaintiff Murray, Michael <i>[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</i>
03/11/2016	 Declaration Filed By: Plaintiff Murray, Michael <i>[115] Declaration of Plaintiffs' Counsel, Leon Greenberg, Esq.</i>
03/14/2016	 Status Report Filed By: Defendant A Cab Taxi Service LLC <i>[121] Defendants' Status Report Before the Discovery Commissioner</i>
03/14/2016	 Motion to Stay Filed By: Defendant A Cab LLC <i>[117] Defendants' Motion for Stay Pending Proceedings</i>
03/14/2016	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>[120] Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification</i>
03/14/2016	 Opposition and Countermotion Filed By: Defendant A Cab LLC <i>[119] Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs</i>
03/14/2016	 Notice of Association of Counsel Filed By: Defendant A Cab Taxi Service LLC <i>[118] Notice of Association of Counsel</i>
03/15/2016	 Opposition/Response/Objection/Reply


CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed by: Defendant A Cab LLC <i>[123] Defendants' Opposition to Plaintiffs' Request for Additional Fees & Costs Before the Discovery Commissioner</i></p>
03/15/2016	<p> Opposition/Response/Objection/Reply Filed by: Defendant A Cab LLC <i>[122] Defendants' Opposition to Plaintiffs' Request for Additional Fees & Costs</i></p>
03/17/2016	<p> Errata Filed By: Plaintiff Murray, Michael <i>[124] Errata to Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification</i></p>
03/18/2016	<p> Opposition to Motion Filed By: Plaintiff Murray, Michael <i>[125] Plaintiffs' Response in Opposition to Defendants' Motion for Stay of Proceedings</i></p>
03/21/2016	<p> Motion to Reconsider Filed By: Defendant A Cab LLC <i>[126] Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations</i></p>
03/22/2016	<p> Transcript of Proceedings <i>[127] Transcript of Proceedings All Pending Motions 11-03-15</i></p>
03/24/2016	<p> Reply in Support Filed By: Defendant A Cab LLC <i>[129] Reply in Support of Defendants' Motion for Stay of Proceedings</i></p>
03/24/2016	<p> Reply in Support Filed By: Defendant A Cab LLC <i>[128] Reply in Support of Defendants' Motion for Reconsideration</i></p>
03/31/2016	<p> Supplement Filed by: Plaintiff Murray, Michael <i>[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.</i></p>
04/06/2016	<p> Order Granting Motion Filed By: Defendant A Cab LLC <i>[132] Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i></p>
04/06/2016	<p> Order Denying Motion Filed By: Defendant A Cab LLC <i>[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</i></p>
04/07/2016	<p> Opposition/Response/Objection/Reply Filed by: Defendant A Cab LLC <i>[136] Defendants' Opposition to Plaintiffs' Request for Production of All Computer Data Base Files in Their Entirety</i></p>

CASE SUMMARY

CASE NO. A-12-669926-C

04/07/2016	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>[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</i>
04/07/2016	 Notice of Entry of Order Filed By: Plaintiff Reno, Michael <i>[133] Notice of Entry of Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants</i>
04/07/2016	 Notice of Entry of Order Filed By: Defendant A Cab Taxi Service LLC <i>[134] Notice of Entry of Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i>
04/18/2016	 Reply in Support Filed By: Defendant Nady, Creighton J <i>[137] Defendants' Reply in Support of Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations</i>
04/28/2016	 Order Filed By: Defendant A Cab Taxi Service LLC <i>[138] Order on Defendants' Motion for Reconsideration</i>
04/28/2016	 Notice of Entry of Order Filed By: Defendant A Cab Taxi Service LLC <i>[139] Notice of Entry of Order on Defendants' Motion for Reconsideration</i>
04/29/2016	 Recorders Transcript of Hearing <i>[140] Recorder's Transcript of Proceedings - Further Proceedings: Discovery Production/Deferred Ruling - heard on April 8, 2016</i>
05/26/2016	 Order Denying Motion Filed By: Plaintiff Murray, Michael <i>[141] Order Denying Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations</i>
05/27/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[142] Notice of Entry of Order</i>
06/07/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[144] Notice of Entry of Order</i>
06/07/2016	 Order Filed By: Plaintiff Murray, Michael <i>[143] Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCPP Rule 23(b)(2) and NRCPP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCPP Rule 53 as Amended by this Court in Response to Defendants' Motion for Reconsideration heard in Chambers on March 28, 2016</i>
06/09/2016	 Motion to Compel

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Plaintiff Murray, Michael <i>[145] Motion to Compel the Production of Documents and Interrogatory Responses</i></p>
07/12/2016	<p> Opposition and Countermotion Filed By: Defendant A Cab Taxi Service LLC <i>[146] Defendant's Opposition to Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses & Defendants' Request for Sanctions of Fees Against Plaintiffs</i></p>
07/13/2016	<p> Discovery Commissioners Report and Recommendations <i>[147] Discovery Commissioner's Report and Recommendations</i></p>
07/13/2016	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[148] Notice of Entry of Discovery Commissioner's Report and Recommendations</i></p>
07/25/2016	<p> Motion Filed By: Plaintiff Murray, Michael <i>[149] Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief</i></p>
08/15/2016	<p> Opposition to Motion Filed By: Defendant A Cab LLC <i>[150] Defendant's Opposition to Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief</i></p>
08/23/2016	<p> Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[151] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief</i></p>
08/31/2016	<p> Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[152] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses</i></p>
09/02/2016	<p> Supplemental Filed by: Defendant A Cab Taxi Service LLC <i>[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</i></p>
09/02/2016	<p> Supplement Filed by: Plaintiff Murray, Michael <i>[154] Supplemental Brief Re: Discovery Status Conference</i></p>
09/09/2016	<p> Declaration Filed By: Plaintiff Murray, Michael <i>[155] Declaration of Sydney Saucier Re: Mailing of Class Notice</i></p>
09/14/2016	<p> Recorders Transcript of Hearing <i>[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</i></p>
09/20/2016	<p> Motion for Protective Order Filed By: Defendant A Cab LLC <i>[157] Defendants' Motion for Protective Order Or, in the Alternative, Motion to Terminate</i></p>

CASE SUMMARY

CASE NO. A-12-669926-C

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

10/06/2016



Response

Filed by: Plaintiff Murray, Michael

[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

10/14/2016



Motion

Filed By: Plaintiff Murray, Michael

[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

10/19/2016



Recorders Transcript of Hearing

[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

Filed By: Defendant A Cab LLC

[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

Filed By: Plaintiff Murray, Michael

[162] Motion to Compel Interrogatory Responses

11/09/2016



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Murray, Michael

[163] Discovery Commissioner's Report and Recommendations

11/10/2016



Reply to Opposition

Filed by: Plaintiff Murray, Michael

[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

Filed By: Defendant A Cab Taxi Service LLC

[165] Withdrawn 11/22/16 - Defendants' Objection to Discovery Commissioner's Report & Recommendation

11/16/2016



Objection to Discovery Commissioners Report and Recommend

Filed By: Plaintiff Murray, Michael

[166] Plaintiffs' Objections to Discovery Commissioner's Report and Recommendations

11/17/2016



Motion

Filed By: Defendant A Cab Taxi Service LLC

[167] 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

11/21/2016



Order Granting

Filed By: Plaintiff Murray, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

[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

Filed by: Defendant A Cab Taxi Service LLC

[169] Withdrawal of Defendants' Objection to Discovery Commissioner's Report & Recommendation

11/23/2016



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael

[170] Notice of Entry of Order

11/28/2016



Opposition to Motion to Compel

Filed By: Defendant A Cab Taxi Service LLC

[171] Defendant's Opposition to Plaintiffs' Motion to Compel Interrogatory Responses

11/29/2016



Supplement

Filed by: Plaintiff Murray, Michael

[172] Plaintiffs' Supplement in Support of Their Motion to Compel Interrogatory Responses

11/29/2016



Motion to Amend Answer

Filed By: Defendant A Cab LLC

[173] Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

12/02/2016



Reply to Opposition

Filed by: Plaintiff Murray, Michael

[174] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel Interrogatory Responses

12/07/2016



Supplemental

Filed by: Plaintiff Murray, Michael

[175] Plaintiffs' Second Supplement in Support of Their Motion to Compel Interrogatory Responses

12/08/2016



Opposition and Countermotion

Filed By: Plaintiff Murray, Michael

[176] Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing

12/16/2016



Opposition and Countermotion

Filed By: Plaintiff Murray, Michael

[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

Filed By: Defendant A Cab Taxi Service LLC

[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

[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

Filed By: Plaintiff Reno, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>[180] Partial Opposition to Defendants' Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint</i>
12/21/2016	 Recorders Transcript of Hearing <i>[181] Recorder's Transcript of Proceedings - Status Check: Compliance - heard on November 18, 2016</i>
12/23/2016	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>[182] Motion to Compel the Production of Documents</i>
12/28/2016	 Reply to Opposition Filed by: Defendant A Cab Taxi Service LLC <i>[183] Reply to Plaintiffs' Partial Opposition to Defendants' Notice of Withdrawal of Motion for Leave to Amend Answer to Assert a Third-Party Complaint</i>
12/28/2016	 Reply in Support Filed By: Defendant A Cab Taxi Service LLC <i>[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</i>
01/06/2017	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>[185] Motion to Compel Compliance with Subpoena</i>
01/11/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Murray, Michael <i>[186] Motion for Partial Summary Judgment</i>
01/12/2017	 Motion Filed By: Plaintiff Murray, Michael <i>[187] Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief</i>
01/13/2017	 Errata Filed By: Plaintiff Murray, Michael <i>[188] Errata to Plaintiffs' Motion for Partial Summary Judgment</i>
01/18/2017	 Order Shortening Time Filed By: Plaintiff Murray, Michael <i>[190] Order Shortening Time</i>
01/18/2017	 Motion Filed By: Plaintiff Murray, Michael <i>[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</i>
01/18/2017	 Notice of Non Opposition Filed By: Plaintiff Murray, Michael <i>[191] Notice of Non-Opposition</i>
01/18/2017	 Opposition to Motion to Compel Filed By: Defendant A Cab Taxi Service LLC

CASE SUMMARY

CASE NO. A-12-669926-C

[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

Filed by: Plaintiff Murray, Michael

[193] Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Compel the Production of Document

01/22/2017



Opposition

Filed By: Defendant A Cab Taxi Service LLC

[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

Filed by: Plaintiff Murray, Michael

[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

01/26/2017



Opposition to Motion to Compel

Filed By: Defendant A Cab Taxi Service LLC

[196] Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Subpoena

01/27/2017



Motion to Amend Answer

Filed By: Defendant A Cab Taxi Service LLC

[198] Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

01/27/2017



Objection to Discovery Commissioners Report and Recommend

Filed By: Plaintiff Murray, Michael

[199] Plaintiffs' Partial Objections to Discovery Commissioner Report and Recommendation

01/27/2017



Notice of Department Reassignment

[197] Notice of Department Reassignment

01/30/2017



Opposition to Motion

Filed By: Defendant A Cab Taxi Service LLC

[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



Re-Notice

Filed by: Plaintiff Murray, Michael

[203] Re-Notice of Motion for Partial Summary Judgment

02/02/2017



Opposition to Motion

Filed By: Defendant A Cab Taxi Service LLC

[202] Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment

02/02/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

[201] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Subpoena

02/03/2017



Motion

Filed By: Plaintiff Murray, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

02/03/2017



Re-Notice

Filed by: Plaintiff Murray, Michael

[204] Plaintiffs' Re-notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief

02/07/2017



Recorders Transcript of Hearing

[206] Recorder's Transcript of Proceedings - Plaintiffs' Motion to Compel the Production of Documents Jan. 25, 2017

02/10/2017



Opposition to Motion

Filed By: Defendant A Cab LLC

[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



Recorders Transcript of Hearing

[207] Recorder's Transcript of Proceedings - Plaintiffs' Motion to Compel Compliance with Subpoena - heard on February 8, 2017

02/10/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

[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

Filed By: Plaintiff Murray, Michael

[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



Supplemental

Filed by: Plaintiff Murray, Michael

[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



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael

[213] Notice of Entry of Order

02/16/2017



Order

Filed By: Plaintiff Murray, Michael

[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

02/17/2017



Supplement

[214] Supplement to Order for Injunction Filed on February 16, 2017














CASE SUMMARY

CASE NO. A-12-669926-C

02/17/2017	 Supplement <i>[215] Supplement to Order for Injunction Filed on February 16, 2017</i>
02/21/2017	 Order Filed By: Plaintiff Murray, Michael <i>[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)</i>
02/21/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[218] Notice of Entry of Order</i>
02/21/2017	 Errata Filed By: Plaintiff Murray, Michael <i>[217] Second Errata to Plaintiffs' Motion for Partial Summary Judgment</i>
02/22/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[219] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment</i>
02/23/2017	 Supplement Filed by: Plaintiff Murray, Michael <i>[220] Plaintiffs' Supplement to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment</i>
02/27/2017	 Declaration Filed By: Other Bass, Charles <i>[221] Declaration of Charles Bass</i>
03/07/2017	 Stipulation and Order Filed by: Plaintiff Murray, Michael <i>[222] Stipulation and Order Staying All Proceedings for a Maximum Period of Sixty (60) Days and Continuing Motion Hearing Dates</i>
03/09/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>[224] Discovery Commissioner's Report and Recommendations</i>
03/09/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>[225] Discovery Commissioners Report and Recommendations</i>
03/09/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Murray, Michael <i>[223] Notice of Entry of Stipulation and Order</i>
03/13/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[226] Notice of Entry of Order</i>
03/13/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[227] Notice of Entry of Order</i>

CASE SUMMARY

CASE NO. A-12-669926-C

03/20/2017	 Notice of Appeal Filed By: Defendant A Cab Taxi Service LLC <i>[228] Notice of Appeal</i>
03/20/2017	 Case Appeal Statement Filed By: Defendant A Cab Taxi Service LLC <i>[229] Defendants' Case Appeal Statement</i>
03/24/2017	 Notice of Filing Cost Bond Filed By: Defendant A Cab Taxi Service LLC <i>[230] Notice of Filing Cost Bond</i>
03/29/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>[231] Discovery Commissioner's Report and Recommendations</i>
03/31/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[232] Notice of Entry of Order</i>
05/11/2017	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
05/17/2017	 Discovery Commissioners Report and Recommendations Filed By: Defendant A Cab LLC <i>[234] Discovery Commissioner's Report and Recommendations</i>
05/18/2017	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>[235] Notice of Entry of Discovery Commissioner's Report & Recommendations</i>
05/23/2017	 Recorders Transcript of Hearing <i>[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</i>
05/24/2017	 Supplement to Opposition <i>[237] Supplement to Defendants Opposition to Plaintiffs Motion for Partial Summary Judgment</i>
05/25/2017	 Recorders Transcript of Hearing Party: Plaintiff Murray, Michael <i>[238] Transcript Re: All Pending Motions May 18, 2017</i>
05/31/2017	 Supplement to Opposition Filed By: Defendant A Cab LLC <i>[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</i>
06/02/2017	 Motion

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Plaintiff Murray, Michael <i>[240] Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief</i></p>
06/05/2017	<p> Recorders Transcript of Hearing <i>[241] Transcript Re: Plaintiff's Re-Notice of Motion for Partial Summary Judgment 05-25-17</i></p>
06/07/2017	<p> Decision and Order Filed By: Plaintiff Murray, Michael <i>[242] Decision and Order</i></p>
06/07/2017	<p> Notice of Entry of Decision and Order Filed By: Plaintiff Murray, Michael <i>[243] Notice of Entry of Decision and Order</i></p>
06/09/2017	<p> Opposition to Motion Filed By: Defendant A Cab LLC <i>[244] Defendants Opposition to Plaintiffs Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief</i></p>
06/19/2017	<p> Recorders Transcript of Hearing <i>[245] Transcript Re: Plaintiff's Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief 06-13-17</i></p>
07/11/2017	<p> Stipulation and Order Filed by: Plaintiff Murray, Michael <i>[246] Stipulation and Order</i></p>
07/12/2017	<p> Motion for Contempt Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[247] Plaintiffs Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with That Order</i></p>
07/14/2017	<p> Order Denying Motion Filed By: Defendant A Cab LLC <i>[248] Order Denying Plaintiffs' Motion for Partial Summary Judgment</i></p>
07/17/2017	<p> Notice of Entry of Order Filed By: Defendant A Cab LLC <i>[249] Notice of Entry of Order Denying Plaintiffs' Motion for Partial Summary Judgment</i></p>
07/17/2017	<p> Order Filed By: Plaintiff Murray, Michael <i>[250] Order</i></p>
07/17/2017	<p> Order Filed By: Plaintiff Murray, Michael <i>[251] Order</i></p>
07/21/2017	<p> Notice to Appear for Discovery Conference <i>[252] Notice to Appear for Discovery Conference</i></p>
07/31/2017	<p> Opposition to Motion Filed By: Defendant A Cab LLC</p>

CASE SUMMARY

CASE NO. A-12-669926-C

[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

Filed By: Defendant A Cab LLC

[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

Filed By: Defendant A Cab LLC

[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

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[256] Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017

08/07/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

[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

08/16/2017



Recorders Transcript of Hearing

[258] Recorders Transcript of Proceedings - Discovery Conference - heard on Aug. 8, 2017

08/21/2017



Opposition to Motion

Filed By: Defendant A Cab LLC

[259] Defendants Opposition to Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017

08/25/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[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

[261]

09/07/2017



Notice to Appear for Discovery Conference

[262] Notice to Appear for Discovery Conference

10/09/2017



Notice of Appearance

Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[263] Notice of Appearance

10/11/2017



Notice

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[264] Notice of Videotaping Deposition

10/11/2017



Notice

Filed By: Plaintiff Murray, Michael

[265] Notice of Videotaping Deposition

10/16/2017



Motion for Appointment

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Plaintiff Murray, Michael <i>[266] Plaintiffs' Motion for Appointment of Co-Class Counsel</i></p>
10/20/2017	<p> Recorders Transcript of Hearing <i>[267] Recorders Transcript of Hearing - Discovery Conference - Referred by Judge - heard on October 4, 2017</i></p>
10/24/2017	<p> Discovery Commissioners Report and Recommendations Filed By: Defendant A Cab LLC <i>[268] Discovery Commissioner's Report and Recommendations</i></p>
10/24/2017	<p> Notice of Entry Filed By: Defendant A Cab LLC <i>[269] Notice of Entry of Discovery Commissioner's Report & Recommendations</i></p>
11/02/2017	<p> Motion for Partial Summary Judgment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i></p>
11/02/2017	<p> Declaration Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[271] Declaration and Exhibits</i></p>
11/03/2017	<p> Motion to Bifurcate Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[272] Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(b)</i></p>
11/13/2017	<p> Objection to Discovery Commissioners Report and Recommend Filed By: Defendant A Cab LLC <i>[273] Defendants' Objection to Discovery Commissioner's Report & Recommendation</i></p>
11/20/2017	<p> Opposition to Motion For Summary Judgment Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC <i>[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</i></p>
11/22/2017	<p> Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[275] Response In Opposition To Defendants' Motion on OST to Continue Hearing of 12/5/17</i></p>
11/22/2017	<p> Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[276] Plaintiffs Response to Defendants Objection to Discovery Commissioner s Report and Recommendation</i></p>
11/22/2017	<p> Motion <i>[277] Defendants' Motion on Order Shortening Time to Continue Hearing of December 5, 2017</i></p>
11/27/2017	<p> Motion for Summary Judgment Filed By: Defendant A Cab LLC <i>[278] Defendants' Motion for Summary Judgment</i></p>

CASE SUMMARY

CASE NO. A-12-669926-C

11/27/2017	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[279] Defendants Opposition to Plaintiffs Motion for Bifurcation and/or to Limit Issues for Trial per NRCP 42(b)</i>
11/29/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[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</i>
12/01/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[281] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(b)</i>
12/12/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[282] Notice of Entry of Order</i>
12/12/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[283] NOtice of Entry of Order</i>
12/14/2017	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[284] Response in Opposition to Defendants Motion for Summary Judgment</i>
12/22/2017	 Motion in Limine Filed By: Plaintiff Murray, Michael <i>[285] Plaintiffs' Omnibus Motion in Limine #1-25</i>
12/22/2017	 Motion in Limine Filed By: Defendant A Cab LLC <i>[286] Defendants Motion in Limine to Exclude the Testimony of Plaintiffs Experts</i>
12/27/2017	 Reply in Support Filed By: Defendant A Cab LLC <i>[287] Defendants' Reply in Support of Motion for Summary Judgment</i>
01/04/2018	 Order Filed By: Plaintiff Murray, Michael <i>[288] Order of Apointment of Co-Counsel Christian Gabroy</i>
01/04/2018	 Notice of Entry Filed By: Plaintiff Murray, Michael <i>[289] Notice of Entry of Order</i>
01/09/2018	 Supplemental Filed by: Defendant A Cab LLC <i>[290] Defendants Supplement as Ordered by the Court on January 2, 2018</i>
01/09/2018	 Supplement to Motion for Summary Judgment Filed by: Plaintiff Murray, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>[291] Plaintiffs Supplement in Support of Motion for Partial Summary Judgment</i>
01/12/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[292] Plaintiffs Response to Defendants Motion in Limine to Exclude Expert Testimony</i>
01/12/2018	 Opposition to Motion in Limine Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[293] Defendants Opposition to Plaintiffs Omnibus Motion in Limine #1-25</i>
01/16/2018	 Stipulation and Order Filed by: Plaintiff Murray, Michael <i>[294] Stipulation and Order</i>
01/16/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Murray, Michael <i>[295] Notice of Entry of Stipulation and Order</i>
01/16/2018	 Notice <i>[296] Notice of Pre-Trial Conference</i>
01/17/2018	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[297] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion in Limine #1-#25</i>
01/19/2018	 Reply in Support Filed By: Defendant A Cab LLC <i>[298] Reply in Support of Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts</i>
01/22/2018	 Order Filed By: Plaintiff Murray, Michael <i>[299] Order</i>
01/22/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[300] Notice of Entry of Order</i>
01/22/2018	 Objection Filed By: Plaintiff Murray, Michael <i>[301] Plaintiffs Nrcp 16.1(3) Objections To Defendants Exhibits And Witnesses</i>
01/24/2018	 Objection Filed By: Defendant A Cab LLC <i>[302] Defendants Objections to Plaintiffs Pre-trial Disclosure Pursuant to NRCP 16.1 (a)(3) (C)</i>
01/31/2018	 Supplement Filed by: Plaintiff Murray, Michael <i>[303] Plaintiffs Supplement in Connection With Appointment of Special Master</i>
02/02/2018	 Order Denying Motion Filed By: Defendant A Cab LLC <i>[304] Order Denying Plaintiffs' Motion for Bifurcation And/or to Limit Issues for Trial per</i>

CASE SUMMARY

CASE NO. A-12-669926-C

NRCP 42 (b)

02/02/2018	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>[305] Notice of Entry of Order Denying Plaintiffs Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(B)</i>
02/05/2018	 Supplement Filed by: Defendant A Cab LLC <i>[306] Defendants Supplement Pertaining to an Order to Appoint Special Master</i>
02/07/2018	 Supplement Filed by: Defendant A Cab LLC <i>[307] Defendants Supplement to its Proposed Candidates for Special Master</i>
02/07/2018	 Order Filed By: Plaintiff Murray, Michael <i>[308] Order Granting Plaintiffs' Motion to Appoint A Special Master</i>
02/08/2018	 Recorders Transcript of Hearing <i>[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</i>
02/08/2018	 Recorders Transcript of Hearing <i>[310] Transcript Re: Defendant's Motion for Summary Judgment 01-02-18</i>
02/08/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[311] Notice of Entry of Order</i>
02/09/2018	 Motion to Strike Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[312] Motion to Strike Defendants Affirmative Defenses</i>
02/13/2018	 Order <i>[313] Order Modifying Court's Previous Order of February 7, 2018 Appointing A Special Master</i>
02/13/2018	 Order Filed By: Plaintiff Murray, Michael <i>[314] (Duplicate) Order Modifying Court's Previous Order of February 7, 2018 Appointing A Special Master</i>
02/16/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[315] Notice of Entry of Order</i>
03/02/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[316] Plaintiffs Response To Defendants Motion For Stay On OST</i>
03/02/2018	 Opposition to Motion Filed By: Defendant A Cab LLC

CASE SUMMARY

CASE NO. A-12-669926-C

[317] Defendants Opposition to Plaintiffs Motion to Strike Defendants Affirmative Defenses

03/02/2018



Motion to Stay

Filed By: Defendant A Cab LLC

[320] Defendants Motion on Order Shortening Time for Stay of Proceedings

03/06/2018



Recorders Transcript of Hearing

[318] Transcript Re: Status Check: Appointment of Special Master 02-02-18

03/06/2018



Recorders Transcript of Hearing

[319] Transcript Re: Plaintiffs' Omnibus Motion in Limine 1-25, Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts 01-25-18

03/07/2018



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[321] Notice of Entry of Minute Order

03/08/2018



Recorders Transcript of Hearing

[322] Transcript Re: Appointment of Special Master 02-15-18

04/17/2018



Order Shortening Time

Filed By: Plaintiff Murray, Michael

[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

[324] Plaintiff Jasminka Dubric's Opposition to Michael Murray and Michael Reno's Motion for Miscellaneous Relief

04/26/2018



Declaration

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[325] Declaration of Counsel, Leon Greenberg, Esq.

04/26/2018



Reply to Opposition

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[326] Plaintiffs Reply to Jasminka Dubric s Opposition to Plaintiffs Motion for Miscellaneous Relief

05/07/2018



NV Supreme Court Clerks Certificate/Judgment - Reversed

[327] Nevada Supreme Court Clerk's Certificate Judgment - Reversed

05/16/2018



Declaration

Filed By: Plaintiff Murray, Michael

[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 2.50 coordination.

05/18/2018



Declaration

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[329] Second Supplemental Declaration of Class Counsel, Leon Greenberg, Esq.

05/20/2018



Opposition to Motion

Filed By: Defendant A Cab LLC

[330] Defendants' Opposition to Plaintiffs' Declarations; Motion on OST to Lift Stay, Hold

CASE SUMMARY

CASE NO. A-12-669926-C

Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases

05/21/2018	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[331] Plaintiffs Reply to a Cab and Nady s Opposition to Plaintiffs Motion for Miscellaneous Relief</i>
05/24/2018	 Declaration Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[332] Declaration of Class Counsel Re: Nev. R. Civ. P. 41(e) time</i>
05/30/2018	 Declaration Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[333] DECLARATION OF CLASS COUNSEL, LEON GREENBERG, ESQ. Re: Status of Special Master Assignment and Defendants Delay of that Assignment</i>
05/31/2018	 Response Filed by: Defendant A Cab LLC <i>[334] Defendants Response to Plaintiffs Additional Declaration</i>
06/04/2018	 Memorandum Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
06/04/2018	 Supplement Filed by: Defendant A Cab LLC <i>[336] Defendants Supplemental List of Citations Per Court Order</i>
06/20/2018	 Declaration Filed By: Plaintiff Murray, Michael <i>[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.</i>
06/22/2018	 Supplemental Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[338] Plaintiffs Supplement in Support of Entry of Final Judgment per Hearing Held June 5, 2018</i>
06/27/2018	 Objection Filed By: Defendant A Cab LLC <i>[339] Defendants' Objection to Billing by Stricken Special Master Michael Rosten</i>
07/10/2018	 Supplement Filed by: Defendant A Cab LLC <i>[340] Defendants Supplemental Authority in Response to Declaration of June 20, 2018</i>
07/10/2018	 Opposition Filed By: Defendant A Cab LLC <i>[341] Opposition to Additional Relief Requested in Plaintiffs Supplement</i>
07/12/2018	 Records Transcript of Hearing

CASE SUMMARY

CASE NO. A-12-669926-C

[342] Transcript Re: Plaintiff's Motion for Partial Summary Judgment 06-05-18

07/13/2018



Supplement

Filed by: Plaintiff Murray, Michael

[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

Party: Special Master Rosten, Michael

[344] Notice of Appearance

07/13/2018



Response

Filed by: Special Master Rosten, Michael

[345] Michael Rosten's Response to Defendants' Objection to Billing By Stricken Special Master Michael Rosten

07/18/2018



Supplement

Filed by: Defendant A Cab LLC

[346] Defendants Supplemental Authority in Response to Plaintiffs Additional Supplement Filed July 13, 2018

08/03/2018



Supplement

Filed by: Plaintiff Murray, Michael

[347] Plaintiffs Supplement in Reply to Defendants Supplement Dated July 18, 2018

08/21/2018



Order Granting Judgment

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[348] Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment

08/22/2018



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael

[349] Notice of Entry of Order

08/22/2018



Motion to Amend Judgment

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[350] Motion to Amend Judgment

09/10/2018



Opposition to Motion

Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J

[351] Opposition to Plaintiffs Motion to Amend Judgment

09/10/2018



Motion to Reconsider

Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J

[353] Defendants Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims

09/11/2018



Writ Electronically Issued

Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[352] Writ of Execution

09/20/2018



Reply to Opposition

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[354] Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion to Amend Judgment






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CASE NO. A-12-669926-C

09/20/2018	 Notice Filed By: Defendant A Cab LLC <i>[355] Notice</i>
09/20/2018	 Notice Filed By: Defendant A Cab Taxi Service LLC <i>[356] Notice</i>
09/20/2018	 Notice of Association of Counsel Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[357] Revised Notice of Association of Counsel</i>
09/21/2018	 Notice of Appeal Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[358] Notice of Appeal</i>
09/21/2018	 Case Appeal Statement Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[359] Defendants' Case Appeal Statement</i>
09/21/2018	 Motion Filed By: Defendant A Cab Taxi Service LLC <i>[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</i>
09/21/2018	 Receipt of Copy Filed by: Defendant A Cab Taxi Service LLC <i>[361] Receipt of Copy</i>
09/24/2018	 Response <i>[362] Plaintiffs Response and Counter-motion to Defendants Motion on OST to Quash</i>
09/27/2018	 Supplement to Opposition Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[363] Plaintiffs Supplemental Response to Defendants Motion on OST to Quash</i>
09/27/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[364] Plaintiffs Response in Opposition to Defendants Motion for Reconsideration of Judgment and New Trial</i>
10/01/2018	 Exhibits Filed By: Defendant A Cab LLC <i>[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</i>
10/02/2018	 Notice of Filing Cost Bond Filed By: Defendant A Cab LLC <i>[366] Notice of Filing Cost Bond</i>
10/04/2018	 Claim Filed By: Defendant A Cab LLC <i>[367] Claim of Exemption from Execution</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/04/2018	 Claim <i>[368] Claim of Exemption from Execution (A Cab Series, LLC, Taxi Leasing Company)</i>
10/04/2018	 Claim <i>[369] Claim of Exemption from Execution (A Cab Series, LLC, Administration Company)</i>
10/04/2018	 Claim <i>[370] Claim of Exemption from Execution (A Cab Series, LLC, Ccards Company)</i>
10/04/2018	 Claim <i>[371] Claim of Exemption from Execution (A Cab Series, LLC, Maintenance Company)</i>
10/04/2018	 Claim <i>[372] Claim of Exemption from Execution (A Cab Series, LLC, Medallion Comany)</i>
10/04/2018	 Claim <i>[373] Claim of Exemption from Execution (A Cab Series, LLC Employee Leasing Company Two)</i>
10/05/2018	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[374] Motion for an Order Granting a Judgment Debtor Examination and for Other Relief</i>
10/12/2018	 Motion for Attorney Fees Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[375] Motion for an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution</i>
10/15/2018	 Objection Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[376] Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing</i>
10/15/2018	 Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[377] Opposition to Plaintiffs Counter-Motion for Appropriate Judgment Relief</i>
10/16/2018	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[378] Plaintiffs Reply to Defendants Response to Plaintiffs Counter-Motion for Appropriate Judgment Enforcement Relief</i>
10/16/2018	 Reply in Support Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[379] Reply in Support of Defendants Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims</i>
10/17/2018	 Motion to Dismiss Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[380] Defendant's Motion for Dismissal of Claims on Order Shortening Time</i>
10/17/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[381] Plaintiffs Response in Opposition to Defendants Motion for Dismissal of Claims on an Order Shortening Time</i>

CASE SUMMARY

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10/17/2018	 Certificate of Mailing Filed By: Plaintiff Murray, Michael <i>[382] Certificate of Mailing</i>
10/17/2018	 Certificate of Mailing Filed By: Plaintiff Murray, Michael <i>[383] Certificate of Mailing</i>
10/17/2018	 Proof of Service Filed by: Plaintiff Murray, Michael <i>[384] Proof of Service</i>
10/22/2018	 Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[385] Order</i>
10/22/2018	 Notice of Entry Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[386] Notice of Entry of Order</i>
10/29/2018	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
10/31/2018	 Notice of Non Opposition Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[388] Notice of Non-Opposition</i>
11/01/2018	 Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[389] Opposition to Plaintiffs Motion for an Award of Attorneys Fees and Costs per NRCP Rule 54 and the Nevada Constitution</i>
11/05/2018	 Motion for Contempt <i>[390] Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt</i>
11/05/2018	 Affidavit <i>[391] Affidavit in Support of Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt</i>
11/06/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[393] Writ of Execution</i>
11/07/2018	 Writ Electronically Issued <i>[392] Writ of Execution</i>
11/07/2018	 Writ Electronically Issued <i>[394] Writ of Execution</i>
11/07/2018	 Writ Electronically Issued

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [395] <i>Writ of Execution</i></p>
11/07/2018	<p> Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [396] <i>Writ of Execution</i></p>
11/07/2018	<p> Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [397] <i>Writ of Execution</i></p>
11/07/2018	<p> Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [398] <i>Writ of Execution</i></p>
11/07/2018	<p> Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [399] <i>Writ of Execution</i></p>
11/07/2018	<p> Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [400] <i>Writ of Execution</i></p>
11/07/2018	<p> Writ Electronically Issued [401] <i>Writ of Execution</i></p>
11/08/2018	<p> Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael [402] <i>Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion for an Award of Attorneys Fees and Costs as Per NRC P Rule 54 and the Nevada Constitution</i></p>
11/12/2018	<p> Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael [403] <i>Writ of Execution</i></p>
11/16/2018	<p> Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J [404] <i>Opposition to Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs per NRC P Rule 54 and the Nevada Constitution</i></p>
11/16/2018	<p> Opposition Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC [405] <i>Defendant's Opposition to Plaintiffs Motion For An Order Granting A Judgment Debtor Examination And For Other Relief</i></p>
11/20/2018	<p> Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael [406] <i>Plaintiffs' Reply to Defendants Opposition to Plaintiffs Motion for an Order Granting a Judgment Debtor Examination and for Other Relief</i></p>
11/26/2018	<p> Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J [407] <i>Opposition to Resolution Economics Application for Order of Payment of Special Master s Fees and Motion for Contempt</i></p>

CASE SUMMARY

CASE NO. A-12-669926-C

11/26/2018	 Temporary Restraining Order Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
11/26/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[409] Plaintiffs Response to Special Master s Motion for an Order for Payment of Fees and Contempt</i>
11/27/2018	 Recorders Transcript of Hearing <i>[410] Transcript Re: All Pending Motions 10-22-18</i>
11/28/2018	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
11/30/2018	 Opposition to Motion Filed By: Defendant A Cab Taxi Service LLC; Defendant Nady, Creighton J <i>[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</i>
12/03/2018	 Reply to Opposition <i>[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</i>
12/05/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[414] Writ of Execution</i>
12/07/2018	 Claim Filed By: Defendant A Cab Taxi Service LLC <i>[415] (1/2/19 Withdrawn) Claim of Exemption from Execution</i>
12/12/2018	 Opposition Filed By: Defendant A Cab Taxi Service LLC <i>[416] Defendant's Opposition to Plaintiffs' Motion for Other Relief Including a Reciever</i>
12/17/2018	 Recorders Transcript of Hearing <i>[417] Recorder's Transcript of Hearing: All Pending Motions 12-04-18</i>
12/18/2018	 Order Denying Motion Filed By: Plaintiff Murray, Michael <i>[418] Order Denying Defendants' Motion to Quash Writ of Execution</i>
12/18/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[419] Notice of Entry of Order</i>
12/18/2018	 Order Filed By: Plaintiff Murray, Michael <i>[420] Order Granting in Part and Denying in Part Plaintiffs' Objections to Defendants'</i>

CASE SUMMARY

CASE NO. A-12-669926-C

Claims of Exemption From Execution

12/18/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[421] Notice of Entry of Order</i>
12/18/2018	 Order Granting Filed By: Plaintiff Murray, Michael <i>[422] Order Granting Plaintiffs' Counter Motion for Judgment Enforcement Relief</i>
12/19/2018	 Objection Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[424] Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing</i>
12/20/2018	 Order Filed By: Defendant A Cab Taxi Service LLC <i>[423] Order</i>
12/26/2018	 Recorders Transcript of Hearing <i>[425] Transcript Re: Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt 12-11-18</i>
12/26/2018	 Recorders Transcript of Hearing <i>[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</i>
01/02/2019	 Notice of Withdrawal Filed by: Defendant A Cab Taxi Service LLC <i>[427] Notice of Withdrawal</i>
01/02/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[428] Writ of Execution</i>
01/02/2019	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[429] Notice of Entry of Order</i>
01/08/2019	 Order Filed By: Defendant A Cab Taxi Service LLC <i>[430] Order</i>
01/09/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[431] Writ of Execution</i>
01/09/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[432] Writ of Execution</i>
01/09/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[433] Writ of Execution</i>












CASE SUMMARY

CASE NO. A-12-669926-C

01/15/2019	 Amended Notice of Appeal Party: Defendant A Cab LLC <i>[434] Amended Notice of Appeal</i>
01/15/2019	 Amended Case Appeal Statement Party: Defendant A Cab LLC <i>[435] Defendants' Amended Case Appeal Statement</i>
01/15/2019	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[436] Motion to Distribute Funds Held by Class Counsel</i>
01/15/2019	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[437] Motion to Amend the Court s Order Entered on December 18, 2018</i>
01/17/2019	 Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[438] Defendants' Motion to Pay Special Master on Order Shortening Time</i>
01/30/2019	 Opposition and Countermotion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
02/01/2019	 Status Report <i>[440] Report of Special Master George C. Swarts, CPA</i>
02/04/2019	 Order Granting <i>[441] Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt</i>
02/04/2019	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[442] Opposition to Plaintiffs Motion to Amend the Court s Order Entered on December 18, 2018</i>
02/04/2019	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[443] Opposition to Motion to Distribute Funds Held by Class Counsel</i>
02/04/2019	 Supplement Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[444] Plaintiffs Supplemental Brief</i>
02/04/2019	 Reply in Support Filed By: Defendant A Cab LLC <i>[445] Reply in Support of Motion to Pay the Special Master On Order Shortening Time</i>
02/04/2019	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[446] Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Distribute Funds Held by Class Counsel</i>

CASE SUMMARY

CASE NO. A-12-669926-C

02/05/2019	 Notice of Entry of Order <i>[447] Notice of Entry of Order</i>
02/06/2019	 Order Granting Filed By: Plaintiff Murray, Michael <i>[448] Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs Pursuant to NRCPC 54 and the Nevada Constitution</i>
02/07/2019	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>[449] Notice of Entry of Order</i>
02/08/2019	 Affidavit <i>[450] Affidavit of Plaintiffs Counsel, Leon Greenberg, Esq.</i>
02/25/2019	 Motion to Reconsider Filed By: Defendant A Cab LLC <i>[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</i>
02/27/2019	 Notice of Change of Firm Name Filed By: Defendant A Cab LLC <i>[452] Notice of Change of Firm Name</i>
03/01/2019	 Notice of Department Reassignment <i>[453] Notice of Department Reassignment</i>
03/04/2019	 Order Filed By: Special Master Swarts, George C. <i>[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.</i>
03/05/2019	 Order Filed By: Plaintiff Murray, Michael <i>[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</i>
03/05/2019	 Order Filed By: Plaintiff Murray, Michael <i>[456] Order on Defendants' Motion for Reconsideration</i>
03/05/2019	 Notice of Entry Filed By: Plaintiff Murray, Michael <i>[457] Notice of Entry of Order</i>

CASE SUMMARY

CASE NO. A-12-669926-C

03/05/2019	 Notice of Entry Filed By: Plaintiff Murray, Michael <i>[458] Notice of Entry of Order</i>
03/06/2019	 Amended Notice of Appeal (Criminal) Party: Defendant A Cab Taxi Service LLC <i>[459] Second Amended Notice of Appeal</i>
03/06/2019	 Amended Case Appeal Statement Party: Defendant A Cab Taxi Service LLC <i>[460] Defendant's Second Amended Case Appeal Statement</i>
03/13/2019	 Motion to Strike <i>[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</i>
03/13/2019	 Clerk's Notice of Hearing <i>[462] Notice of Hearing</i>
03/14/2019	 Ex Parte Motion Filed By: Special Master Resolution Economics LLC <i>[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</i>
03/15/2019	 Order Shortening Time <i>[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</i>
03/15/2019	 Notice of Entry of Order <i>[465] Notice of Entry of Order</i>
03/15/2019	 Peremptory Challenge Filed by: Plaintiff Murray, Michael <i>[466] Notice of Peremptory Challenge</i>
03/15/2019	 Objection Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[467] Defendants Objection to Notice of Peremptory Challenge</i>
03/15/2019	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[468] Plaintiffs Response to Defendants Objection to Plaintiffs Notice of Peremptory Challenge of Judge</i>
03/18/2019	 Clerk's Notice of Hearing <i>[469] Notice of Hearing</i>
03/18/2019	 Notice of Department Reassignment <i>[470] Notice of Department Reassignment</i>

CASE SUMMARY

CASE NO. A-12-669926-C

03/20/2019	 Opposition <i>[471] Opposition</i>
03/21/2019	 Order Shortening Time Filed By: Plaintiff Murray, Michael <i>[472] Plaintiffs' Motion on Order Shortening Time for Reconsideration of Order of Recusal</i>
03/21/2019	 Motion Filed By: Plaintiff Murray, Michael <i>[473] Motion for Reconsideration of Order of Recusal</i>
03/25/2019	 Order <i>[474] Order to Deny Reconsideration</i>
03/28/2019	 Opposition to Motion <i>[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</i>
03/28/2019	 Opposition to Motion <i>[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</i>
04/12/2019	 Motion to Quash Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[477] Defendants Motion to Quash Subpoena Issued to Curb Mobility, LLC</i>
04/12/2019	 Notice of Stay Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[478] Notice of Automatic Stay of Proceedings Pursuant to 11 U.S.C. 362</i>
04/13/2019	 Clerk's Notice of Hearing <i>[479] Notice of Hearing</i>
04/15/2019	 Notice of Stay Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[480] Corrected Notice of Automatic Stay of Proceedings Pursuant to 11 U.S.C. 362</i>
04/22/2019	 Recorders Transcript of Hearing <i>[481] Transcript Re: Defendant's Motion to Dismiss Complaint 01-17-13</i>
04/22/2019	 Recorders Transcript of Hearing <i>[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 NRCR Rule 53 08-11-15</i>
04/22/2019	 Recorders Transcript of Hearing <i>[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</i>
04/22/2019	 Recorders Transcript of Hearing

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>[484] Transcript Re: Plaintiffs' Motion for Miscellaneous Relief 05-23-18</i>
04/22/2019	 Recorders Transcript of Hearing <i>[485] Transcript Re: Plaintiffs' Motion to Hold Defendants in Contempt; Strike Their Answer 06-01-18</i>
04/22/2019	 Recorders Transcript of Hearing <i>[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</i>
04/22/2019	 Recorders Transcript of Hearing <i>[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</i>
05/08/2019	 Brief Filed By: Defendant A Cab Taxi Service LLC <i>[488] Brief</i>
05/09/2019	 Supplemental Brief Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[489] Supplement to Brief Addressing Jurisdiction of this Court</i>
05/17/2019	 Stipulation and Order Filed by: Defendant A Cab Taxi Service LLC <i>[490] Stipulation and Order</i>
05/20/2019	 Stipulation and Order Filed by: Defendant A Cab Taxi Service LLC <i>[491] Stipulation and Order</i>
06/06/2019	 Notice of Withdrawal of Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[492] Notice of Withdrawal of Motion to Distribute Funds Held by Class Counsel</i>
06/10/2019	 Supplemental Brief Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[493] Plaintiffs Supplemental Brief Regarding Effect of Bankruptcy Stay on These Proceedings</i>
06/14/2019	 Recorders Transcript of Hearing <i>[494] Recorders Transcript of Hearing Re: All Pending Motions, May 21, 2019</i>
08/08/2019	 Order Filed By: Special Master Resolution Economics LLC <i>[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</i>
08/08/2019	 Notice of Entry of Order Filed By: Special Master Resolution Economics LLC <i>[496] Notice of Entry of Order</i>
08/09/2019	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[497] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/03/2019	 Motion for Distribution Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[498] Motion to Distribute Funds Held by Class Counsel</i>
10/03/2019	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[499] Plaintiffs Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320</i>
10/03/2019	 Motion to Enforce Filed By: Plaintiff Murray, Michael <i>[500] Motion to Allow Judgment Enforcement</i>
10/04/2019	 Clerk's Notice of Hearing <i>[501] Notice of Hearing</i>
10/24/2019	 Opposition to Motion <i>[502] Defendants' Opposition to Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor</i>
10/24/2019	 Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[503] Opposition to Motion to Distribute Funds Held by Class Counsel</i>
10/24/2019	 Opposition and Countermotion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>[504] Opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities</i>
10/27/2019	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[505] Defendants' Opposition to Motion to Intervene and Deny Preliminary Approval of Proposed Class Action Settlement on Order Shortening Time</i>
11/05/2019	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>[506] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320</i>
11/05/2019	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[507] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Distribute Funds Held by Class Counsel</i>
11/05/2019	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[508] Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Allow Judgment Enforcement Opposition to Counter-Motion to Stay Judgment</i>
11/20/2019	 Motion Filed By: Defendant A Cab LLC <i>[509] Defendants' Motion to Resume Court Hearings on Order Shortening Time</i>
11/26/2019	

CASE SUMMARY

CASE NO. A-12-669926-C

	 Opposition to Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[510] Plaintiffs' Opposition to Defendants Motion to Resume Court Hearings on an Order Shorting Time</i>
12/17/2019	 Supplemental Brief Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[511] Plaintiffs Supplemental Brief Regarding Appointment of Receiver</i>
12/31/2019	 Supplemental Brief <i>[512] Defendants' Supplemental Brief Regarding Special Master</i>
01/16/2020	 Recorders Transcript of Hearing <i>[513] Recorders Transcript of Hearing Re: All Pending Motions, December 3, 2019</i>
03/02/2020	 Notice of Withdrawal Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[514] Notice of Withdrawal of Attorney Dana Sniegocki</i>
07/17/2020	 Order Denying Motion Filed By: Defendant A Cab Taxi Service LLC <i>[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</i>
07/17/2020	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>[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</i>
08/12/2020	 Notice of Appeal Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[517] NOTICE OF APPEAL</i>
08/12/2020	 Case Appeal Statement Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[518] CASE APPEAL STATEMENT</i>
08/20/2020	 Amended Case Appeal Statement Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[519] AMENDED CASE APPEAL STATEMENT</i>
12/15/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[520] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
12/30/2020	 Motion for Appointment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[521] Plaintiffs' Motion For Appointment Of A Receiver To Aid Judgment Enforcement Or Alternative Relief</i>
01/04/2021	Case Reassigned to Department 2 <i>Judicial Reassignment to Judge Carli Kierny</i>

CASE SUMMARY

CASE NO. A-12-669926-C

01/04/2021	 Clerk's Notice of Hearing <i>[522] Notice of Hearing</i>
01/20/2021	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[523] Defendant's Opposition to Plaintiff's Motion for Appointment of a Receiver to Aid Judgment Enforcement or Alternative Relief</i>
01/25/2021	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[524] Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion for Appointment of a Receiver to Aid Judgment Enforcement or Alternative Relief</i>
01/28/2021	 Status Report Filed By: Special Master Swarts, George C. <i>[525] Status Report of Steven J. Parsons, Attorney for Special Master George C. Swarts, CPA</i>
01/29/2021	 Supplement Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[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</i>
02/22/2021	 Order Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC; Defendant Nady, Creighton J <i>[527] Order on Plaintiff's Motion for Appointment of Receiver to Aid Judgment Enforcement of Alternative Relief</i>
02/22/2021	 Notice of Entry of Order Filed By: Defendant A Cab Taxi Service LLC <i>[528] Notice of Entry of Order</i>
02/23/2021	 Notice of Appeal Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[529] Notice of Appeal</i>
02/23/2021	 Case Appeal Statement Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[530] Case Appeal Statement</i>
03/15/2021	 Motion for Attorney Fees Filed By: Defendant A Cab LLC <i>[531] Defendant's Motion for Attorneys Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs</i>
03/16/2021	 Clerk's Notice of Hearing <i>[532] Notice of Hearing</i>
03/30/2021	 Stipulation and Order Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[533] Stipulation and Order to Extend Briefing Schedule</i>
05/04/2021	 Opposition and Countermotion

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[534] Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter-Motion for Set off Judgment Owed</i></p>
05/18/2021	<p> Response Filed by: Defendant A Cab LLC <i>[535] Defendants Response to Plaintiffs Counter-Motion for Set Off of Judgment Owed</i></p>
06/03/2021	<p> Reply in Support Filed By: Defendant A Cab Taxi Service LLC <i>[536] Defendant's Reply in Support of its Motion for Attorneys' Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs</i></p>
11/11/2021	<p> Ex Parte Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[537] Plaintiffs' Ex Parte Motion for Release of Appeal Bond</i></p>
11/16/2021	<p> Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[538] Plaintiffs' Ex Parte Motion for Release of Appeal Bond</i></p>
11/17/2021	<p> Ex Parte Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[539] Plaintiffs' Ex Parte Motion for Release of Appeal Bond</i></p>
11/17/2021	<p> Notice of Entry Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[540] NOTICE OF ENTRY OF ORDER</i></p>
01/04/2022	<p> Notice of Hearing <i>[541] A-12-669926-C - NOH - Notice of Hearing</i></p>
01/13/2022	<p> Motion for Costs Filed By: Defendant A Cab LLC <i>[542] Defendants' Motion for Costs</i></p>
01/13/2022	<p> Clerk's Notice of Hearing Party: Defendant A Cab Taxi Service LLC <i>[543] Notice of Hearing</i></p>
01/26/2022	<p> Stipulation and Order Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[544] Stipulation and Order Re: Motion Briefing</i></p>
02/03/2022	<p> Opposition to Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[545] PLAINTIFFS RESPONSE TO DEFENDANTS MOTION FOR COSTS COUNTER MOTION TO OFFSET COSTS AGAINST JUDGMENT</i></p>
02/04/2022	<p> NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>[546] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand</i></p>
02/09/2022	<p> Reply in Support</p>

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed By: Defendant A Cab LLC <i>[547] Reply in Support of Defendants Motion for Costs and Opposition to Countermotion</i></p>
02/10/2022	<p> Supplement Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[548] Supplement to Plaintiffs' Response to Defendants Motion for Costs</i></p>
02/10/2022	<p> Supplement to Response and Opposition Filed By: Defendant A Cab LLC <i>[549] Defendants Supplement to Response and Opposition to Plaintiffs Rogue Supplement</i></p>
02/11/2022	<p> Motion Filed By: Defendant A Cab LLC <i>[550] Defendants' Motion for Declaratory Order</i></p>
02/14/2022	<p> Clerk's Notice of Hearing <i>[551] Notice of Hearing</i></p>
02/14/2022	<p> Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[552] Plaintiffs Motion for Entry of a Modified Judgment as Provided for by Remittitur</i></p>
02/15/2022	<p> Clerk's Notice of Hearing <i>[553] Notice of Hearing</i></p>
02/16/2022	<p> Motion for Attorney Fees Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[554] Plaintiffs Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided by Remittitur</i></p>
02/17/2022	<p> Clerk's Notice of Hearing <i>[555] Notice of Hearing</i></p>
02/17/2022	<p> Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[556] Plaintiffs' Motion for an Award of Attorney's Fees on Appeal</i></p>
02/17/2022	<p> Clerk's Notice of Hearing <i>[557] Notice of Hearing</i></p>
02/22/2022	<p> Motion Filed By: Plaintiff Murray, Michael; Defendant Nady, Creighton J <i>[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</i></p>
02/23/2022	<p> Clerk's Notice of Hearing <i>[559] Notice of Hearing</i></p>
02/23/2022	<p> Errata Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[560] Errata to Plaintiffs Motion for Entry of Modified Award and Pre-Judgment Attorney's Fees and</i></p>
02/25/2022	<p> Response</p>

CASE SUMMARY

CASE NO. A-12-669926-C

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[561] Plaintiffs Response to Defendants Motion for Declaratory Order Counter-Motion for Award of Attorney's Fees

02/28/2022



Order Shortening Time

Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC; Defendant Nady, Creighton J

[562] Defendant's Motion to Stay on Order Shortening Time

02/28/2022



Opposition to Motion

Filed By: Defendant A Cab LLC

[563] Opposition to Plaintiffs Motion for Entry of a Modified Judgment as Provided for by Remittitur

03/02/2022



Opposition to Motion

Filed By: Defendant A Cab LLC

[564] Opposition to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur

03/03/2022



Opposition to Motion

Filed By: Defendant A Cab LLC

[565] Opposition to Plaintiffs' Motion for an Award of Attorney's Fees on Appeal

03/04/2022



Response

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[566] Plaintiff's Resonse to Defendants' Motion for Stay on Order Shorteing Time Counter-Motion for Award of Attorney's Fees

03/08/2022



Reply in Support

Filed By: Defendant A Cab LLC

[567] Reply in Support of Defendants Motion to Stay on Order Shortening Time

03/08/2022



Opposition to Motion

Filed By: Defendant A Cab LLC

[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

03/16/2022



Statement

[569] Recorder Invoice

03/16/2022



Recorders Transcript of Hearing

[570] Recorders Transcript of Hearing Re: Defendant's Motion to Stay on OST, March 9, 2022

03/29/2022



Petition for Writ of Mandamus

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[571] Petition for Writ of Mandamus

03/29/2022



Appendix

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[572] Appendix to Petitioners' Writ of Mandamus Volume I of VI

03/29/2022



Appendix

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael

[573] Appendix to Petitioners' Writ of Mandamus Volume II of VI

CASE SUMMARY

CASE NO. A-12-669926-C

03/29/2022



Appendix

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[574] *Appendix to Petitioners' Writ of Mandamus Volume III of VI*

03/29/2022



Appendix

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[575] *Appendix to Petitioners' Writ of Mandamus Volume IV of VI*

03/29/2022



Appendix

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[576] *Appendix to Petitioners' Writ of Mandamus Volume V of VI*

03/29/2022



Appendix

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[577] *Appendix to Petitioners' Writ of Mandamus Volume VI of VI*

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

[578] *Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remanded; Rehearing Denied*

04/21/2022



Order

[579] *Order Setting Status Check*

05/02/2022



Miscellaneous Filing

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[580] *Letter*

05/03/2022



Order Granting

[581] *Order Granting Defendant's Motion to Stay*

05/03/2022



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[582] *Notice of Entry of Order*

05/17/2022



Miscellaneous Filing

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
[583] *Letter*

05/17/2022



Order Granting

[584] *ORDER GRANTING DEFENDANTS' MOTION FOR COSTS*

05/17/2022



Notice of Entry of Order

Filed By: Defendant A Cab LLC
[585] *Notice of Entry of Order Granting Defendants' Motion for Costs*

05/19/2022



Order Granting Motion

Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC; Defendant Nady, Creighton J
[586] *Order Granting Defendants' Motion for Release of Cost Bonds*

CASE SUMMARY

CASE NO. A-12-669926-C


05/20/2022	 Notice of Entry of Order Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC; Defendant Nady, Creighton J <i>[587] Notice of Entry of Order Granting Defendants' Motion for Release of Cost Bonds</i>
05/25/2022	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[588] Plaintiffs Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief</i>
05/25/2022	 Clerk's Notice of Hearing Party: Plaintiff Murray, Michael <i>[589] Notice of Hearing</i>
05/31/2022	 Motion to Stay Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[590] Plaintiffs Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs</i>
06/01/2022	 Clerk's Notice of Hearing <i>[591] Notice of Hearing</i>
06/03/2022	 Order <i>[592] Order Granting Defendants' Motion for Costs</i>
06/03/2022	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[593] Notice of Entry of Order</i>
06/03/2022	 Court Recorders Invoice for Transcript <i>[594]</i>
06/08/2022	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[595] Opposition to Plaintiffs Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief and Countermotion for Attorneys Fees</i>
06/14/2022	 Opposition to Motion Filed By: Defendant A Cab LLC <i>[596] Opposition to Plaintiffs Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs and Countermotion for Attorneys Fees</i>
06/14/2022	 Notice of Appeal Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[597] NOTICE OF APPEAL</i>
06/14/2022	 Case Appeal Statement Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>[598] CASE APPEAL STATEMENT</i>
DISPOSITIONS	
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

CASE SUMMARY

CASE NO. A-12-669926-C






	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

HEARINGS

01/17/2013	 Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth)
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CASE SUMMARY

CASE NO. A-12-669926-C

	<p><i>Defendant's Motion to Dismiss Complaint</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Statements by the Court as to reasoning by Judge Jones and amendment to the Constitution. Ms. Rodriguez argued as to NRS 608.250. Mr. Greenberg referred to the first sentence in the Constitution and argued the term of employee. Statements by the Court. Mr. Greenberg argued the Court is bound by the Constitution. Ms. Rodriguez argued Judge Jones did take notice the amendment made no reference to NRS 608.250. Further arguments by counsel. COURT STATED FINDINGS and ORDERED, Motion DENIED. Mr. Greenberg to prepare the Order.;</i></p>
04/01/2013	<p> Motion For Reconsideration (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Defendant's Motion for Reconsideration</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Defendant's Motion for Reconsideration COURT ORDERED, Defendant's Motion for Reconsideration is DENIED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq., and Esther Rodriguez, Esq. via e-mail. /mlt ;</i></p>
04/29/2013	<p> Motion to Strike (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Defendant's Motion to Strike Amended Complaint</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Defendant's Motion to Strike Amended Complaint COURT ORDERED, Defendant's Motion to Strike Amended Complaint DENIED. The Court is persuaded by the Ninth Circuit FRCP 15(a) jurisprudence that filing a motion to dismiss does not constitute filing a responsive pleading. See, e.g. Miles v. Department of Army, 881 F.2d 777, 781. Mr. Greenberg to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Default Judgment or Sanctions DENIED. Ms. Rodriguez to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt ;</i></p>
07/17/2014	<p> Pretrial/Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Ms. Rodriguez advised the matter has been stayed pending a Supreme Court decision which came down last week. Request the stay remain in place until July 28, 2014. Ms. Lawson, JEA advised counsel will need to file 3.25 and go to discovery. Further advised the stay will remain until 7/28/14.;</i></p>
08/04/2014	<p>CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Vacated</i></p>
08/05/2014	<p>CANCELED Status Check: Status of Case (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Vacated</i></p>
08/05/2014	<p>CANCELED Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Vacated - On in Error</i></p>
10/14/2014	<p> Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Ms. Rodriguez advised the Court that there was a Stay, pending the rendition of a decision regarding minimum wage from the Nevada Supreme Court (NSC); which has been returned. Ms. Rodriguez further advised that the parties are in currently discussing settlement discussions; and are ready for the Stay to be lifted so each side may proceed accordingly. COURT SO ORDERED, and DIRECTED counsel to submit the necessary documents to the Discovery Commissioner, who will provide a trial-ready date. ;</i></p>
03/18/2015	<p> Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p>

CASE SUMMARY

CASE NO. A-12-669926-C

03/18/2015, 05/20/2015, 07/22/2015, 09/23/2015, 11/18/2015

Pltfs' Motion to Compel the Production of Documents

MINUTES

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents
Journal Entry Details:

As parties failed to appear, COMMISSIONER RECOMMENDED, motion is CONTINUED. 10/14/15 9:30 A.M. Notice of Pltfs' Motion to Compel the Production of Documents CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Leon Greenberg Esther Rodriguez;

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents
Journal Entry Details:

Motion on Class Certification set before the Judge on August 11, 2015. Arguments by Ms. Sniegocki. Commissioner advised counsel send an Interrogatory asking who held former positions, and Commissioner will make them answer it. Colloquy. Ms. Rodriguez made offers, but discovery was over broad. Commissioner's order should not be taken to such an extent it prohibits relevant discovery that should be completed. Commissioner stated Pltfs need cab driver pay stubs and trip sheets. COMMISSIONER RECOMMENDED, revenue from Medallion is NOT COMPELLED. Colloquy re: Pltf took a deposition of the IT person, and Pltf was supposed to take a 30(b)(6) deposition, but Pltf vacated it (August dates are expected). Ms. Rodriguez stated everything for Michael Reno and Michael Murray (two Pltfs) was produced a long time ago; counsel always offered the trip sheets and driver pay stubs. Ms. Rodriguez stated Commissioner offered a site inspection, Pltfs were not interested in seeing driver pay stubs and trip sheets, and part of Motion requested appointment of a Special Master to look at documents (Pltf requested at Deft's expense). Arguments by counsel. When Ms. Sniegocki receives Mr. Morgan's transcript, she will provide it to Commissioner. Pltfs' counsel requested 60 days to complete Rule 30(b)(6) depositions (23 categories with subparts), provide the transcript, and Ms. Sniegocki requested further briefing. COMMISSIONER RECOMMENDED, motion is CONTINUED; Status Check SET; Deft must respond to Interrogatories re: specific positions as discussed in Open Court. 9/23/15 10:00 A.M. Notice of Pltfs' Motion to Compel the Production of Documents Status Check: Scheduling Order ;

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents
Journal Entry Details:

Jay Nady, Owner, present. The Inspection that Commissioner Bulla envisioned did not happen. Commissioner stated the Attorneys must be in control of the situation and remain professional; if inappropriate conduct occurs, disregard it, and bring issue to Commissioner Bulla's attention. Argument by Ms. Rodriguez; her expert was put in an uncomfortable situation. Colloquy re: notice of inspection; Ms. Rodriguez stated Mr. Morgan's answers were miscommunicated by Mr. Greenberg. Commissioner advised Ms. Rodriguez she should have diffused the situation and spoken with counsel re: how to move forward. Commissioner did not order a videotaped Inspection. COMMISSIONER RECOMMENDED, no fees or costs. Commissioner typically does not allow discussions directly with the client at an Inspection;

CASE SUMMARY

CASE NO. A-12-669926-C

counsel must ensure the perception is appropriate. COMMISSIONER RECOMMENDED, no videotaped inspection and clients will not be present, but attorneys and experts will be present. COMMISSIONER RECOMMENDED, take the 30(b)(6) deposition first if possible (outline categories specifically); then speak about an inspection with parameters. Mr. Greenberg filed a Motion for Class Certification with Judge Cory (set 6/22/15). Colloquy re: if Mr. Nady should be present at upcoming depositions. If Commissioner receives a call re: interference with the process, Commissioner will ask the party to leave the room. Ms. Rodriguez stated there won't be any problems. Arguments by counsel. Location of payroll documents should be a 30(b)(6) topic. Commissioner will move the continuance date upon counsels request. Counsel did not get to QuickBooks during inspection. COMMISSIONER RECOMMENDED, all information must be provided; motion is CONTINUED. Mr. Nagy stated QuickBooks is the payroll tool. Commissioner is available by conference call if necessary. Send Commissioner the entire copy of transcript as discussed in Open Court. Mr. Greenberg requested briefing. If a courtesy copy is provided to Commissioner, provide a copy to Defense counsel so there is no ex-parte. Provide courtesy copy to Commissioner by July 21, 2015 at 12:00 noon. 7/22/15 9:00 a.m. Notice of Pltfs' Motion to Compel the Production of Documents ; Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents

Journal Entry Details:

Jay Nady present. Commissioner inquired what documents were turned over in the Federal lawsuit. Ms. Rodriguez stated counsel came on site to review trip sheets and payroll records, and pay stubs and time records were provided for Pltfs Murray and Reno. Ms. Rodriguez is willing to work with Pltf to provide information, but counsel needs guidance with timeframes, and Deft's system is not as sophisticated as other cab companies. Ms. Sniegowski addressed computer process for drivers (check in time, meter upload, meter checkout procedure, and validated cash drop). Statement by Mr. Nady regarding how the system is used, and Mr. Nady can provide an Affidavit of attempts to fix the clock. Mr. Nady will give the same data the DOL had. Commissioner advised counsel the records can be produced in a hard copy format, but it doesn't have to be a searchable format for Pltf. Upon Commissioner's inquiry, Mr. Nagy will check what it takes to write a program to pull out information. Ms. Rodriguez stated redacting documents is too voluminous, but Pltf's counsel is welcome to look at data. Argument by Ms. Sniegowski. COMMISSIONER RECOMMENDED, motion is CONTINUED to determine 1) whether there is a computer program that can be written to pull up electronic information for wages, commissions, and payment that qualify as part of the claim; 2) Commissioner advised Ms. Sniegowski to review documents at Deft's premises. COMMISSIONER RECOMMENDED, the timeframe for writing a code is October 2008 through January 1, 2015. Statement by Mr. Nagy re: voluminous documents provided to DOL, but all trip sheets were not returned from the DOL. COMMISSIONER RECOMMENDED, Pltf to prepare and send a Rule 34 inspection notice, and set forth exactly what will be looked at, and who will do it; inspection notice reduced to five business days. Commissioner is available by conference call if necessary. COMMISSIONER RECOMMENDED, names and addresses are OFF LIMITS for now. 4/8/15 9:30 a.m. Notice of Pltfs' Motion to Compel the Production of Documents ;

SCHEDULED HEARINGS



All Pending Motions (11/18/2015 at 9:00 AM) (Judicial Officer: Bulla, Bonnie)

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

Continued;
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Granted in Part;
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CASE SUMMARY

CASE NO. A-12-669926-C

Continued;
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 Granted in Part;
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 Granted in Part;



Journal Entry Details:

Mr. Greenberg gave summary of previous hearing. Mr. Greenberg argued defendants have only focused on one issue which as to individuals not being appropriate named plaintiffs. Ms. Rodriguez argued the two year statute of limitations has run. The names attached to plaintiffs motion are inappropriate as they have not been produced. Statements by the Court. Ms. Rodriguez argued NRCP 23 has not been met by plaintiff. Mr. Greenberg argued it would be in the defendants best interest to certify. There was a judgment entered in Federal Court that wages were owed. Under Federal Law this creates the common issue, were they owed the extra dollar an hour if they had health insurance, and the other is Federal Law allowed a tip credit and they were allowed to continue their tips. The States standing is they could not take the tip and they have been for about 15 months. Mr. Greenberg further argued they have a common issue. Out of 400 people this is a constitutional directive and there is strict public policy. All requirements for certification have been met. Ms. Rodriguez argued there is no prima facia as to these two plaintiffs. Nothing has been proven regarding the tips. Ms. Rodriguez argued Mr. Greenberg is leaving out the fact these two plaintiffs have to give rise to judicial controversy. Ms. Rodriguez further argued the matter regarding the statute of limitations needs to be heard. Ms. Rodriguez stated the decision in Federal Court Mr. Greenberg is referring to was a settlement agreement not a judgment and it is improper for Mr. Greenberg to refer to it as a judgment. There is no showing these two plaintiffs have been under paid. Ms. Rodriguez further argued this has been filed as a minimum wage claim and drivers were shorted by a \$1.00 an hour; this is a claim for unpaid hours and needs to go before the Labor Commissioner as there are allegations of fraud. Ms. Rodriguez argued Walmart vs. Duke and Moore vs. PaineWebber. Statements by the Court as to commonality. Mr. Greenberg referenced Walmart vs. Duke and argued the common exam will resolve the liability issue. Mr. Greenberg argued common course of conduct. Statements by the Court. Mr. Greenberg argued the defendants have had an opportunity to bring before the Court why these two individuals are not qualified representatives and what they have brought is unsubstantiated. Defendants did not raise these objections in their responses. Mr. Greenberg requested the Court certify the class conditionally and appoint all four representatives and if later it is found they need to be removed the Court can remove them. Statements by the Court regarding requirements to certify as a class action. Mr. Greenberg argued as to the statute of limitations and there is no injury if it is found some of the class are not eligible for the claims. Mr. Rodriguez argued they would like to know who they are purposing as representative; they have never named anyone except Murray and Reno. Further arguments. Court inquired as to the costs for a Special Master. Mr. Greenberg advised he did not know. Colloquy. COURT ORDERED, Supplemental Opposition due 9/11/15 and Reply due 9/18/22; Matter CONTINUED. CONTINUED TO: 9/22/15 9:00 AM ;

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 Journal Entry Details:
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 Granted in Part;

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Journal Entry Details: <i>COURT ORDERED, Plaintiff's 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 CONTINUED to this Court's oral calendar. CONTINUED TO: 7/15/15 9:00 AM CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt ;</i></p>
07/27/2015	<p> Motion for Leave (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint</i> Granted; Journal Entry Details: <i>COURT ORDERED, Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint GRANTED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt ;</i></p>
09/22/2015	<p>Motion to Dismiss (10:30 AM) (Judicial Officer: Cory, Kenneth) 09/22/2015, 11/03/2015, 11/09/2015 <i>Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief</i> Continued; Continued; Denied; Continued; Continued; Denied; Continued; Continued; Denied;</p>
09/22/2015	<p> All Pending Motions (10:30 AM) (Judicial Officer: Cory, Kenneth) <i>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> Matter Heard; Journal Entry Details: <i>ALL PENDING - 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 Court STATED it is inclined to hold off until a decision from the Supreme Court. Colloquy. COURT ORDERED, Motions CONTINUED. CONTINUED TO: 11/3/15 9:00 AM ;</i></p>
11/03/2015	<p>Motion (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Motion for Declaratory Order Regarding Statute of Limitations</i> Matter Heard;</p>
11/03/2015	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth) 11/03/2015, 11/09/2015 <i>Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief</i> Continued; Denied; Continued; Denied;</p>
11/03/2015	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i> Denied Without Prejudice;</p>
11/03/2015	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i> Denied Without Prejudice;</p>

CASE SUMMARY

CASE NO. A-12-669926-C

11/03/2015



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF MICHAEL RENO... DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF MICHAEL MURRAY... 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... DEFENDANT'S MOTION FOR DECLARATORY ORDER REGARDING STATUTE OF LIMITATIONS Paralegal Susan Dillow present with Attorney Rodriguez. Court noted defendant was requesting a Continuance for Creighton Nady to be present. As he was in Russia and due to the Court's concerns, matter to proceed today. AS TO MOTION REGARDING STATUTE OF LIMITATIONS: Extensive arguments by counsel. Court stated its findings, and ORDERED, that it is governed by a 4-year statute of limitations. Further clarification of the Court's Order. AS TO MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order. AS TO MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order. AS TO MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST RENO AND MURRAY: Extensive arguments by counsel. Ms. Rodriguez argued Discovery was closed. Ms. Rodriguez provided documentation to the Court. Court heard argument as to Summary Judgment Against Murray. Court stated its findings, and ORDERED, both Motions are DENIED WITHOUT PREJUDICE. AS TO MOTION TO CERTIFY THIS CASE AND APPOINT A SPECIAL MASTER: Ms. Rodriguez requested this Motion be Continued as there are issues before the Discovery Commissioner next week regarding extending Discovery. If Granted, she will refile the Motions for Summary Judgment Against Reno and Murray. Court advised it wished to hear this matter today. COURT ORDERED, matter to TRAIL to the afternoon. RECALLED. Extensive arguments by counsel. Mr. Greenberg advised he was before Judge Israel recently who Granted Certification on a similar case. Court inquired what would a Special Master do, how long it would take him to create the records requested, and whether he would become a fact finder. Mr. Greenberg advised he would create records, trip sheets start and end times and practices, and compare hours. There were over 230,000 trip sheets and a Special Master would not be a fact finder as he was doing math. Further arguments by counsel. Court stated its findings, and ORDERED, matter CONTINUED to Monday for a ruling. CONTINUED TO: 11/9 CHAMBERS - 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 ;

11/09/2015



All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth)

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

Matter Heard;

Journal Entry Details:

ALL PENDING DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF: COURT ORDERED, Motion DENIED. DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF: COURT ORDERED, Motion DENIED. 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 After oral argument and reviewing the authorities submitted in this matter, the Court finds that the Plaintiffs have adequately met the requirements of class certification and that the motion to certify the class should be granted. However, the Court cannot grant Plaintiffs motion to appoint a special master. The underlying reasons advanced by the Plaintiffs do not provide a sufficient basis for the Court to place the entire financial burden of the requested work on the Defendants. The Court must deny the motion to appoint a special master without prejudice at this time. Accordingly, COURT ORDERS,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 GRANTED IN PART and DENIED IN PART. Plaintiffs are to prepare the order. CLERK'S


CASE SUMMARY

CASE NO. A-12-669926-C

NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt;

11/18/2015 **Status Check (9:00 AM)** (Judicial Officer: Bulla, Bonnie)
Status Check: Scheduling Order
 see fax dated 9/10/15
 Report & Recommendations to Issue; Status Check: Scheduling Order

11/18/2015 **Motion to Extend Discovery (9:00 AM)** (Judicial Officer: Bulla, Bonnie)
Plaintiffs' Motion to Extend Discovery Schedule
 Granted; Plaintiffs' Motion to Extend Discovery Schedule

11/18/2015  **All Pending Motions (9:00 AM)** (Judicial Officer: Bulla, Bonnie)

MINUTES

Matter Heard;

Journal Entry Details:


Pltfs' Motion to Compel the Production of Documents ... Plaintiffs' Motion to Extend Discovery Schedule ... Status Check: Scheduling Order Colloquy regarding status of case discovery. Discovery Commissioner pointed out from review of events in this matter that counsel does have a responsibility for their client. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Extend Discovery Deadlines is GRANTED; COMMISSIONER RECOMMENDED, Phase 2 Liability and Damages discovery cutoff is 06/29/16; adding parties, amended pleadings, and initial expert disclosures DUE 04/01/16; rebuttal expert disclosures DUE 04/29/16; dispositive motions TO BE FILED BY 07/29/16; and case will be ready for trial by 09/12/16. FURTHER RECOMMENDED, 01/04/2016 Jury Trial is VACATED. Discovery Commissioner notes based on the deposition testimony, the cab manager program/documentation is not difficult to obtain; and, therefore is expected to be turned over to the Plaintiff in their electronic 'searchable' form. As far as employment records, specifically, driver payroll information from QuickBooks is to be turned over as well. Any records and times of taxi cabs or taxi drivers engaged in activities from a particular vehicle back to October 8, 2011 up to present. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Production is GRANTED within the parameters discussed. FURTHER RECOMMENDED, all production is DUE NO LATER THAN 12/31/15 for all parties. Arguments regarding fees. COMMISSIONER FINDS based on the testimony that there is no special code or that a special program would need to be written to produce the requested information from the cab manager, COMMISSIONER RECOMMENDED, fees and costs from the Morgan deposition are GRANTED; any remaining fees are deferred until a determination can be made by the Discovery Commissioner as to whether the information already produced matches what has been ordered in the electronic formats, in addition to the Defendant's conduct at deposition, the incomplete transcript even though it went over 7 hours. COMMISSIONER RECOMMENDED, \$638.95 Court Reporter fees; attorney fees (2.8 hrs. attendance, 2.5 hrs. preparation, 1.2 hrs. travel time) @ \$400.00/hr., \$2,600.00 is GRANTED. Status check set. Mr. Greenberg to prepare the Report and Recommendations, and to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 01/08/16 11:00 a.m. Status Check: Compliance - Report and Recommendations 01/13/16 9:00 a.m. Further Proceedings - Discovery Production / Deferred Ruling - Defendant's Rule 37 Sanctions;

SCHEDULED HEARINGS

CANCELED Jury Trial (01/04/2016 at 10:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated - per Commissioner

CANCELED Pretrial/Calendar Call (12/10/2015 at 9:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated - per Commissioner



CANCELED Status Check: Compliance (01/08/2016 at 11:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated

 **Further Proceedings (01/13/2016 at 9:00 AM)** (Judicial Officer: Bulla, Bonnie)
Further Proceedings: Discovery Production / Deferred Ruling - Def't's Rule 37 Sanctions

12/10/2015 **CANCELED Pretrial/Calendar Call (9:00 AM)** (Judicial Officer: Cory, Kenneth)
Vacated - per Commissioner

CASE SUMMARY

CASE NO. A-12-669926-C

01/04/2016	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated - per Commissioner</i>
01/08/2016	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated</i>
01/13/2016	 Further Proceedings (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions Matter Heard; Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions</i> Journal Entry Details: <i>Deft was going to produce additional information, however, Ms. Rodriguez requested Judge Cory modify the Order to limit time. Ms. Rodriguez produced Quickbooks and the Cab Manager production, but Pltf's counsel isn't happy with production. Ms. Rodriguez addressed the prior order. Commissioner may need to speak with the Judge re: class certification on names of Drivers. Arguments by counsel. Colloquy re: identifying the employees by number or letter. Mr. Greenberg stated the opt-out will not be concluded until April or May 2016. Commissioner advised counsel prepare a 2.35 Stipulation or submit something to Commissioner. Ms. Rodriguez stated a number of issues are pending before Judge Cory. COMMISSIONER RECOMMENDED, Commissioner advised counsel talk, try to work out issues, and provide a list of names with documents already turned over. Ms. Rodriguez stated another case is pending. Arguments by counsel. Commissioner suggested a Mandatory Settlement Conference. Ms. Rodriguez agreed. COMMISSIONER RECOMMENDED, Deft's Rule 37 Sanctions is GRANTED IN PART; GRANTED as to allowing Pltf to submit an Affidavit for bringing a Motion and referencing the conduct; further Rule 37 Sanctions are DENIED WITHOUT PREJUDICE; if the conduct continues, Commissioner will deal with it appropriately. Colloquy re: prior award of costs. COMMISSIONER RECOMMENDED, Mr. Greenberg will prepare a supplemental Affidavit with the Brunzel factors by 3/1/16; Further Proceedings set on Discovery Production / Fees and Costs. Commissioner stated counsel should go back before the Judge to determine how a class certification notice will be prepared and proceed. Mr. Greenberg stated it will be addressed in the Order submitted on the Minute Order. Before returning to see Commissioner Bulla in March, COMMISSIONER RECOMMENDED, disclose the names of Drivers before 3/16/16. Commissioner has not made a decision on deduction information from payroll as Mr. Greenberg requested Commissioner not make a decision pending further discussion between counsel. Commissioner will honor Mr. Greenberg's request. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. 2/19/16 11:00 a.m. Status Check: Compliance 3/16/16 10:00 a.m. Further Proceedings: Discovery Production / Fees and Costs ;</i>
02/19/2016	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated</i>
03/16/2016	Motion (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>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 Denied;</i>
03/16/2016	Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs Denied;</i>
03/16/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>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 Matter Heard;</i>

CASE SUMMARY

CASE NO. A-12-669926-C

Journal Entry Details:

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 Statements by the Court regarding going before the Discovery Commissioner. Mr. Greenberg advised the hearing had been continued. Court STATED it is inclined to deny the Motion for Stay Pending Proceedings set for April 18, 2016. Ms. Rodriguez advised the motion for stay pertains only to the stay; request all the hearings be continued to the same day for argument. Statements by the Court. Mr. Rodriguez argued the Order submitted included a number of items that were not brought up before the Court. Court suggested continuing the 3/28/16 Motion for Reconsideration to an oral calendar. Mr. Greenberg argued the class action was filed in May and was fully briefed in July. The Court has heard over four hours of argument regarding this. Defendants are moving in this fashion to deliberately slow this down The Court has adopted the Discovery Commissioner's Report and Recommendation and defense counsel has advised they were not going to comply with certain parts of the Order. Further arguments by counsel. COURT ORDERED, Motions DENIED. COURT FURTHER ORDERED, the 4/18/16 Motion for Stay Pending Proceedings RESCHEDULED to the 3/28/16 Chamber calendar and the Motion for Reconsideration will STAND on the Chamber calendar. COURT FURTHER ORDERED, Defendant's Motion for Stay Pending Court's Reconsideration of Prior Order set for 4/4/16 GRANTED and once the Court rules on the Motion for Reconsideration it will resolve or dissolve the Stay. 3/28/16 CHAMBERS MOTION FOR RECONSIDERATION RESCHEDULED TO: 3/28/16 CHAMBERS DEFENDANT'S MOTION FOR STAY PENDING PROCEEDINGS;

03/21/2016



Minute Order (9:26 AM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of Mrs. Rodriguez, the Court is extending the time for Defendants to file a reply to the motions set in chambers on March 28, 2016. Please file any replies by Friday, March 25, 2016 at 12:00 p.m. The current date of the hearings remains unchanged. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt;

03/28/2016

Motion For Reconsideration (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion for Reconsideration

Granted in Part;

03/28/2016

Motion to Stay (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendants' Motion for Stay Pending Proceedings

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




Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION FOR RECONSIDERATION ...DEFENDANTS' MOTION FOR STAY PENDING PROCEEDINGS COURT ORDERED, Defendants Motion for Reconsideration is GRANTED IN PART and DENIED IN PART. The Court agrees with Defendants and ORDERS that claims Nos. 3 and 4 were not certified as class claims. The COURT FURTHER ORDERS that language on p. 5: 11-13 regarding qualifying health insurance be removed. Lastly, the COURT ORDERS that language on p. 5:26 stating that defendants do not dispute be removed. COURT FURTHER ORDERS, the balance of the motion is DENIED. Plaintiff to submit a new order with the above changes. This case is now three and a half years old. Defendants have no reason to believe that the pending matters before the Supreme Court will be resolved in the near term. Accordingly, this matter must proceed forward. The fact that this is a class action that little or no discovery has been done is alarming to say the least. There can be no more delays. COURT ORDERS, Defendants' Motion for Stay Pending Proceedings DENIED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt CLERK'S NOTE: Minute Order has been corrected to indicate the correct Motion For Reconsideration. /mlt ;

CASE SUMMARY

CASE NO. A-12-669926-C


04/04/2016	<p>CANCELED Motion For Stay (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i> <i>Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i></p>
04/05/2016	<p> Minute Order (3:00 PM) (Judicial Officer: Cory, Kenneth) Minute Order - No Hearing Held; Journal Entry Details: <i>Based upon Discovery Commissioner Bulla's Order on 11/18/15, the Jury Trial for this case will be set on a five-week stack date beginning 1/3/17 at 10 AM in District Court Department I. The Pretrial Conference/Calendar Call will be set for 12/8/16 at 9:00 AM in District Court Department I. A new trial order WILL NOT issue. Please abide by the following Notice pertaining to motions in limine and trial counsel: NOTICE TO ALL COUNSEL IN DISTRICT COURT DEPARTMENT I CASES REGARDING SUPPLEMENTATION TO THE COURT'S TRIAL ORDERS IN ALL CASES CURRENTLY PENDING IN DEPARTMENT I. A word about motions in limine: The Court is singularly unimpressed with attorneys who wait until too close to motion deadlines to hold meaningful conferences pursuant to EDCR 2.47(b), prompting the filing of many form motions and/or a standard omnibus motion in limine, with little or no particularized reference to the facts of the matter going to trial. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel's opportunity to raise prior to trial those few evidentiary issues which the particular facts of the instant case are likely to raise. Also, in those instances where the deadline for dispositive motions has preceded the limine cutoff, the motion in limine should not be a motion for summary judgment in disguise. An omnibus motion in limine is a sure tip-off to the Court that the stock motions in limine which EDCR 2.47 seeks to avoid are being filed. Accordingly, in District Court Department I, failure to evidence meaningful EDCR 2.47(b) conferences will result in all motions in limine being stricken by the court sua sponte. The Court will make the determination not only from the certificate of compliance with EDCR 2.47 but also from the substance of the motions themselves. Additionally, the chief attorney who will be trying the case must be in attendance at the Pretrial Conference and should have access to his/her calendar availability for trial dates during the five-week stack for which the trial is scheduled. The attorney who attends the Pretrial Conference will be denominated the lead attorney at trial. This order is effective as of October 12, 2015. 12/8/16 9:00 AM PRETRIAL CONFERENCE 1/3/17 10:00 AM JURY TRIAL CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt;</i></p>
04/08/2016	<p> Further Proceedings (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Further Proceedings: Discovery Production / Deferred Ruling</i> Matter Heard; Further Proceedings: Discovery Production / Deferred Ruling Journal Entry Details: <i>Colloquy re: the District Court Judge has not made all Decisions, a stay is in place on the February 10th order, and a separate Motion is set to stay all proceedings. Commissioner is not inclined to Recommend further fees and costs today as Motions are pending. Colloquy. Ms. Rodriguez explained her attempts to comply with Commissioner's Recommendation. Arguments by counsel. Print out of production provided from Mr. Greenberg to Commissioner in Open Court. Colloquy re: data disclosed. Discussion re: the Bahena Decision. Commissioner DENIED Mr. Greenberg's request for Defense counsel to correspond with him in writing. Colloquy re: providing information with a Motion pending. Ms. Rodriguez will re-format the data from Quickbooks in a meaningful way. Colloquy re: submission in camera. COMMISSIONER RECOMMENDED, produce 1) employees (absent names until the Court rules on class certification), 2) wage earned and hours, 3) pay period, and 4) any deductions and for what (including health deductions). Commissioner advised Mr. Greenberg to put in writing to Defense counsel a letter re: what is necessary and an explanation, and courtesy copy Commissioner; Ms. Rodriguez will identify employees by number and develop a key. No Report and Recommendation today. Commissioner expects better communication between counsel. COMMISSIONER RECOMMENDED, Status Check SET in 30 days. 5/20/16 10:00 a.m. Status Check: Status of Case;</i></p>
04/25/2016	<p> Motion For Reconsideration (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations</i> Denied; Journal Entry Details:</p>

CASE SUMMARY

CASE NO. A-12-669926-C

COURT ORDERS, Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations DENIED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt;

05/20/2016

 **Status Check: Status of Case** (10:00 AM) (Judicial Officer: Bulla, Bonnie)

MINUTES

Report & Recommendations to Issue;

Journal Entry Details:

Discovery Commissioner directed counsel to make future submissions via memorandum or supplemental brief for purposes of keeping information in the record. Counsel acknowledged. Mr. Greenberg stated parties may have reached an agreement regarding resolution of electronic production format and protocols. Colloquy regarding stay being lifted. Colloquy regarding pending class certification and exchange of information. Discovery Commissioner hopes the resolution will be worked out; and, expressed concern and advised parties if there are some additional problems, counsel will need to bring another motion. Parties addressed the prior scheduling order and requested updated deadlines. Colloquy regarding status disclosures from trial setting. Discovery Commissioner Finds parties have worked out how to properly get the information on the computers exchanged; or, at least a good faith effort has been shown; and no further action will be taken this date. Status conference set.

COMMISSIONER RECOMMENDED, new discovery cutoff is 10/31/16; adding parties, amended pleadings, and initial expert disclosures DUE 08/01/16; rebuttal expert disclosures DUE 08/31/16; dispositive motions TO BE FILED BY 11/23/16; and trial date STANDS. Mr. Greenberg to prepare the Report and Recommendations for extension of discovery deadlines, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 06/29/16 9:00 a.m. Status Check: Compliance - Report and Recommendations 06/29/16 9:00 a.m. Status Conference: Status of Case - Exchange of Electronic Information;

SCHEDULED HEARINGS


Status Check: Compliance (07/20/2016 at 10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Compliance - DCRR

Status Conference (07/20/2016 at 10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Conference: Status of Case - Exchange of Electronic Information

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

Matter Continued; Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses

Granted;

Matter Continued; Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses

Granted;

Journal Entry Details:

Ms. Sniegocki requested a 30 day continuance to try and resolve the issue (Opposition was recently filed). The Opposition came through July 12th per Mr. Wall; counsel associated in for Appellate purposes, and Ms. Rodriguez is out of the country. COMMISSIONER RECOMMENDED, Motion is CONTINUED; provide a courtesy copy of Opposition to Commissioner. Colloquy re: the Stay. Mr. Wall stated both counsel understand the Stay is no longer in place. 8/10/16 9:00 a.m. Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses;

07/20/2016

Status Check: Compliance (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Compliance - DCRR

Matter Heard;

07/20/2016

Status Conference (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Conference: Status of Case - Exchange of Electronic Information

Matter Heard;

CASE SUMMARY

CASE NO. A-12-669926-C

07/20/2016



All Pending Motions (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

Status Check: Compliance - DCRR Status Conference: Status of Case - Exchange of Electronic Information Mr. Nady present. Mr. Greenberg addressed production, and outstanding production was discussed. Ms. Rodriguez stated a Third Party Contractor pulls the information, older records were kept differently, and counsel requested 10 days. Colloquy re: the cost sharing provision, Stays in case, and when the Five Year Rule runs (May / June 2018 per Mr. Greenberg). Commissioner advised counsel to perform calculation. Commissioner advised counsel to submit a Stipulation and Order to Judge Cory to extend discovery and Move the Trial date. As Ms. Rodriguez does not agree to move the Trial date, Commissioner advised Mr. Greenberg to bring a Motion. Ms. Rodriguez doesn't agree the Stay tolled the Five Year Rule. COMMISSIONER RECOMMENDED, Motion to Compel set 8/10/16 is RESET to 8/24/16; Status Check SET; counsel may provide supplements to Commissioner by 8/22/16. 8/24/16 9:00 a.m. Status Check: Status of Case Pltfs' Motion to Compel Production of Documents and Interrogatory Responses;

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 Granted;

Journal Entry Details:

COURT ORDERS, Plaintiff's Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief GRANTED. Mr. Greenberg to prepare the Order. Counsel are directed to prepare a EDCR 2.35 Stipulation and Order and submit to chambers. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Michael Wall, Esq. (mwall@hutchlegal.com), and Esther Rodriguez, Esq. (esther@rodriguezlaw.com);

09/07/2016

Status Check: Status of Case (9:30 AM) (Judicial Officer: Bulla, Bonnie)

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

Matter Heard;

Journal Entry Details:

Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses Status Check: Status of Case Commissioner advised counsel other discovery disputes must be by Motion (first conduct a 2.34 conference). Colloquy re: electronic data produced was incompatible. Argument by Mr. Greenberg re: Quickbooks data. Argument by Mr. Wall. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Wall has until 9/21/16 to re-run Quickbooks data, match names and wage data, and produce in a useable format. If it isn't done, bring a Motion for Rule 37 Sanctions, and Commissioner will award sanctions. Mr. Wall will check if the last four digits of Social Security numbers can be included. Status Check SET. Five Year Rule runs 2018. If a Motion for Rule 37 Sanctions is presented the week of October 3, 2016, Discovery can hear the Motion Oct. 12, 2016. Colloquy re: production of Excel files re: Trip sheets. COMMISSIONER RECOMMENDED, produce Trip sheets (U.S. Department of Labor) as discussed by 9/21/16, or provide a sworn Affidavit from Deft on efforts taken. Colloquy re: NRCP 16.1. COMMISSIONER RECOMMENDED, make all efforts to locate information for Request to Produce by 9/21/16, and confirm Mr. Nagy knew what he was talking about. COMMISSIONER RECOMMENDED, Pltf will bear costs and provide a hard drive for Deft to download PDF files on Trip sheets; for other costs, have a 2.34 conference to decide how to handle. Commissioner will discuss updated Historic Manual in October. Colloquy re: health insurance coverage in 2010 and 2011. Commissioner advised counsel to speak with Ms. Rodriguez re: outstanding issues. Evidentiary rulings are decided by the District Court Judge. Commissioner advised Mr. Greenberg to send an Interrogatory on historic records. COMMISSIONER RECOMMENDED, answers are COMPELLED to Interrogatories and Request for Production on insurance information and efforts taken by 9/21/16. Commissioner advised Mr. Greenberg he may need to Subpoena insurance information, and Mr. Wall must help figure out the issues. If additional time for production is needed, contact Commissioner by conference call. COMMISSIONER RECOMMENDED, no fees or costs. Mr. Greenberg to prepare the Report and

CASE SUMMARY

CASE NO. A-12-669926-C

Recommendations, and Mr. Wall to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 10/12/16 9:00 a.m. Status Check: Production SC: Compliance;

09/22/2016



Minute Order (5:00 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff has submitted a proposed Order to the Court, to which the Defendants have objected. A reading of the Defendants opposition to the present Motion leaves one with the question of whether the Defense appreciates the gravity that inures to a Plaintiffs case when alleging the denial of constitutional rights under Nevada s Constitution. The Second Amended Complaint alleges a wholesale denial of constitutional rights to Defendants employees. It follows that a careful examination of the serious allegations and the evidence that underlies those allegations must be made by the Court. To the extent that Plaintiffs are unable to prove their allegations in the matter because Defendants are in sole possession of evidence Plaintiffs would utilize, then unless some privilege protects disclosure of the evidence it will not do for Defendants to simply fail to produce the evidence. In the event that Defendants protest that they do not possess such evidence, then it is the proper course for this Court to determine the truth of that position through all means necessary and reasonable. Nonetheless, in light of Defendants continued objections to providing the evidence called for (the Court notes Defendants have now filed a Motion for a Protective Order from the Discovery Commissioner), and their protest that the burden of proof in this matter should not be shifted to Defendants, the Court will not order the burden shifted at this time. It would behoove the Court to move cautiously in this area. Accordingly, the Court will echo Defendants request in their Motion for a Protective Order that the Discovery Commissioner give what time she can to the monitoring of the discovery process in this area of controversy. Only after discovery discloses whether the Defendants could provide the already ordered discovery will the Court further consider Plaintiffs request to shift the burden of proof on this issue, and other measures. The Order submitted by Plaintiffs should be amended accordingly. Given the allegations of the Second Amended and Supplemental Complaint, the Order submitted by Plaintiffs as to the certification of the third and fourth claims for relief in the Second Amended Complaint against Defendant Creighton Nady are accurately framed in the Order submitted. COURT ORDERS, Plaintiff is to resubmit in compliance with this Order. A copy of this minute order shall be submitted to the Discovery Commissioner. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com); Michael Wall, Esq. (mwall@hutchlegal.com), and Esther Rodriguez, Esq. (esther@rodriguezlaw.com). /mlt;

10/12/2016

Status Check: Compliance (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Continued;

complied

10/12/2016

Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Production

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

see fax dated 9/21/16

Granted in Part;

10/12/2016



All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:


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 Status Check:

Compliance Status Check: Production Commissioner had a conference call 10/7/16 on the Report and Recommendations. Ms. Rodriguez will review and sign it after court for submission to Discovery. Colloquy re: Judge Cory's 9/22/16 hearing. Argument by Ms. Rodriguez re: production. Arguments by counsel. COMMISSIONER RECOMMENDED, how


CASE SUMMARY**CASE NO. A-12-669926-C**

to conduct the 30(b)(6) deposition is DEFERRED to Pltf's counsel; however, post-judgment debtor discovery is not appropriate at this time without a judgment. COMMISSIONER RECOMMENDED, questions allowed on distribution of funds to family members including total amount of distributions; further discussion re: appropriate questions; Motion is GRANTED IN PART and DENIED IN PART; written discovery served is PROTECTED; alternative relief is provided, and Mr. Nady will provide supporting documentation and identification of distribution, salary, payment for 2007 through 2015; A Cab Taxi Service will provide profit and loss statements for 2007 through 2015; remaining requested information is PROTECTED at this time, but may be revisited if punitive damages are part of the Trial; parties may also agree to provide information requested by Stipulation, Interrogatory, or Request to Produce instead of deposition categories. No duplicative questions. COMMISSIONER RECOMMENDED, with the CAVEAT to notice other 30(b)(6) witnesses for deposition if they would provide information. Counsel must be on the same Page on Topics and logistical issues must be addressed. Mr. Greenberg is given an additional 40 Interrogatories. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, 30(b)(6) deposition is one day, seven hours; Depose Mr. Nady individually for half a day. Topic areas discussed. Arguments by counsel. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 2/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 12/23/16; rebuttal expert disclosures DUE 1/23/17; FILE dispositive motions by 3/23/17; Trial ready 7/10/17. Status Check SET. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. 11/18/16 9:00 a.m. Status Check: Status of Case SC: Compliance CLERK'S NOTE: Minutes amended to reflect Trial ready 7/10/17. (JL 1-9-17);

10/18/2016 **CANCELED Status Check (9:00 AM)** (Judicial Officer: Bulla, Bonnie)
Vacated
Status Check: Status of Case

11/18/2016  **Status Check: Compliance (9:00 AM)** (Judicial Officer: Bulla, Bonnie)
 Matter Heard;
 Journal Entry Details:
 New case law came down. Colloquy. Arguments by counsel. Commissioner suggested answering issues in Interrogatories; discussion why counsel didn't address discovery and the Trial date, and why Ms. Rodriguez filed an Objection. COMMISSIONER RECOMMENDED, 1/3/17 Trial date VACATED; discovery cutoff EXTENDED to 4/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 1/27/17; rebuttal expert disclosures DUE 2/28/17; FILE dispositive motions by 5/31/17; Trial ready 7/10/17. Mr. Greenberg requested briefing issues. Commissioner advised counsel to bring a Motion to Compel to brief issues. Commissioner advised Ms. Rodriguez to provide costs of insurance for the timeframe at issue. COMMISSIONER RECOMMENDED, Ms. Rodriguez will provide 1) costs to employees of plans for all five years at issue (all levels); 2) what criteria is to access plans; 3) what was the waiting period. Ms. Rodriguez provided the list of employees. Colloquy. Both sides can supplement. Mr. Greenberg discussed difficulties at depositions, and requested depositions taken at the RJC with Commissioner present. Deposition set 11/22/16 will be videotaped. Commissioner will be in court, however, call if problems continue with Deft. If deposition is discontinued pursuant to Rule 30(d), and Commissioner hears the Motion for Protective Order, the losing party will pay fees and costs. Ms. Rodriguez requested confidentiality on tax records. COMMISSIONER RECOMMENDED, records will REMAIN CONFIDENTIAL within the confines of litigation until otherwise ordered by the District Court Judge. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. Include vacating the Objection. 12/9/16 9:00 a.m. Status Check: Compliance;



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: Barker, David)
11/21/2016, 01/03/2017

Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims

CASE SUMMARY

CASE NO. A-12-669926-C

	<p><i>Involving Any Class Members Except as Part of this Lawsuit and for Other Relief</i></p> <p>Continued;</p> <p>Motion to be Reset</p> <p>Matter Transferred; 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</p> <p>Continued;</p> <p>Motion to be Reset</p> <p>Matter Transferred; 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</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERS, 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</i></p> <p><i>CONTINUED to this Court's oral calendar. CONTINUED TO: 1/3/17 9:00 AM CLERK'S</i></p> <p><i>NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt;</i></p>
12/08/2016	<p>CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Vacated - per Commissioner</i></p>
12/09/2016	<p>Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Motion to Compel Interrogatory Responses</i></p> <p>Granted;</p>
12/09/2016	<p>Status Check: Compliance (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Status Check: Compliance - Report and Recommendation</i></p> <p>Matter Heard;</p>
12/09/2016	<p> All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Motion to Compel Interrogatory Responses Status Check: Compliance - Report and Recommendation Counsel do not agree to a Mandatory Settlement Conference. Commissioner cannot suspend Rule 41(e) as it is by agreement of counsel. Colloquy re: two Report and Recommendations from the November 18, 2016 Hearing. Commissioner will sign the Report and Recommendation after court today. Status Check is OFF CALENDAR. Commissioner clarified prior Recommendations from the November 18, 2016 Hearing. Commissioner will not revisit the issues. Commissioner envisioned costs of health insurance for five years at issue for all employees at all levels, for individual plan, family plan, paid for by employees. COMMISSIONER RECOMMENDED, Motion to Compel Interrogatory Responses is GRANTED; supplement Interrogatories 8, 9, 10, 15, and 19. Ms. Rodriguez stated Mr. Nagy's deposition was set 12/1/16. COMMISSIONER RECOMMENDED, counsel have until 4/28/17 to complete discovery. Colloquy re: expert disclosure in January; Ms. Rodriguez has a two week Trial. Commissioner relied on counsel to prepare the case for Trial; if counsel are not satisfied with Recommendation, file a Motion to Reconsider before the Judge. Ms. Rodriguez requested more time to review Mr. Greenberg's supplement received yesterday. Arguments by counsel. Colloquy re: request for spousal coverage. Bring a separate Motion. Counsel will follow up on the PDF issue. Commissioner advised counsel to have a 2.34 conference, and file a Motion on Dept. of Labor authorizations (include J roll). No further Status Checks; file a separate Motion. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. 1/13/17 11:00 a.m. Status Check: Compliance;</i></p>
12/21/2016	<p> Minute Order (8:45 AM) (Judicial Officer: Cory, Kenneth)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>Order of Referral to the Discovery Commissioner In this matter the Discovery Commissioner has entered a Report and Recommendation to which the Plaintiffs object. In this complex class action matter, the issue of compliance with the Discovery Commissioner s previous Order on</i></p>

CASE SUMMARY

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the pertinent discovery to be produced by the Defendant is itself complicated. The Court is taking the unusual step of referring this matter back to the same Discovery Commissioner who authored the Report and Recommendation to which the Plaintiffs object. Before the Court rules, the Court wishes the Discovery Commissioner to have the benefit of the precise objections raised by the Plaintiffs. The Discovery Commissioner may simply refer the matter back to the Court if in the Discovery Commissioner's consideration the objection is meritless, or may modify the prior Report and Recommendation and determine it warranted. The Court takes this step having considerable confidence in the Discovery Commissioner's abilities on such matters. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

01/03/2017

Motion for Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)

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

Motion to be Reset

Matter Continued; 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

Continued;

Granted in Part;

Motion to be Reset

Matter Continued; 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

Continued;

Granted in Part;

MINUTES

Motion to be Reset

Matter Continued; 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

Continued;

Granted in Part;

SCHEDULED HEARINGS



All Pending Motions (01/03/2017 at 9:00 AM) (Judicial Officer: Barker, David)

01/03/2017

Motion to Amend Answer (9:00 AM) (Judicial Officer: Cory, Kenneth)

01/03/2017, 02/28/2017

Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

Motion to be Reset

Matter Continued; Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

Continued;

duplicate entry

Motion to be Reset

Matter Continued; Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

Continued;

duplicate entry

01/03/2017

Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth)

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

Motion to be Reset

Matter Continued; 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

Continued;

Granted in Part;

Motion to be Reset

Matter Continued; 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

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	Continued; Granted in Part; Motion to be Reset Matter Continued; 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 Continued; Granted in Part;
01/03/2017	Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth) 01/03/2017, 02/28/2017 <i>Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees</i> Motion to be Reset Matter Continued; Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees Continued; duplicate entry Motion to be Reset Matter Continued; Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees Continued; duplicate entry
01/03/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Barker, David) Matter Continued; Journal Entry Details: <i>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 ... 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 ... 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 No parties being present, COURT ORDERED, ALL PENDING MOTIONS CONTINUED for Motion to Compel to be heard before the Discovery Commissioner on 1/25/17. 02/07/17 9:00 a.m. 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 /// 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 /// 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 CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /apc;</i>
01/03/2017	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated - per Commissioner</i>
01/13/2017	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Commissioner</i>
01/24/2017	 Motion (11:00 AM) (Judicial Officer: Loehrer, Sally) <i>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</i> Granted; Journal Entry Details: <i>PLTF'S MOTION TO HAVE CASE REASSIGNED TO DEPT. I PER EDCR RULE 1.60 AND DESIGNATED AS COMPLEX LITIGATION PER NRCP RULE 16.1(f) COURT noted she</i>

CASE SUMMARY**CASE NO. A-12-669926-C**

read motion and opposition and noted she doesn't see this as forum shopping, but more as judicial economy. Statements by counsel. COURT ORDERED, Motion GRANTED insofar as case is REASSIGNED BACK to Dept. 1, but DENIED as to Designation as Complex, as that should be decided by Judge Cory. Pending motions set in Dept. 18 are to be RESET by Dept. 1, but motions in front of discovery commissioner STAND. COURT admonished Mr. Greenberg the five year rule runs in October 2017, and he better get a trial date. Mr. Greenberg to prepare the order.;

01/25/2017

**Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)**

Pltfs' Motion to Compel the Production of Documents

Motion to be Reset

Granted; Pltfs' Motion to Compel the Production of Documents

Journal Entry Details:

Commissioner read the MDC Restaurant case again, and discovery in the case is being made too complicated; coverage gaps discussed. Arguments by counsel. Ms. Rodriguez will double check the rates for the timeframe. COMMISSIONER SO RECOMMENDED, verify and update schematic. Colloquy re: how to verify whether employees had spouses or families and were offered coverage, but to ensure coverage did not exceed ten percent of their taxable gross income; single, married, had children. COMMISSIONER RECOMMENDED, Deft is REQUIRED to produce W-4s for Deft's employees during the timeframe at issue in this case; information will be maintained as CONFIDENTIAL to be utilized at Trial for this litigation only (share with experts), and CONFIDENTIALITY will be MAINTAINED until such time as ordered by the District Court Judge. COMMISSIONER RECOMMENDED, Ms. Rodriguez is instructed to look with the payroll person if there is a way to identify employees marital status with/without dependents as told by employees to the Company, and can Deft print it out without too much difficulty (only information provided to Deft for the class for timeframe at issue). Colloquy. COMMISSIONER RECOMMENDED, go to the present time. Ms. Rodriguez requested only the timeframe. COMMISSIONER RECOMMENDED, only turn over through December 31, 2015, but have other information ready to go as needed, and include W-4s for all employees; if class certification period is extended, Mr. Greenberg requested information to the present. COMMISSIONER RECOMMENDED, if extended, request will be Granted. Colloquy re: J-roll. J-roll is Quickbooks per Ms. Rodriguez. COMMISSIONER RECOMMENDED, Ms. Rodriguez must produce J-roll or at least point Pltf in the right direction; confirm whether or not they had Quickbooks prior to 2013 (or stored in another format); Deft will provide Trip sheets as discussed. Mr. Greenberg to prepare the Report and Recommendations, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 2/24/17 11:00 a.m. Status Check: Compliance;

02/08/2017

**Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)**

Pltf's Motion to Compel Compliance with Subpoena



Granted; Pltf's Motion to Compel Compliance with Subpoena

Journal Entry Details:

No one from the Law Firm present, but Mr. Greenberg and Ms. Rodriguez didn't request an appearance. However, Ms. Rodriguez can obtain an Affidavit from the Attorney. Colloquy re: Pltf's request for Excel files given to Dept. of Labor (four pay period compilation, two months, random selection). Upon Commissioner's inquiry, Ms. Rodriguez stated three documents were not disclosed to the DOL, but Deft is claiming privilege. Arguments by counsel. No courtesy copy provided from Pltf to Commissioner. Provided in Open Court. Document provided from Ms. Rodriguez to Commissioner in Open Court. Commissioner stated the personal attacks between counsel need to stop, and counsel must communicate more effectively. Colloquy. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Ms. Rodriguez must turn over data in document including driver names and shift information; redact opinions within document; upon Ms. Rodriguez's request, Commissioner provided 2.34(e) relief, and produce hard copies within five days after Court signs recommendation. Commissioner asked Ms. Rodriguez to double check if information was kept in Excel format, and if available in Excel, produce it and Mr. Greenberg will pay costs; Ms. Rodriguez to telephone Mr. Greenberg if the information exists, and produce in the format as discussed between counsel. Mr. Greenberg to prepare the Report and Recommendations, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 3/17/17 11:00 a.m. Status Check: Compliance;

CASE SUMMARY

CASE NO. A-12-669926-C

02/14/2017	<p>CANCELED Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Loehrer, Sally)</p> <p><i>Vacated</i></p>
02/14/2017	<p> Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>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</i></p> <p>Granted;</p> <p>Order previously sent</p> <p>Journal Entry Details:</p> <p><i>Following arguments by counsel, COURT ORDERED, 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 GRANTED and issued the following Order. IT IS ORDERED that the defendants are, upon entry of this Order, prohibited and enjoined from entering into any settlement on a class action basis through the use of NRCP Rule 23 with any of their current or former taxi driver employees for claims under Article 15, Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment, whether styled as a claim for breach of contract, conversion, or under any other theory of recovery. The foregoing settlement prohibition can only be amended or removed by a further order issued in this case. The foregoing settlement prohibition bars the defendants from seeking approval for a settlement under NRCP Rule 23 of any such persons claims on a class action basis in any other proceeding now pending before or in the future filed in the Courts of the State of Nevada, including, but not limited to, their joint motion filed on January 24, 2017 requesting preliminary class settlement approval and class certification in the case of Dubric v. A Cab LLC a at A-15-721063-C currently pending in Department 25 of this Court. Defendants are commanded to within one judicial day of the service of this Order with Notice of Entry to file with this Court in the Dubric case a request for withdrawal of that joint motion and make all available efforts to have that motion withdrawn and proceed no further with the same. This Order does not limit the defendants ability to settle the claims of the named plaintiff Jasminka Dubric, only, in Dubric v. A Cab LLC et al A- 15-721063-C. The foregoing is without prejudice to the grant of further relief by the Court on the motion and the Court intends to issue a subsequent Order addressing the same. Order issued February 16, 2016.;</i></p>
02/17/2017	<p> Minute Order (12:20 PM) (Judicial Officer: Cory, Kenneth)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>Please be advised due to the Court's schedule, COURT ORDERS, Motion for Partial Summary Judgment RESCHEDULED from Tuesday, 3/7/17 to Tuesday, 2/28/17 at 9:00 am.</i></p> <p><i>RESCHEDULED TO: 2/28/17 9:00 AM CLERK S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;</i></p>
02/21/2017	<p>CANCELED Motion to Bifurcate (8:30 AM) (Judicial Officer: Loehrer, Sally)</p> <p><i>Vacated</i></p> <p><i>Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief</i></p>
02/24/2017	<p>CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Vacated - per Commissioner</i></p>
02/27/2017	<p>Motion for Leave (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>02/27/2017, 05/18/2017, 06/05/2017</p> <p><i>Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint</i></p> <p>Continued;</p> <p>Continued;</p> <p>Denied Without Prejudice;</p> <p>Continued;</p> <p>Continued;</p> <p>Denied Without Prejudice;</p> <p>Continued;</p> <p>Continued;</p>

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Denied Without Prejudice;

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

Continued;

Continued;

Denied Without Prejudice;

Continued;

Continued;

Denied Without Prejudice;

Continued;

Continued;

Denied Without Prejudice;

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

Matter Heard;

Journal Entry Details:

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 COURT ORDERS, Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Mr. Greenberg to prepare the Order. COURT ORDERS, Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Ms. Rodriguez to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt CLERK'S NOTE: Court VACATES its previous ruling as Denied Without Prejudice as to both Motions. COURT ORDERS, the Motions CONTINUED to 5/18/17 @ 9:00 AM. CONTINUED TO: 5/18/17 9:00 AM 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 ;

02/28/2017

Status Check: Trial Setting (9:00 AM) (Judicial Officer: Cory, Kenneth)

Status Check: Trial Setting

Trial Date Set;

02/28/2017



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

Continued;

Continued;

Denied;

Journal Entry Details:

Following supplemental briefing and statements by counsel; COURT ORDERED, Plaintiff's Re-Notice of Motion for Partial Summary Judgment DENIED. Ms. Rodriguez to prepare the Order. COURT FURTHER ORDERED, All Discovery is OPEN until June 30, 2017. Court ADMONISHED Counsel as to their conduct to in each other.;

Continued;

Continued;

Denied;

Continued;

Continued;

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Denied;

02/28/2017



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 STATUE 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
Matter Heard;

Journal Entry Details:

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 STATUE 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 Court requested counsel calculate the five (5) year rule. Colloquy regarding setting trial February 5, 2018. Ms. Rodriguez advised the parties have been negotiating going to mediation and staying the proceedings pending the outcome of mediation. If the matter does not resolve the Court would be notified to lift the stay. Mr. Greenberg agreed with Ms. Rodriguez's statements. Mr. Greenberg advised he would like the Motion for Partial Summary Judgment argued today, but would leave it to the Court's discretion. Statements by the Court as to the Order for Injunction. Mr. Greenberg requested the hearing be continued into the future so they would not have to re-notice it if the matter does not settle. COURT ORDERED, ALL MOTIONS CONTINUED. COURT FURTHER ORDERED, Trial date SET. Mr. Greenberg to prepare the Order. CONTINUED TO: 5/18/17 9:00 AM 1/18/18 9:00 AM PRETRIAL CONFERENCE 2/5/18 1:30 PM JURY TRIAL ;

03/06/2017



Minute Order (12:00 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

The Jury Trial for this case has been continued to a Stack date of 02/05/18 at 1:30 p.m. The continuance was by stipulation between counsel pursuant to Rule 2.35 EJDRCR. The stipulation should contain the dates for the close of discovery pursuant to Rule 2.35. The date for the deadline for filing dispositive motions shall remain no more than 30 days following the discovery cutoff, pursuant to NRCP 16.1 (c) (8). Counsel should not presume that by informally stipulating to continue some discovery past the discovery cutoff date that the above deadline for dispositive motions is somehow affected. The deadline to file motions in limine, in accordance with Rule 2.47 EJDRCR remains no less than 45 days prior to the stacked trial date, and heard not less than 14 days prior to the same stacked trial date. The Pretrial Conference/Calendar Call will be held on 01/18/18 at 9:00 a.m. in District Court Dept. 1. The lead trial attorney trying the case shall attend and should come prepared with his/her calendar for the entire 5-week stack, as well as the 5-week calendar for all witnesses to be called in the trial. Your case may be tried anywhere within the 5-week stack, regardless of age of the case. The Court notes that it becomes increasingly difficult to accommodate the schedules of out-of-state witnesses, particularly expert witnesses. It is up to counsel to anticipate scheduling difficulties with witnesses and to notify the Court and opposing counsel well in advance of the Pretrial Conference/Calendar Call date. It will not do to simply appear at Calendar Call expecting to notify the Court at that late date of the need to reschedule the trial. If you do so, you may expect to be treated with the same consideration which you have shown for both the Court and opposing counsel. A ready alternative to live, in-court testimony is available through the use of either deposition testimony or live video testimony, through the use of now-available technology installed by the Eighth Judicial District Court. The Court has presided over a number of trials where expert testimony was admitted utilizing a live video feed technique and has noted little or no diminution in the effectiveness of live video testimony compared to live in-court testimony. Rule 2.47 EJDRCR The Court is singularly unimpressed


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with attorneys who wait too close to motion deadlines to hold meaningful conferences pursuant to EJDRC 2.47(b), prompting the filing of many form motions in limine, or worse yet, a form omnibus motion in limine, with little or no particularized reference to the facts of the present case. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel's opportunity to raise prior to trial those few evidentiary issues which are novel or as to which the law is thus far silent. Rather than ask that settled law be enforced in a motion in limine, counsel are invited to file a trial brief outlining an issue in which, in counsel's estimation, the Court may not be as well versed as counsel would wish. An omnibus motion in limine is a sure tip-off that the very stock motions which EJDRC 2.47 seeks to avoid are being filed and accordingly should not be filed. The failure to evidence that meaningful Rule 2.47 conferences are being held will likely result in all motions in limine being stricken by the Court sua sponte. The Court will make the determination not only from the certificate evincing compliance with the Rule but also from the substance of the motions themselves. Also, given that the deadline for filing dispositive motions will have already passed, a motion in limine should not be a motion for summary judgment in disguise. This Order shall supplement the original trial order, which counsel are invited to re-read. 2/5/18 1:30 PM JURY TRIAL 1/18/18 9:00 AM PRETRIAL CONFERENCE CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. Esther Rodriguez, Esq., and Michael Wall, Esq. /mlt;

03/17/2017 **CANCELED Status Check: Compliance** (11:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

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
Continued;
Granted;
Continued;
Granted;

05/18/2017  **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 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUTE OF LIMITATIONS PLTF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS' RE-NOTICE 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
Matter Heard;
Journal Entry Details:
PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT... DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUTE OF LIMITATIONS... PLTF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS' RE-NOTICE 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 Mr. Greenberg advised the five (5) year rule should run in late 2018. Colloquy. 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 Mr. Greenberg argued against Defendants' motion as to third party as it would be directed at him with the allegations he interfered with a contract. Mr. Rodriguez argued there have been other

CASE SUMMARY**CASE No. A-12-669926-C**

defendants who have brought claims against Mr. Greenberg and his firm. These are legitimate causes of action as Mr. Greenberg has interfered. COURT ORDERED, Matter CONTINUED FOR CHAMBERS DECISION. PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT Mr. Greenberg gave summary of low tier and high tier and advised the calculations have been made as to \$8.25 versus \$7.25. Further advised as to when the \$7.25 was applied, payroll records provided, and the computations. Mr. Rodriguez argued as to the errata and reply and not receiving a timely expert report or expert. Mr. Greenberg argued there has been a designation of expert. Mr Rodriguez argued plaintiff has reserved an expert, but not designated. Ms. Rodriguez further argued as to the computations their CPA came up with. COURT ORDERED, Matter CONTINUED matter for Mr. Greenberg to provide the Court and counsel a copy of the raw data/spreadsheets. PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF Mr. Greenberg argued as to alter ego and unjust enrichment. Ms. Rodriguez stated no objection if bifurcated for trial, but believe this is just to open discovery. Ms. Rodriguez advised they would be moving at the end of discovery for summary judgment. COURT ORDERED, further briefing; supplemental opposition due 5/24/17, supplemental reply due 5/31/17 and Matter CONTINUED FOR CHAMBERS DECISION. DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS... PLTFs' OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING Ms. Rodriguez argued as to Perry vs. Terrible Herbst and NRCP 12(c). Statements by the Court. Mr. Greenberg argued as to duty when the wages changed as of 7/1/2007. The issue is what the employer was required to do. Ms. Rodriguez advised they have attached photos of the notice which was posted. Ms. Rodriguez advised Mr Nady testified each driver was noticed of the change in the minimum wage. Court inquired if a Copeland hearing was needed. Mr. Rodriguez stated not unless the Court is inclined to hear from the State Labor Commissioner. Mr. Greenberg argued it is not necessary to hear how the Labor Commissioner interprets the requirements, it is for the Court to decide. Mr. Greenberg further argued a written change should be placed in the hands of each employee. It is the obligation of the employer to notice each employee. Ms. Rodriguez argued it just has to be posted. Further arguments. COURT ORDERED, Defendants' Motion GRANTED IN PART and Plaintiffs' Countermotion GRANTED as to Toll. CONTINUED TO: 5/25/17 1:30 PM PLAINTIFFS' RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT CONTINUED TO: 6/5/17 CHAMBERS (PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF and 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) ;

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

Matter Heard;

Journal Entry Details:

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 COURT ORDERS, Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief GRANT for reasons urged by Plaintiff. Plaintiff to prepare the Order. COURT ORDERS, Defendant s Motion for Leave to Amend is DENIED WITHOUT PREJUDICE. If the Court were to grant the Motion, it would simply have to severe determination of that cause of action from the Complaint in this case. Plaintiff to prepare the Order. COURT ORDERS, Plaintiff s Countermotion DENIED WITHOUT PREJUDICE. Additionally, COURT ORDERS, Plaintiff s anti-SLAPP Motion is DENIED as presently MOOT in light of the Court s denial of the Motion for Leave to Amend. Defendant to prepare the Order Counsel are reminded of the Court s stern admonition at the

CASE SUMMARY

CASE NO. A-12-669926-C

05/18/17 hearing to quit fighting amongst themselves and litigate their clients cases first.
CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

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

Matter Heard;

Journal Entry Details:

Statements by the Court regarding the five year rule running in July 2018 and inquired if the motion were granted would it not continue the trial, which is set for 2/5/18. Ms. Sniegocki stated it would only extend the class certification person. The only thing needed is how many hours worked, paid, and would just be a supplement of new people added. Ms. Rodriguez argued it is not that simple. Defendant has had to hire a third party to create a program to generate these reports. Ms. Rodriguez argued discovery is almost closed and in granting this motion they would have to extend discovery for new expert reports. Ms. Sniegocki stated there is an Order from the Discovery Commissioner the defendants were to get the data collected and then wait on this Court's ruling. Further arguments by counsel. COURT ORDERED, RULING DEFERRED on Plaintiff's Motion on OST to Extend damages Class Certification and for Other Relief. Court advised it would refer the matter to the Discover Commissioner for her recommendations.;

06/13/2017



Minute Order (2:28 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

When considering Plaintiff's Motion on OST to Extend Damages Class Certification and for Other Relief the Court concludes it could benefit from the reference to the Discovery Commissioner of a question, given the Discovery Commissioner's thorough and complete familiarity with the on going discovery disputes in this matter. The Court, therefore, refers the matter to the Discovery Commissioner for her recommendation, including whether or not the granting of the Plaintiff's motion would eventuate in the future continuance of the trial in this matter, set for February 5, 2018. Because of time constrains, the Court requests the Discovery Commissioner to give her recommendation by Tuesday, June 27, 2017, if possible. The parties will thereafter have five (5) days to file with this Court an objection to the Discovery Commissioner's recommendations. The matter will then be placed on the Court's chamber calendar on July 10, 2017. 7/10/17 CHAMBERS DECISION: PLAINTIFF'S MOTION ON OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

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

Off Calendar;

Journal Entry Details:

PLAINTIFF'S MOTION FOR OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF Court referred the matter to the Discovery Commissioner, in which she recommended the matter be denied. Therefore, COURT ORDERS, MATTER OFF CALENDAR.;

08/08/2017



Discovery Conference (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Discovery Conference

Matter Heard;

Journal Entry Details:

Court Directed counsel to return to Discovery. Trial date is 2-5-18. Mr. Greenberg stated the Five Year Rule expires 2018. Ms. Rodriguez disagrees, and it expires October 2017. Discovery closed in June. Judge Cory extended discovery deadlines for experts; initial expert disclosure 9-30-17, and rebuttal expert disclosure 10-30-17. Arguments by counsel. Commissioner advised counsel the 2-5-18 Trial date STANDS unless something is done with the Five Year Rule. Commissioner needs a written Stipulation. Colloquy re: current claimants from January

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2016 through the present time. Based on how the Judge rules, if Pltfs prevail, Pltfs will be allowed to collect full wages up to and including the present time if they've been employed during the proper timeframes. Colloquy re: carving out another exception post-Judgment that will not deal people who have a remedy in other cases. No further discovery in this case except for what was discussed post-Judgment. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

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

Referred to Discovery Commissioner;

Journal Entry Details:

Inasmuch as the sanctions sought have to do with a Discovery Order this matter is referred to the Discovery Commissioner for her recommendation of the present Motion seeking sanctions for violations of that Order. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

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

Granted;

Journal Entry Details:

Plaintiffs Motion for Partial Rehearing of Court's Order Entered on July 17, 2017 The Motion will be treated as a Motion to Modify or Clarify the Court s Order entered on July 17, 2017, and to that extent, the Motion is GRANTED to include the following to be inserted in paragraph 5, and after the first sentence: This conclusion is without prejudice to Plaintiffs, through the use of experts or otherwise, to demonstrate to the court the lack of a genuine issue of fact regarding the calculation of damages. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

10/04/2017



Discovery Conference (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Discovery Conference - referred by Judge

see letter faxed 9/7/17

Matter Continued; Discovery Conference - referred by Judge

Clerk's note on 10-4-17 minute order

Journal Entry Details:

Counsel dispute whether records were produced. Commissioner Recommended production 2-8-17, and Ms. Rodriguez produced documents 6-13-16. Arguments by counsel. Ms. Rodriguez provided a Declaration from the expert, his Report, and Plaintiff's Tenth supplemental disclosure to Commissioner in Open Court. Colloquy re: production. COMMISSIONER RECOMMENDED, matter is UNDER ADVISEMENT and CONTINUED; Commissioner will issue a Decision. Ms. Sniegocki will submit supplemental Reports to Commissioner (copy Defense counsel). 11-8-17 9:00 a.m. Discovery Conference - referred by Judge (VACATED 10-19-17 JL) CLERK'S NOTE: The Discovery Commissioner having conducted a Conference Call with counsel (noted above) on 10-13-17, Recommends that by 11-13-17 Defendant will submit a sworn statement (Affidavit or Declaration) that Defendant did not maintain records of "total hours worked per pay period" per employee prior to January 1, 2013, in contravention of NRS 608.115. The imposition of potential sanctions regarding this conduct is Deferred to the District Court Judge. Plaintiffs' counsel to prepare the Report and Recommendation, Defense counsel to approve as to form and content. The Report and Recommendations must be submitted to Discovery within 10 days of receiving this Clerk's note. The Hearing set for 11-8-17 at 9:00 a.m. is hereby vacated. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Wall - Hutchinson & Steffen Dana Sniegocki - Greenberg Leon Esther Rodriguez;

10/05/2017

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated - per Commissioner

11/16/2017

CASE SUMMARY

CASE NO. A-12-669926-C



Motion for Appointment of Attorney (3:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs' Motion for Appointment of Co-Class Counsel

Granted;

Journal Entry Details:

COURT ORDERED, Plaintiff's Motion for Appointment of Co-Class Counsel GRANTED. Mr. Greenberg to prepare the Order. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

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

Granted;

Journal Entry Details:

Colloquy regarding rescheduling 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 set for December 5, 2017. COURT ORDERED, Motion RESCHEDULED TO 12/14/17. RESCHEDULED TO: 12/14/17 9:00 AM;

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)

Denied;

Journal Entry Details:

COURT ORDERS, Plaintiff's Motion for Bifurcation and/or to Limit Issues for Trial is DENIED, except to the extent that Plaintiff seeks to admit evidence of damages by representative sampling, pattern or practice evidence, or other approximation. NRS 608.115 requires, in relevant part, that employers keep records of its employees wages and hours worked for each pay period. Nev. Rev. Stat. Ann. 608.115 (West). Plaintiff argues that because Defendant failed to keep these records, and because employees do not have the records nor a duty to keep the records, Plaintiff should be allowed to present evidence of the employees average hours worked per shift. Defendant argues that it kept records of the actual hours its employees worked in the form of handwritten tripsheets, and that evidence of an approximation is inadmissible in lieu of the precise data. Defendant's tripsheets document the hours each of its employees worked during any given shift. Because the tripsheets are handwritten physical documents, compiling data from the records requires litigants to undertake the task of locating and compiling each employee's several tripsheets for each of the thousands of pay periods in question. Apparently, NRS 608.115 does not specify a particular medium in which employers must keep the records; however, an employer cannot avoid liability under Nevada's Minimum Wage Act by keeping records in a form that makes it virtually impossible for litigants to challenge the sufficiency of compensation paid. And at any rate, NRS 608.115 requires that employers keep a record of its employees hours per pay period; Defendant's tripsheets do not do so. In this case, an approximation would provide a reasonably expeditious means of calculating and allocating damages, whereas an individual calculation for each class member would impose impossible burdens on the litigants. See Bell v. Farmers Ins. Exch., 115 Cal. App. 4th 715, 753 (2004). Defendant understandably argues the disadvantages of such approximation evidence, and we acknowledge that such an approach necessarily yields an average figure that will overestimate or underestimate the right to relief of individual employees. See id. We have weighed the disadvantages of such evidence against the opportunity to vindicate an important constitutional mandate in a manner that does not impose an undue burden on the court or the litigants. See id. Like under-compensation cases that employees have brought under the Fair Labor Standards Act, calculation of damages on an individualized basis in this case would be impracticable and would undermine the purpose and utility of class actions. See Smith v. Lowe's Home Centers, Inc., 236 F.R.D. 354, 357 (S.D. Ohio 2006). For the foregoing reasons, and for other reasons argued by the Plaintiff, the Court ORDERS the following: Plaintiff may present at trial evidence of approximate damages so long as he makes an ultimate approximation (not merely advances a model by which damages could be approximated), so long as there is a sufficient basis from which a reasonable inference of damages could be drawn, and so long as the evidence is otherwise admissible. Defendant may counter by advancing evidence of its employees precise shift length, by advancing its own approximation and demonstrating its superior accuracy, or by advancing other evidence that would tend to negate the reasonableness of the inference to be drawn from Plaintiff's evidence. See Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 688 (1946). Ms. Rodriguez to prepare the Order. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq.

CASE SUMMARY

CASE NO. A-12-669926-C

(mwall@hutchlegal.com). /mlt CLERK'S NOTE: Minutes Amended and re-circulated to all parties on 12/21/17. /mlt;

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

Granted in Part;

Journal Entry Details:

Mr. Greenberg argued as to factual issue of wages and listed the three facts. Ms. Rodriguez argued the plaintiff's argument is relied upon inadmissible evidence and argued Rule 56(e). The experts used by the plaintiff do not meet the Hallmark requirement and their reports are not admissible. Further arguments by counsel. COURT ORDERED, 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 DENIED as to Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(B) Invalid and GRANTED only to the extent Plaintiff has established the liability claim; the only thing left are the damages. Mr. Greenberg to prepare the Order.;

01/02/2018



Motion for Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion for Summary Judgment

Denied;

Journal Entry Details:

Ms. Rodriguez argued there have been no calculations of damages and believe the Court should dismiss the case in its entirety as there is no evidence of actual damages for on individual, or a class of individuals. If the Court is not willing to dismiss entirely the defense request the dismissal of the claims against Mr. Nady. There is no evidence to support plaintiff's claims of civil conspiracy, aiding and abetting. Court NOTED bifurcation had been granted. Ms. Rodriguez argued the plaintiffs have not come up with any evidence while doing discovery to support a civil conspiracy, unjust enrichment, or punitive damages claim. The only response the plaintiffs put forth in their claim for punitive damages is the fraud claim. Plaintiffs accusation is that A Cab forced its drivers to write fraudulent break times into the trip sheet, but then they argue that its not a fraud claim. Ms. Rodriguez stated she has always argued this isn't a minimum wage claim, its a claim for unpaid hours and should only be considered through 2012. Mr. Greenberg argued The Sarvas case, Just Film case, Hanon case, Parsons, and East Texas Motor Freight case. Mr. Greenberg argued the U.S. Department of Labor made a finding in 2013 that the defendants were manipulating the trip sheets and were forcing drivers to put in break time in their trip sheets that were false to conceal the hours they worked. Mr. Greenberg argued the constitutional amendment's language which says "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." It doesn't say compensatory damages, punitive damages, it just says damages. Mr. Greenberg suggested the Court look beyond the language to the broader circumstances of this case. Mr. Greenberg stated in there is a finding of liability against A Cab and A Cab satisfies that liability, there would be no claim against Mr. Nady, but if A Cab does not satisfy the judgment plaintiffs are prepared to proceed against Mr. Nady. The actual claim against Mr. Nady if they were to proceed would be a claim in equity, under a theory of unjust enrichment or alter ego. Mr. Greenberg further argued the question here is how much did the defense pay these people and how many hours did they work. Further arguments by Ms. Rodriguez. COURT ORDERED, Defendant's Motion seeking Summary Judgment in favor of defendants and complete dismissal DENIED. COURT ORDERED, Defendant's Motion seeking Dismissal of the Class Action/Decertification on the Class DENIED. COURT ORDERED, Defendant's Motion seeking Dismissal of the Punitive Damages DENIED. COURT FURTHER ORDERED, Dismissal of the Claims Made Against Defendant Nady DENIED WITHOUT PREJUDICE. Mr. Greenberg to prepare the Order.;

01/18/2018



Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth)

Trial Date Set;

Journal Entry Details:

CASE SUMMARY

CASE NO. A-12-669926-C

Colloquy regarding trial time. COURT ORDERED, Trial date SET. COURT FURTHER ORDERED, Joint PreTrial Memorandum, Proposed Jury Instructions, and Proposed Voir Dire due 2/12/18. 2/26/18 1:30 PM JURY TRIAL;

01/25/2018

Motion in Limine (9:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs' Omnibus Motion in Limine #1-25

Off Calendar;

01/25/2018

Motion in Limine (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts

Off Calendar;

01/25/2018



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS

Matter Heard;

Journal Entry Details:

PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS Court STATED the Motions in Limine would NOT be heard. Court STATED the purpose of today's hearing will be the subject of a motion filed by plaintiffs in May of 2015 to request the Court to appoint a special master paid for by the defendants to compile the hours of work information as contained in the trip sheets. Ultimately the Court denied the motion and the reason that the Court gave at that time was: The Court is not persuaded that the underlying reasons advanced by the plaintiffs provide a sufficient basis to place the entirety of the financial burden of such a process upon the defendants. The entirety of the litigation process since that time to the present convinces the Court that indeed is not only an appropriate way to resolve this issue, but is perhaps the only way to accurately resolve this issue and for that reason if that motion is renewed at this time, the Court is going to grant it. Mr. Greenberg advised they would not renew the request for the appointment of the special master if plaintiffs and the class had to bear the cost of the process. Court indicated if the motion is renewed as it was with the costs borne to the defendants it would be granted. If it is going to be done, it needs to be done immediately. The order needs to be entered so if the defendants choose to seek any appellate relief they can do so. Mr. Greenberg requested two additional items; if the Court has someone in mind that would be appropriate as a special master, to advise. Secondly, that the findings of the special master in respect to the hours worked per pay period be deemed established as the working time for purposes of this litigation. Defendants have continually insisted in this litigation that the trip sheets do contain an accurate statement of the time. Ms. Rodriguez argued the plaintiffs have had over two years to come up with a methodology for calculation. They've had the trip sheets and other routes. They chose this Excel spreadsheet. At the end of the day that route and that methodology doesn't work and they have not met their burden. That was their decision and in-between there were a lot of red herrings, there was a lot of cost, and thousands of dollars to the defendant to chase W-4s, to chase cab manager data, to chase the trip sheets themselves and plaintiffs never even looked at any of it. Now the Court is saying plaintiffs have failed to meet their burden, shifting the burden now to the defendants financially now again to basically start over with what plaintiff should have done back in May of 2015. Ms. Rodriguez requested the Court to consider that this is a very large financial burden to the defendants that the plaintiffs should share in, due to everything else that the defendants have had to bear in-between there for two and a half years. Court STATED in the end if the Court found that there was not compliance with the Minimum Wage Act in our Constitution and therefore they prevailed to some extent in the lawsuit. Would not the costs that they would soak up at that time still shift to the defendant. Court cited NRS 608.115 and stated it is satisfied that this is a quest driven by or founded in the Constitution and therefore it must be accorded particular deference when it comes to the ways that the Court might use to enforce the Minimum Wage Act. Ms. Rodriguez advised the plaintiffs are willing to stipulate to not make a claim for the 8.25 an hour and inquired if the Court is asking the special master to look for any violations based on the 7.25 an hour as opposed to the 8.25 an hour. Secondly, the time frame the special master will be looking at. Mr. Greenberg argued the statute of limitations applicable to the class claims in their entirety extends from October of 2010 and the class period concludes under the Court's order at the end of 2015. Ms. Rodriguez argued she did not believe there was a dispute after July of 2014, why would they have a special master go through 18 months of thousands of trip sheets that are not in question. Mr. Greenberg argued they have been trying to litigate this case to judgment based upon the Court's rulings and how they can present the case within the confines of those rulings. Plaintiffs have looked extensively to the QuickBooks records from 2013 to 2015. Court inquired if the order on file cut it off at mid-2014. Mr. Greenberg stated

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no and advised defendants' expert conducted their own very limited study of trip sheets for that 2013 to 2015 period. Mr. Greenberg requested the study period by the special master be to the end of the class period of December 31, 2015. Further, Mr. Greenberg stated plaintiff's position is it would be more sensible to decertify the class to the limited extent of saying the only claims that will be adjudicated here on a class-wide basis are the class members' entitlement under the 7.25 an hour rate. If any individual class member believes that they are entitled to the higher rate, they would then be free to litigate that issue independently, but that would not be heard or determined as part of this proceeding. Court STATED it would be anticipating the order would be at the 7.25 rate. For purposes of what we're trying to accomplish here, the special master would be asked to provide this work at the 7.25 rate. Court DIRECTED counsel to submit the names of Special Masters by Thursday, February 1, 2018. COURT ORDERED, Trial date VACATED. 2/2/18 9:00 AM STATUS CHECK: APPOINTMENT OF SPECIAL MASTER ;

02/02/2018



Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth)

STATUS CHECK: APPOINTMENT OF SPECIAL MASTER

Matter Heard;


Journal Entry Details:

COURT ORDERS, Micahael Rosten and the firm of Piercy Bowler Taylor & Kern of Las Vegas, Nevada, APPOINTED as Special Master in this case. The purpose of such Special Master appointment is to determine for each class member, based upon the hours of work set forth in their trip sheets for each pay period, and the wages they were paid in each such pay period as set forth in A Cab's QuickBooks records, the unpaid minimum wages they are owed by A Cab pursuant to Article, 15, Section 16, of Nevada's Constitution (the "MWA") under the "lower tier" or "health insurance provided" minimum wage rate. That determination is to be made for all class members for all pay periods falling entirely within the class period of October 8, 2010 through December 31, 2015. That determination is also to be made for those class members who were granted a statute of limitations toll pursuant to this Court's Order entered on June 7, 2017 for all pay periods occurring entirely after the statute of limitations toll date listed for them in Exhibit "A" of that Order and prior to December 31, 2015. COURT ORDERS, in determining the hours of work shown by a trip sheet, the Special Master shall accept as correct the characterization of time as "breaks" or "meals" or non-working time in the trips sheet as accurate and subtract all such time from the interval between the start and end time for the shift as recorded on the trip sheet. The Special Master in their report shall also note the indicated start and end time of "break" or "meal" time entry on each trip sheet. In the event that no shift end time is recorded or fully legible on a trip sheet the Special Master shall indicate in their report the times on that trip sheet's copy of the printed receipt that included Meter Details and that trip sheet's copy of the printed fuel purchase receipt and use the earlier of each time arrive as a "shift end" time for purposes of calculating the hours worked during the shift. If no legible "Meter Details" or fuel purchase receipt time exists on that trip sheet the Special Master shall not calculate any hours of work for that trip sheet and that shift and shall record that they were unable to arrive at a working hours total, or perform a minimum wage underpayment calculation, for the class member during a pay period the Special Master shall include all items of taxable income paid by A Cab to the class member during the pay period as recorded in A Cab's QuickBooks records but shall not include any amounts identified as "Tips" or "Tips Supplemental." The Special Master shall rely on the parties' stipulated agreement as to the wages paid to the class members each period if the parties so agree to stipulate. COURT ORDERS, A Cab shall, forthwith, provide the Special Master all records necessary for the performance of its appointment and as the Special Master requests. The first meeting of the parties and the Special Master directed by NRCP 53(d)(1) is dispensed with. The Special Master shall deliver the report of their findings to the Court and parties no later than 45 days from the Special Master's receipt of the deposit specified in this Order. The report so furnished shall state the total amount of unpaid minimum wages so owed, if any, for each class member; the amount of hours each class member was found to have worked each pay period for A Cab; and the amount of wages within the meaning of the MWA they were paid each pay period by A Cab. The report shall also indicate every pay period for every class member that the Special Master finds the records reviewed contained incomplete or not fully legible information and for which no determination on whether proper minimum wages were paid could be made. At the request of any party, the Special Master shall provide the report's foregoing findings in an Excel file. COURT ORDERS, the costs of the Special Master shall be borne by the defendant A Cab who shall, within 10 days of the entry of this Order deposit with the Special Master the amount of \$25,000 for their services, the Court also expressly reserving the possibility that it may in the future direct some portion of the Special Master's cost be shifted to the plaintiffs if the Special Master's report documents circumstances that the Court finds warrant it doing so. COURT FURTHER ORDERS, the Court WILL NOT be entertaining a motion for reconsideration of this order by the defendants. ;

CASE SUMMARY

CASE NO. A-12-669926-C


02/05/2018 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Cory, Kenneth)
Vacated

02/13/2018  **Minute Order** (11:04 AM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court has in its possession copies of the letter of Ms. Rodriguez to Michael Rosten of Piercy Bowler Taylor & Kerns, as well as the responsive letter from Mr. Greenberg. As of this writing it has been nineteen (19) days since the Court Ordered that a Special Master be appointed, and yet inadequate progress is being made toward implementation of that Order. The Court is extremely concerned with the passage of time in this matter for reasons previously expressed. In order to prevent one more issue from injecting itself into these proceedings, and in light of the possibility that any local firm may trigger another objection due to purported conflicts of interest, the Court rescinds its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns, and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this case. Mr. Rosten and Piercy Bowler Taylor & Kerns may present their bill for services rendered to the Defendant who shall have 10 days to pay the same and this matter will proceed to its conclusion. Mr. Greenberg to prepare the Order in conformity herewith. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

02/15/2018  **Status Check** (10:00 AM) (Judicial Officer: Cory, Kenneth)


Appointment of Special Master

Matter Heard;

Journal Entry Details:

Ms. Rodriguez argued a conflict check should have been done by Mr. Rosten of Piercy Bowler as one of the cab drivers of A Cab has a brother who is a managing shareholder of Piercy Bowler and that is a conflict. Further argued as to a possible bill being submitted to the defendant by Piercy Bowler. Mr. Greenberg stated he cannot speak as to whether Mr. Rosten did or did not do a conflict, but can represent to the Court there were five or six nominees and every single one did inquire about any conflict based upon their firm's involvement in other matters. Mr. Greenberg advised they were all proved with a copy of the complaint. Mr. Greenberg further advised it was represented to him by Mr. Saad and his firm that a conflict check was done. Court STATED it has made its decision to use Dr. Saad, an out-of-state firm, and that way the possibility of knowing someone is limited. Court DIRECTED Defendants to overnight the materials they have in their possession to Dr. Saad and transmit a letter which inquires of him what conflicts check he has done. Mr. Greenberg clarified the materials that are available immediately to overnight are both the QuickBooks payroll information and the October 2010 later trip sheets. Ms. Rodriguez advised there are 300,000 trip sheets on an external hard drive that can be overnighed.;

02/26/2018 **CANCELED Jury Trial - FIRM** (1:30 PM) (Judicial Officer: Cory, Kenneth)
Vacated

03/06/2018  **Minute Order** (4:14 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court has reviewed Defendant s Motion on OST for Stay, received on March 2, 2018, Plaintiffs Response to Defendant s Motion, Plaintiffs Motion on OST to enforce the Court s Orders, and the e-mail correspondence from counsel and the Special Master, Dr. Saad. For the reasons stated herein the Court grants a temporary stay to resolve the Defendants claimed inability to pay the Special Master the initial \$25,000 required by previous court order. In addition to Defendants protestations of their temporary inability to pay the initial \$25,000, the Court also GRANTS a temporary Stay due to health considerations of the Court. The Court has scheduled a necessary surgery for March 8, 2018, which surgery will require a relatively brief recuperation period. The Court is therefore entering an indefinite stay for both reasons, which the Court anticipates will not last longer than approximately 3 weeks. The Court has considered whether it would make more sense to recuse from the case, and/or request a reassignment by the Chief Judge of the Eighth Judicial District Court. However, the duplication of the time and effort it would take for another judge to become adequately conversant with this case would likely protract this case yet again, and would likely cost the

CASE SUMMARY

CASE NO. A-12-669926-C

parties more in attorney fees; nor would it facilitate an economical and fair management of this litigation. Recusal or reassignment would necessitate such delay that it should only come as a last resort. Inasmuch as the anticipated calendared surgery is laparoscopic in nature, the Court feels confident that it will be fully functional and able to proceed ahead within three weeks. In the meantime, the Special Master is directed to cease all efforts to complete the task previously ordered by this Court until further order of this Court. Additionally, because there will be a breathing space of approximately three weeks the Defendants should well be able to set aside the initial \$25,000 deposit, and are ordered to do so. The court anticipates setting a hearing date to accomplish the following: 1. Dissolve the stay; 2. Argue and rule on the various motions which have been filed; and 3. Reset the Rule 41(e), i.e., 5-year Rule, date by which this matter must be concluded. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) and Special Master Dr. Saad (ASaad@resecon.com). /mlt ;

03/15/2018



Motion to Strike (3:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs' Motion to Strike Defendants Affirmative Defenses
Off Calendar;

Journal Entry Details:

This case was Stayed on March 06, 2018, therefore COURT ORDERS, the Motion to Strike Defendants Affirmative Defenses OFF CALENDAR. Parties to re-notice their Motion once the Stay is lifted. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

04/26/2018



Minute Order (1:30 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

On April 17, 2018, Plaintiffs filed 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. The Court signed an Order Shortening Time, setting the matter for hearing on April 27, 2018, nine days later, admittedly a shortened setting. Shortly after notifying counsel of the hearing, chambers received a telephone call from Esther Rodriguez advising that she would be out of the country, having reset a vacation which she had earlier canceled due to an earlier trial setting in this matter. Notwithstanding EDCR 2.22, the Court acted upon that request and reset the hearing for May 4, 2018, believing that a fuller response to this admittedly complex motion could be had. After the matter had been continued to May 4, Plaintiffs caused to be filed the same motion, bearing the caption of this case and the case sought to be coordinated by the motion: A721063, Jasminka Dubric v A Cab, et al. That motion bore the previous OST which set the hearing once again on April 27, 2018. On the next day, April 19, 2018, this Court received an un-filed chamber s copy of the same motion, this time bearing the caption of and Dubric v A Cab, A721063, which reflected that it was pending in Department 25. However, Odyssey does not reflect a filing of this document. Needless to say, the rapid-fire filing and service of these motions caused considerable confusion and consternation, not only for Defendants counsel but also for the Court. The Court decided to proceed on the April 27 hearing pertaining to the second, double-captioned version of the motion, simply for the purpose of having Plaintiffs counsel explain the intentions of the Plaintiffs. Accordingly, the Court determined that Ms. Rodriguez presence was not required and telephonically notified associate counsel, Michael Wall, to be present. Mr. Wall protested that he was on the case only as appellate counsel. Subsequently, on April 24, the Court receive a letter of strong objection from Ms. Rodriguez pertaining to the Court s going forward with any hearing on April, 27 (See Left Side Filing, Counsels facsimiles), which apparently prompted Mr. Greenberg to send a missive, pleading with the Court to proceed on April 27 on the entire motion ((See Left Side Filing, Counsels facsimiles). To avoid complicating this matter further, the Court will continue the hearing on the second filed double-captioned version of the motion to May 4. In the meantime, the Court would appreciate an explanation from Mr. Greenberg in a pleading filed with the Court as to why there are two court filings and one chambers copy of the same motion with three different captions. While the court believes that Plaintiffs effort was simply to make clear to all parties in both cases the coordination-of-cases aspect of the motion, further explanation would be appreciated. The Court will take up the matter on May 4, 2018. 5/4/18 9:00 AM 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 CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq.

CASE SUMMARY

CASE NO. A-12-669926-C

(esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

05/01/2018



Minute Order (4:35 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

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 was set to be heard on May 4, 2018. (See April 26, 2018 Minute Order). Due to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be VACATED until further order of this Court. Furthermore, the STAY IS TO REMAIN IN PLACE until further order of this Court. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

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

05/22/2018



Minute Order (3:23 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

This Court deems it advisable to make a record of the various events which led to this Court setting down a hearing on May 23, 2018 to hear Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Case. That recitation of events includes the deliberate actions of counsel for both sides and the circumstances beyond the control of counsel and this Court which have led to the hearing date of May 23, 2018. On February 16, 2017, this Court Granted a Preliminary Injunction enjoining Defendants from seeking settlement of any unpaid wage claims involving any class members except as part of this lawsuit. A Supplement to Order for Injunction Filed on February 16, 2017 was filed on February 17, 2017, providing the explanation required by NRC 65. On March 6, 2018, this Court entered a Minute Order granting a temporary stay due to health considerations of the Court. The Court had scheduled a necessary surgery for March 8, 2018, anticipating being out of the office for approximately 3 weeks. On April 6, 2018, the Nevada Supreme Court entered an Order reversing this Court s Order granting of the preliminary injunction. On April 16, 2018, the Court granted an Order Shortening Time in connection with Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases, and set the hearing for April 27, 2018. When the Court was advised Defendants Counsel would be out of the country on April 27, 2018, the Court reset that Motion to be heard on May 4, 2018. On April 30, 2018, this Court s wife passed away unexpectedly. On May 1, 2018, the Court issued a Minute Order that [d]ue to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be vacated until further order of this Court. Furthermore, the Stay is to remain in place until further order of this Court. On May 17, 2018 the Court received a copy of a Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., wherein Plaintiffs Counsel declared that at a hearing on May 9, 2018 Department 25 had vacated the prior grant of partial summary judgment as to the only named Plaintiff in that lawsuit (Dubric) and set a hearing for the preliminary approval of a proffered class settlement proposal. Further, Plaintiffs Counsel argued that the Defendants actions, unless Department 1 would hear the Motion for Coordination prior to May 24, 2018, would inevitably result in a reverse auction described in this Court s Supplement to the Preliminary Injunction, thereby obstructing the proper administration of justice in this case. Plaintiff s Counsel further urged this Court to grant the coordination requested under EDCR 2.50 immediately in chambers prior to the next hearing in Department 25. Due to the unavailability of this Court due to the death of the Court s spouse, Department 1 law clerk sought guidance from the Chief Judge of the Eighth Judicial District Court pursuant to EDCR 7.10. As Senior Judge Bonaventure was scheduled to hear Department 1 s cases while Judge Cory was unavailable, the Chief Judge requested that if Judge Cory remained unavailable that Judge Bonaventure hear so much of Plaintiffs Motion as Judge Bonaventure thought necessary. Accordingly, on May 17, 2018, the Court set a hearing date for May 23, 2018. Department 1 law clerk was advised by both counsel that they were available for the May 23, 2018 hearing. The Stay previously imposed by this Court is hereby LIFTED for the purposes of the May 23, 2018 hearing. Finally, the time of the hearing is

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continued from 10:30 a.m. to 1:30 p.m. so that Judge Cory may return to the bench to hear the Motion. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Mark Bourassa, Esq. (mbourassa@blgwins.com) /mlt ;

05/23/2018



Motion (1:30 PM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion for Miscellaneous Relief

Denied in Part;

Journal Entry Details:

Counsel gave summary of case and the case in front of Judge Delaney. COURT ORDERED, Plaintiff's Motion for Miscellaneous Relief DENIED. The Court is not ruling on the suggested renewed motion for preliminary injunction. This case needs to go forward and the Court is disinclined to hold up the matter for non-payment to the special master. COURT FURTHER ORDERED, \$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to be present at the next hearing to show proof of the posting. 6/1/18 10:00 AM PLAINTIFF'S MOTION TO HOLD DEFENDANT IN CONTEMPT, STRIKE THEIR ANSWER;

06/01/2018



Motion (10:00 AM) (Judicial Officer: Cory, Kenneth)

PLAINTIFF'S MOTION TO HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER

Matter Heard;

Journal Entry Details:

Upon Court's inquiry, Mr. Greenberg confirmed the basis to find Defendants in contempt of court is the nonpayment of funds to the Special Master. Arguments by Mr. Greenberg and Ms. Rodriguez regarding whether or not Defendants have the money to pay the Special Master and the effects of litigation in another matter. Court noted it is hesitant to hold Defendants in contempt for failure to pay due to the Affidavit and Financial documents put forward by the Defendants. Court directed counsel to provide case authority, not necessarily in Nevada, where a court has proceeded to hold Defendant in contempt for failure to make payments but the Defendant claims it does not and will not have the money. Court advised it will revisit the issue at the upcoming court date; it will not hear further argument, but will announce if it will grant the Motion and what sort of sanction it may impose. If the issues are not resolved at that time, the Court will hear the Motion for Partial Summary Judgment. Colloquy regarding the next court date. Court directed counsel to submit case authorities by noon on Monday, June 4th. COURT ORDERED, matter SET for Motion for Partial Summary Judgment. 6/5/18 3:00 PM MOTION FOR PARTIAL SUMMARY JUDGMENT;

06/05/2018



Motion for Partial Summary Judgment (3:00 PM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion for Partial Summary Judgment

Granted;

Journal Entry Details:

COURT STATED ITS FINDINGS and ORDERED, Plaintiff's Motion for Partial Summary Judgment GRANTED to the extent that not only is the time period of 2013-2015 granted, but using the rational and the evidence propounded by the plaintiffs, which they in turn claim is based on the evidence propounded by the defendants to grant the same summary judgment for the period of 2007-2012. It is the Courts understanding that amounts to approximately \$174,000.00; the Court does not have the precise amount. Mr. Greenberg advised the amount for 2013-2015 is itemized in precise amounts to identify the individuals and does amount to \$174,839.00 which is the amount requested, which is at least \$10.00 an hour owed to these individuals. If it is below \$10.00 an hour they are treating it as De Minimis and not bothering with it. COURT SO ORDERED. Additionally, COURT ORDERS, in the amount of \$804,000.00 for the period of 2007-2012. Court inquired if that was the correct amount. Mr. Greenberg stated the Court could recite that number and he would submit an order for the Court's approval. Mr. Greenberg indicated he would like to submit the actual pay periods and calculations for each individual with the documentation in conjunction with a final order that the Court could approve with an appendix of the judgment amounts for each individual. As to the interim fees is there any evidence before the Court or any recitation, or numbers that would show the Court how it was calculated. Mr. Greenberg advised on November 2nd he submitted to the Court a declaration that he had expended over 850 hours and \$35,000.00 at that time in costs. Court inquired as to the fee amount and based on what hourly rate. Mr. Greenberg stated if he was to be compensated for 500 hours at \$200.00 an hour it would be \$100,000.00. Court indicated this issue would be the subject of a separate motion. The Court is not stating interim fees should not be award, because this Court believes they should, but

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there has to be a basis for the calculation. Mr. Greenberg advised he had submitted a declaration in support of fees request on November 2nd; 850 hours spent on the prosecution of this case, \$27,200.00 for expert, witness, and technical consultant costs. Court requested the total fees and hours. Mr. Greenberg stated the fees request are \$35,200.00 and requested a round reward of \$100,000.00 in interim fees based on the fact at that time he had expended over 850 hours. The total time expenditures is 1,100 hours personally, Ms. Sniegocki has over 500 hours, and the costs are \$35,200.00 as of November 2; have requested \$135,000.00 in total. Mr. Greenberg inquired if he could include the \$135,000.00 interim award in the Order he would be presenting to the Court. Court indicated yes. Mr. Greenberg advised the Minimum Wage Act empowers the Court to award any relief that it is empowered to act to award in any civil action of an equitable injunctive type nature and referred to Texas State Teachers vs. Garland. Mr. Greenberg advised they would be before this Court on post-judgment motion for full fee award and a detailed itemization would be submitted. Court STATED it would review the authority given in the motion and make the determination whether an interim award would be awarded; Court is not making a ruling from the bench on that issue and would issue a minute order. Mr. Greenberg advised he would like to submit a final order in accordance with the other ruling made today so that a final judgment can be entered appropriately. Mr. Greenberg stated it is his understanding that the directions given today are to fashion an order that will constitute a final judgment in this case pursuant to the rulings today. Court inquired if Mr. Greenberg was stating the Court could dissolve the class and allow those former class members who wish to go forward to go forward on the higher amounts. Mr. Greenberg stated the judgment would be fashioned in individual amounts for each individual class member pursuant to the approach the Court has discussed today. This will constitute a final judgment of the Court to the extent any class member asserts they are owed amounts under the Minimum Wage Act or under NRS 608.040. There were NRS 608.040 claims that were made in this case and believe it would be more efficient to dismiss those claims without prejudice and if any class member wishes to pursue the claim they are entitled to compensation in excess of the Court has awarded, they would be free to do so. Court inquired if this would be a final judgment as to all defendants. Mr. Greenberg stated it would be final judgment as to all defendants and to the class representatives. Court inquired what happens to the conspiracy claim. Mr. Greenberg advised it would be dismissed without prejudice. Mr. Greenberg advised the claims against Mr. Nady personally have been severed; entering final judgment would be to the corporate defendants. Mr. Nady is not subject to that judgment and there would be no need for the claims against Mr. Nady to proceed. The Court could issue a stay of those claims pending entry of final judgment and if final judgment is not satisfied the claims against Mr. Nady would proceed separately. Mr. Wall argued severing claims does not make it a separate case and it would not be a final judgment. A final judgment is a judgment that resolves all claims against all parties that were asserted. Severing claims is just a matter by which method each claim is decided. If you bifurcate a case, you do not get a final judgment until you're done with the second half of the bifurcated case. You do not get multiple final judgments in Nevada and it is clear in Lee vs. GNLV. Mr. Greenberg argued Valdez vs. Cox. Further argument by Mr. Wall and Mr. Greenberg. Court directed Mr. Greenberg to submit authorities with the proposed order and Defendants will have 10 days to submit any countervailing authorities. Ms. Rodriguez inquired if the finding as to the 2007-2012 is based on the 9.21 average hours. Court indicated it was based on the argument put before the Court by plaintiff's counsel that the number is accurate. Court DIRECTED Mr. Greenberg to include with his briefing and proposed judgment the calculation basis on the 2007-2012 amount, and include the methodology of the calculation. Court STATED defendant's will have 10 days to submit any countervailing authorities or argument if they feel it is improper. ;

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

Continued;

Denied;

Continued;

Denied;

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

Continued;

Matter Heard;

CASE SUMMARY

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Continued;
Continued;
Matter Heard;
Continued;
Continued;
Matter Heard;
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

Matter Heard;

Journal Entry Details:

ALL PENDING - 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 Kelly Dove, Esq. present on behalf of Wells Fargo. Mr. Shafer requested the Court quash the writ of execution as to third parties. Mr. Shafer argued the plaintiffs are not entitled to execute against independent entities and is a violation of NRS 86.296. Mr. Shafer further argued the defendant has not received the notice of writ of execution and proof of service has not been made. Mr. Nady advised as to how the entities and accounts are setup and paid out. Mr. Greenberg argued Nevada s LLC statute does not authorize the creation of series LLCs that can hold assets beyond the reach of a judgment against the master LLC that created them. There is evidence that exists that the funds at issue are the property of A Cab LLC. Further arguments by Mr. Shafer as to the independent entities. Statements by Mr. Wall. Statements by the Court. COURT ORDERED, Matter CONTINUED. Court DIRECTED A Cab and/or the series LLC to supply sufficient evidence to quash the writ of execution. CONTINUED TO: 9/28/18 10:00 AM;

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

Matter Heard;


Journal Entry Details:

ALL PENDING - 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 Kelly Dove, counsel for Wells Fargo present. Court NOTED it had received Defendant's exhibits in support to quash the writ of execution. COURT ORDERED, Defendant's Exhibits A-J ADMITTED. Statements by the Court regarding LLC series and review of numerous laws in Nevada and other states. Mr. Shafer argued as to the statutes regarding LLC's and operating agreements in Nevada. Further argued as to NRS 86.296. Statements by Ms. Rodriguez. Colloquy regarding LLC statutes. Statements by the Court regarding creating LLC's that are not identifiable to the public. Arguments by Mr. Greenberg regarding public notice and there being no business licenses for the entities. Ms. Dove advised if the Court wishes for a motion for interpleader be filed they would do so, or they would just follow the Court's direction. COURT ORDERED, Motion to Quash the Writ of Execution DENIED and the FUNDS BE TRANSFERRED TO THE CLERK OF THE COURT pending further action by this Court. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Appropriate Judgment Enforcement Relief CONTINUED. Court inquired if the defendant's would be seeking redress from the Supreme Court. Mr. Shafer advised that is one of the options they would be pursuing. The exemption process still remains to be done pursuant to the writ of execution statute. Mr. Shafer requested if the Court is denying they would request denying in part and granting in part as to the funds in the employee leasing company. If the Court is not inclined to do that, that the Court would preclude further execution of the funds against the company. Essentially, they maintain the

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status quo until such time as two week that they can have Mr. Ocean testify as to the records. Mr. Shafer requested the Court preclude further execution on the funds that may be deposited into Wells Fargo. Mr. Greenberg argued that to the extent the funds are being held under the same EIN# that is the same EIN# when they started the law suit, they believe they should be properly subject to execution and they are sufficient to identify them as funds in the judgment debtor A Cab LLC. There was never a writ served just on A Cab Series Leasing Company in generic form. An execution was served based on the designation of these funds being associated under the EIN# and there is no basis to restrain them from doing this. If A Cab wishes to stop the process execution they could post a bond in the amount of \$960,000.00 which is less than the judgment entered. Mr. Shafer stated they could not post the bond as the funds are being held and they do not have the collateral to secure a bond. Mr. Shafer stated Mr. Greenberg is correct a writ was served with an EIN#. The EIN# they are saying belongs to one company is incorrect as to who they are saying it belongs to and this issue has not been briefed before this Court, but anticipate it will be. Mr. Shafer requested until the Court returns in two weeks and additional briefing has been submitted that plaintiff doesn't take these unrelated companies and stay the proceedings on this particular writ. Defendant is not asking the Court to restrain the plaintiff's ability to file other motions or other proceedings, but just as to this account so that A Cab can continue to operate. Defendant is just asking for a stay on further execution on the writ that was served on Wells Fargo, not A Cab or A Cab Taxi, just as to these other separately named series LLC's. That money is not withheld from those accounts in the future. Court inquired if Mr. Shafer presently represents any of the series LLC's entities. Mr. Shafer advised he has not been presently retained, but believes he will when they file their requests for exemptions. Ms. Rodriguez stated she believed Mr. Wall was going to contact the entirety of Hutchinson and Steffen to make an appearance on 120 plus series individual entities if the Court was going to require representation for each of the entities and that she does not currently represent them. Court STATED the challenges come back to the attempted use of Nevada's relatively new series LLC's statutes and for all the reasons discussed this Court concludes they have not correctly, in such a way to ensure due process to the plaintiff's class members. The defendant is free to seek redress on the central issue of whether or not these separate entities have been created in such a way that it does not deny the rights of the plaintiff class members. The Court is only going to rule on the motion to quash the writ, which has been denied. The Court will allow further argument on the plaintiff's motion.
 CONTINUED TO: 10/22/18 10:00 AM (PLAINTIFF'S COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF) ;

10/22/2018	Motion to Amend Judgment (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>PLAINTIFF'S MOTION TO AMEND JUDGMENT</i> Granted;
10/22/2018	Motion For Reconsideration (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims</i> Denied;
10/22/2018	Motion to Dismiss (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Motion for Dismissal of Claims on Order Shortening Time</i> Denied;
10/22/2018	 All Pending Motions (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>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</i> Matter Heard; Journal Entry Details: <i>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 Mr. Wall argued as to Notice of Appeal, Honeycutt case, and new rules regarding tolling. Mr. Greenberg argued the motion to amend the judgment is proper before this Court. Statements by the Court as to Honeycutt. Mr. Wall stated he does not believe there is a Honeycutt issue. DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME Mr. Wall argued subject jurisdiction. Mr. Greenberg argued damages and cited Edwards case. Further arguments by Mr. Wall as to Edwards and</i>

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	<p><i>Castillo cases. COURT ORDERED, Motion DENIED. DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS Arguments by Mr. Greenberg. Ms. Rodriguez argued as to name change. Statements by the Court. COURT ORDERED, Motion DENIED. PLAINTIFF'S MOTION TO AMEND JUDGMENT COURT ORDERED, Motion GRANTED. ORDER SIGNED IN OPEN COURT. Ms. Rodriguez requested a Stay pending appeal and advised any further garnishments are jeopardizing the company's existence . Mr. Nady and A Cab have actively sought a bond pending appeal and have been denied. Ms. Rodriguez advised she was intending on drafting Motion to Stay under hardship. If the garnishments continued the company will have to shut their doors and lay off hundreds of people. Mr. Greenberg argued against the Stay and stated he believes A Cab is able to pay the judgment. COURT ORDERED, Matter STAYED for TEN (10) BUSINESS DAYS. ;</i></p>
11/29/2018	<p>Motion for Order (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiffs' Motion for an Order Granting a Judgment Debtor Examination and for Other Relief</i> Continued;</p>
11/29/2018	<p>Motion (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution</i> Continued;</p>
11/29/2018	<p>Hearing (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing</i> Continued;</p>
11/29/2018	<p> All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>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</i> Matter Heard; Journal Entry Details: <i>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 COURT ORDERS, Matter SET for Announcement of Decision. 12/4/18 9:00 AM CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt ;</i></p>
12/04/2018	<p> Motion (9:00 AM) (Judicial Officer: Cory, Kenneth) 12/04/2018, 12/13/2018 <i>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</i> Continued; Granted in Part; Journal Entry Details: <i>Laurie Nady, defendant's wife present. Also present, Jonathan Wilson, representative for the Special Master. Mr. Greenberg advised the issue to be heard today are in regards to the TRO and the request for the transfer of those motor vehicles or an order coordinating the transfer, or assisting in having those motor vehicles transferred to the sheriff for sale on judgment execution. The other issue is the appointment of a receiver. Mr. Greenberg advised he had submitted two different proposed orders for the Court's consideration. One would be a limited form of receivership which would allow the receiver to take possession of assets that are under the control of the judgment debtor corporation, A Cab, LLC, and hold those assets, potentially pay liabilities in his discretion if the receiver thought it was important to preserve the business, and to gather information for a report to the Court and a proposal for actually managing the</i></p>

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business in full for the purpose of satisfying the judgment. The receiver would not have the power to interfere or control any of the operations at this point, which is truly what a receiver does in the normal course. The receiver would also have the authority to withhold operation of the medallions which are possessed by the judgment debtor from the Series. The other form of order proposed to the Court is far more limited, which is based on his discussion with Mr. Swarts, who indicated a special master appointment would be more appropriate. The special master would not actually take possession of any assets of A Cab. He would have no authority to pay expenses. He would be essentially in charge of obtaining the records and reviewing the books and have access to the information of the company. He would have no power in respect to the taxi medallions as was proposed for the limited receiver. The special master proposal, which is far more limited than the two, is the model the defendants have proposed. Their variation does two things, which plaintiffs oppose. First it removes the provision that the special master would provide to plaintiffs' counsel information as to assets he located that are in the name of the judgment debtor. If there is going to be a special master appointed they are not going to have a receiver who's actually going to take possession of any assets. Plaintiffs' counsel should be told what assets he comes up with so they can take effective means to secure those assets for the benefit of the plaintiffs. Defendants have removed that power from their proposed special master appointment. The other thing they have done is they have capped the fee to be paid to the special master at \$5,000.00. That is an inadequate amount for anyone to be willing to accept the appointment. Mr. Greenberg suggested an amount more in the range of \$20,000.00. Court STATED it was this Court that appointed the special master and this Court is amenable to making sure the special master gets paid for the work that they've put into the project, up to the point where the Court found that it was going to be so cumbersome and so expensive that it was better to simply grant the plaintiffs' earlier motion for summary judgment that included approximations. Court FURTHER STATED to Mr. Nady it seemed to the Court it might have to put him in jail in order to get his attention. Rather than do that the Court believes it can accomplish this without putting him in jail. It is the Court's belief that with the proposals that have been put forth by plaintiff and the modified proposal by his counsel there is a way to get the special master paid. Therefore, the COURT GRANTS the relief the plaintiffs have asked for in the sense of having a special master appointed and APPOINTS MR. SWARTS. The COURT FURTHER ORDERS, the defendants and their agents to give full and complete disclosure of all the financial records that pertain to the company. Mr. Shafer advised one of the modifications proposed is for confidentiality, anything revealed to the plaintiff should not be revealed to the public at large. Mr. Shafer further advised they still stand by their objection to an appointment of a receiver or special master as it is an extraordinary remedy. Given the Court's inclination is to appoint a receiver, defendants would like to make that as limited as possible with the goal of accomplishing what the Court's concerns are, and that's to maintain the assets to make sure we now what the current status is. The defendants' request is to limit it just to receipt and review of the financial records of the company with the appropriate protective order. There is no objection to Mr. Swarts being appointed, but would like it to be limited and if further funds are needed they must come back to the Court and ask for additional funds. Court NOTED the last issue is the temporary restraining order not to sell items. Mr. Shafer argued as to disposing of assets and the vehicles Mr. Shafer advised their only caveat would be nothing be sold off except in the ordinary course of business. With that exception and with a notification requirement they can be assured that the judgment debtor would receive equivalent value. Colloquy regarding the vehicles. Further arguments by counsel COURT ORDERS, The Request for Appointment of a Receiver GRANTED to a limited extent in the form of an appointment of a Special Master as Follows: 1. George C. Swarts is appointed as a Special Master pursuant to NRCPC Rule 53; 2. The Special Master shall be provided by the judgment debtor A Cab LLC also known as A Cab Series LLC, including Creighton J. Nady and any other agents of judgment debtors, copies of all electronic and paper financial and business records of the judgment debtor A Cab LLC also known as A Cab Series LLC that the Special Master deems advisable to possess for the preparation of the report directed in this order, including, but not limited to, all such records involving, and all of its contracts or agreements with, any other entity or person including any series LLC it has issued pursuant to NRS 86.296. Upon being presented with a copy of this Order all persons and entities possessing any such records of the judgment debtor A Cab LLC also known as A Cab Series LLC shall deliver them to the Special Master; 3. The Special Master shall promptly advise plaintiffs' counsel of all property of the judgment debtor A Cab LLC also known as A Cab Series LLC that it has identified and plaintiffs' counsel shall take no action to proceed with any legal execution upon such property to satisfy plaintiffs' judgment; 4. The Special Master shall issue a report by February 1, 2019 to the Court advising the Court of: (a) A proposed plan, to the extent that they deem it feasible, for the Special Master to be appointed Receiver pursuant to NRS Chapter 32 over the operations of judgment debtor A Cab LLC also known as A Cab Series LLC in a manner that will allow the profits from the operation of the taxi medallions authorized to it to be applied towards satisfaction of the plaintiffs' judgment. 5. Plaintiffs' counsel shall be required to make available to the Special Master, from the funds they have

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collected on the plaintiffs' judgment and are holding in their IOLTA account pursuant to this Court's prior Orders, a sum not to exceed \$20,000.00 to pay for the Special Master's services. The Special Master shall be entitled to be paid a fee not exceeding \$300.00 per hour for their services. The Special Master shall be authorized, in their discretion, to cease further work and present the report discussed in paragraph 4 to the Court, to the extent it is able to complete such a report, once the cost for their services have exceeded 90% of the amount specified in this paragraph that plaintiffs' counsel shall be required to make available to pay for such services. 6. The information and records received by the Special Master shall be kept confidential and subject to a protective order issued by the Court, precluding production to the general public except as directed by the Court. The Request for a Judgment Debtor Exam As the Court ruled at the December 4, 2018 hearing this issue is the subject of a separate motion and will be addressed by a separate order. The Request to Enjoin Certain Transfers of Funds The plaintiffs requested that A Cab and any series LLC it has issued (the "series LLCs" that defendants also refer to as "cells" of A Cab) be enjoined from transferring any funds to defendant Nady or any of his family members. At the December 4, 2018 hearing the Court was advised by counsel for A Cab that defendant Nady's prior deposition testimony about regular transfers of funds from the series LLCs to Nady was incorrect and such transfers were actually to a trust. This branch of plaintiffs' motion is granted to the limited extent of prohibiting the transfer of any monies or other property owned by judgment debtor A Cab LLC (also known as A Cab Series LLC) to defendant Nady, to any of his family members, or to any trust of which Nady or any of his family members is a trustor, trustee or beneficiary. To the extent plaintiffs' motion sought further restraints on transfers by the series LLCs it is, without prejudice, denied at this time. Other Requested Relief Plaintiffs' other requested forms of relief are, without prejudice, DENIED by the Court at this time. COURT FURTHER ORDERS, Judgment Debtors shall not create any additional Series LLC s without further order of this Court. ;

Continued;

Granted in Part;

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) 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

Matter Heard;

Journal Entry Details:

ALL PENDING - ANNOUNCEMENT OF DECISION (PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF... PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING... PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION... PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF) PLAINTIFFS' EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER AND MOTION ON AN ORDER REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320 ANNOUNCEMENT OF DECISION PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF Defendants argue there are a number of objections, including Plaintiffs' request is overbroad. The Court has determined at this juncture in the case it is sufficient that the interests that are argued in the

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defendant's opposition are protected by having in place a Protective Order. Accordingly, COURT ORDERED, Motion for Judgment Debtor Examination GRANTED. Counsel to fashion an appropriate Protective Order. COURT FURTHER ORDERED, none of the information which is turned over, or discovered through judgment debtor examination by the plaintiff may be revealed beyond anyone other than those directly involved with this case. The Protective Order applies to ALL personnel in Mr. Greenberg's firm. PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION COURT ORDERED, Motion GRANTED. The Court is awarding \$568,071.00 in attorneys' fees, pursuant to Article 15, Section 16 of the Nevada Constitution. The Court is satisfied over the objection of the defendants that the plaintiff has kept records. In response to the defendants' argument that the plaintiffs have failed to exceed an Offer in Judgment, the Court is issuing the following decision: Defendants contend that Plaintiffs did not beat the offer of judgment when Defendants offered \$7,500 to Plaintiff Michael Murray and \$15,000 to Plaintiff Michael Reno. Defendants argue that because Plaintiff Reno was ultimately awarded \$4,966.19, and Plaintiff Murray was awarded \$770.33, Plaintiffs failed to obtain a more favorable judgment. Without addressing the reasonableness of rejecting such an offer based on the filing of a Punitive Class Action, the Court's granting of class certification, and the fact that Plaintiffs secured a judgment in excess of \$1,000,000 on behalf of more than 900 defendants, the Court holds that Plaintiffs DID obtain a more favorable judgment pursuant to Article 15, Section 16, of the Nevada Constitution AND NRCP 68. Article 15, Section 16, of the Nevada Constitution states a prevailing plaintiff in a MWA action shall be awarded his or her reasonable attorney's fees and costs. At the time those offers of judgment were made, plaintiffs counsel had already expended more than 70 hours totaling at least \$20,000. The Offers of Judgment to Plaintiffs in the amount of \$7,500 and \$15,000 were inclusive of interest, costs, and attorney's fees. Again, we are dealing with Constitutional provisions, which provisions serve a compelling public purpose. The award of attorney's fees to a prevailing plaintiff is mandated by the constitution. Therefore, reading the MWA together with NRCP 68, the Court finds Plaintiffs obtained a more favorable judgment. As to Defendants' argument that Plaintiffs' request is untimely, the Court rules as follows: Defendant argues Plaintiffs request is untimely pursuant to NRCP 54(b). First, the quote provided by Defendant is actually NRCP 54 (d)(2)(B), which deals only with Attorney Fees and provides, the motion must be filed no later than 20 days after notice of entry of judgment is served. The rule also states, The time for filing the motion may not be extended by the court after it has expired. There is no provision within that rule which prohibits this Court from extending the time for filing the motion PRIOR to the expiration of the 20 days. Contained within the Court's ORDER GRANTING SUMMARY JUDGEMENT, SEVERING CLAIMS, AND DIRECTING ENTRY OF FINAL JUDGMENT at page 34 paragraph E, the time for class counsel to apply for an award of fees and costs pursuant to Rule 54 was extended to 60 days after the service of that Order with Notice of Entry. The Order was filed on August 21, 2018, with the Notice of Entry filed on August 22, 2018. Therefore, the deadline for Plaintiffs to file their motion for attorney's fees was October 21, 2018. Plaintiffs filed their Motion for Attorney's Fees on October 12, 2018, which was well within the 60 day period afforded by this Court. Defendants argue that costs must be denied because Plaintiffs are seeking in excess of \$29,000 for experts who were never utilized, but more so were subject to being stricken as having not met the required standards for admissibility, citing to Defendants Motion in Limine to Exclude Plaintiffs Experts. First, the Court will note that the Court was prepared to DENY Defendants motion holding that the court is satisfied that (1) Charles Bass and Terrence Claurite have the requisite knowledge, skill, experience, training, or education to express expert opinions on the Plaintiff's model; (2) their testimony as to the reliability of the model, and the propriety of using such a model in the instant case, would assist the trier of fact in determining whether and to what extent wages are owed to the class members; (3) is appropriately limited in scope to each of their areas of expertise; (4) is based upon sufficiently reliable methodology; and (5) is largely based on particularized facts. In post summary judgment proceedings Defendants continue to allege they were blindsided by the Court's appointing a Special Master and subsequent granting of Plaintiff's Motion for Summary Judgment, as evident once again by their citation to their Motion in Limine. The Court will take this opportunity to explain to the Defendants the course and reasoning of the December and January proceedings. The Court heard Plaintiff's Motion for Partial Summary Judgment on December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has established liability. Thereafter, Plaintiff filed Plaintiffs Supplement in Support of Motion for Partial Summary Judgment arguing that damages and liability are inextricably related. Defendants also filed their Motion for Summary Judgment on November 27, 2017, and heard on January 2, 2018. Other motions before the Court in the end of December 2017 and early January 2018 included Plaintiffs Motion to Place Evidentiary burden on Defendant, Plaintiffs motion to bifurcate or limit issues at trial, Defendants objection to the Discovery Commissioners Report and Recommendation, both Defendants and Plaintiffs motions in limine, Defendants Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to 16.1(3), and Plaintiffs motions to strike affirmative defenses.

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*It was upon review of all of these motions that the Court found that liability and damages were inextricably related. That is precisely why the Court gave Defendants one more opportunity to present evidence which would rebut that liability, and yet they could not. It was in preparation of those pretrial motions that the Court inquired into what evidence would be submitted and presented at trial. In that Defendants Motion in Limine, Defendants argued that Plaintiffs experts methodology was unreliable because it calculated damages derived from inaccurate information, despite Plaintiffs experts using information consisting of computer data files provided by A Cab. Defendants argued at that time that the Tripsheets were the only accurate information. That is precisely why this Court appointed a special master, who expended more than \$85,000 to review Tripsheets which did not comply with NRS 608.115, to make a determination on a precise calculation of hours. Defendants continued to use their noncompliance with the record keeping statute as both a sword and a shield. That is when this Court decided to apply the reasoning of Mt. Clemmons, which stated that the employer cannot be heard to complain that the damages lack the exactness of measurement that would be possible had he kept records. Contrary to the Defendants assertions that the experts were never utilized, Plaintiffs experts were necessary to this Court granting summary judgment. It was defendants lack of evidence of the precise amount of work performed to negate the reasonableness of the inference to be drawn from the employees evidence, which warranted the granting of summary judgment. Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 687 (1946) (The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence *688 to negative the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the court may then award damages to the employee, even though the result be only approximate.) This Court gave defendants every opportunity to come forward with precise evidence, and yet Defendants failed to provide the initial \$25,000 deposit as ordered by this Court. Defendants might have a colorable argument against Plaintiff's expert costs had the Special Master completed his work regarding the Tripsheets, and had the trial proceeded on that basis. However, that is not the case here. Plaintiffs experts were necessary and their expenses reasonable given the extent of the work performed in calculating damages based upon computer data information provided by ACAB. Therefore, costs are awarded in their entirety. The Court agrees with Plaintiffs analysis regarding their objections. Defendants Claims of Exemption are DENIED except as to the Nevada Wildcard pursuant to NRS 21.090 (1)(z). Therefore, the NRS 21.090(1)(z) exemption is applied and the Clerk of the Court shall remit \$10,000 to A Cab LLC. The Remainder of the funds deposited with the Clerk of the Court shall be remitted to plaintiffs counsel for placement in their IOLTA account. Now, having made those determinations, the Court goes back to not a boilerplate, but expansive motion, and that is, plaintiffs' countermotion. When the defendants filed their Ex-Parte Motion to Quash the Writ of Execution, the plaintiffs' filed a Counter-Motion for Appropriate Judgment Enforcement Relief in which they asked for a judgment debtor examination. The Court's already granted that from the specific order. In terms of the countermotion, COURT ORDERED, DENIED AS MOOT, as it was already granted in the specific motion filed by plaintiffs. Plaintiffs have asked the Court order the property in the possession of the series LLC's belonging to A Cab, LLC, be deposited with plaintiffs' counsel. The Court is NOT going to Order this. The COURT will ORDER, it not be sold off or given away, the property MUST be maintained pending further Order of the Court. COURT FURTHER ORDERS, there is to be no transfer of funds from A Cab, LLC to any of its series LLC's, or to Defendant Nady, or any family members, without further order of the Court. The plaintiff also asked for an Order of Attachment of assets including the CPCN Medallion and the sale of same. The Court is NOT ordering this at this time. Arguments by Mr. Greenberg as to appointing a Receiver and vehicles to be seized towards judgment satisfaction. Mr. Shafer argued the plaintiffs are essentially asking for an injunction to shut down the business. They want every vehicle A Cab uses and are basically asking for injunctive relief not just to A Cab but all the other series. Without a hearing or a proper source of claim for exemption they could basically take anything or put the defendant in a significant risk of harm. Court DIRECTED plaintiff to submit an order by the end of the week to the Court and make it very precise as to what powers the Receiver would have and the issue will be addressed on 12/13/18. . COURT ORDERED, TEMPORARY RESTRAINING ORDER TO REMAIN IN PLACE. COURT FURTHER ORDERED, Plaintiff's Motion to File Supplement in Support of an Award of Attorney's Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution GRANTED. CONTINUED TO: 12/13/18 10:30 AM (PLAINTIFFS' EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER AND MOTION ON AN ORDER REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320) ;*

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*

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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*

Matter Heard;

Journal Entry Details:

Jonathan Wilson and Corey Gildart, representatives for the Special Master, also present. Mr. Dubowsky argued this is a motion for contempt. The defendants have not complied with orders going back to February, March, and May 27th where the Court ordered \$41,000.00 to be paid. Then on August 21st the Court found the defendants were in contempt. Mr. Dubowsky argued the Court brought his client into the case and they did an exhaustive amount of work, over \$85,000.00 in labor at the request of the Court. Mr. Dubowsky requested the Court find the defendant in contempt of Court and order whatever punishment necessary to get them to pay and comply with the Court's orders. Court NOTED the motion does not ask for anything specific and inquired if the special master was asking the Court to formally find the defendants in contempt of court. Mr. Dubowsky stated the Court has the discretion to order it, and if incarceration is necessary to compel them to comply with the Court's orders, then that is what is necessary. Ms. Rodriguez argued the defendants objected to the appointment of the special master and then at the first opportunity filed a motion with the Court to inform the Court and all the parties, including the special master that there was an inability to finance such a costly project by the special master. Ms. Rodriguez stated they have fully complied with everything the Court has ever ordered as it pertains to the special master, except for the money, as A Cab could not afford it. The Court did grant a stay and did allow the further opportunity to try to come up with the money. As the Court is fully aware, things quickly transformed to go down a different path and that path was the summary judgment motion, and then to utilize the spreadsheets that were prepared by Mr. Greenberg rather than anything from the special master. Ms. Rodriguez advised they have never seen any work, any data, or anything from the special master. All they have ever received is a bill for \$85,000.00 which was argued without showing any of data that either party could use, the bill is extremely excessive. Ms. Rodriguez further advised the issue of the special master is on appeal. Ms. Rodriguez further argued they overnighted all the trip sheets, downloaded everything onto a thumb drive and a drop box and sent it to the special master as the Court ordered. They had no idea they would be served with a bill for \$85,000.00 because as far as what the Court had ordered was the \$25,000.00 initial deposit. The special master was on alert immediately that there was an inability to even pay the \$25,000.00. If the Court is inclined to grant such a bill, they should have to turn something over to show what is worth \$85,000.00. Mr. Dubowsky argued this is very specialized work and that is why the bill may appear high, but in fact the bill is accurate as to what was earned and the work that was done at the Court's request. The Court ordered the defendants to pay \$41,000.00 and they not paid any of it. Court inquired of Mr. Dubowsky it was normal for the special master to begin by hiring temps and paying them to train them and perform the work. Mr. Wilson advised they try to refrain from hiring temps as much as possible, but with the time constraints the way they were; they did their best to make sure the work was quality. The Court stated it did make it clear in a number of the orders and statements that it was most concerned with the passage of time that it would take in order to accomplish this purpose and that it was important to get this done quickly. Mr. Gildart advised this was not minimum wage work. They do not just get temps off the streets, these are qualified individuals and they have to train them accordingly, which explains the rate. Mr. Wilson advised they were trying to do this as quickly as possible and as cost effective as possible. The Court STATED this Court determined that the defendants simply were not willing to produce any evidence on their own. At most every turn the response that the Court heard was it's only the time sheets. But the defendant did not put forward any calculations based on the time sheets, and so ultimately because of the passage of time in this litigation this Court determined that it was going to have to go back and revisit a motion that had been brought by the plaintiffs much earlier. And to say that the defendants were blindsided by it is not really accurate. It was briefed and argued by both sides when it was first proposed by the plaintiff. It became more obvious to the Court ultimately that something as drastic and perhaps as expensive as this, was the only way that we were going to get down to having the best evidence of what was owed. And so the Court ordered it and ordered that the defendant would pay the cost. The Court had already at that point determined that there had been a violation of the constitutional provisions regarding minimum wage; that there was indeed liability and the question was what the amount of the damages would be. The Court FURTHER STATED in preparing for today the Court went back and looked at virtually all of the minute orders recounting the efforts of both sides and the Court in this case for the last at least year or perhaps more, and what the Court sees is that the Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said that it couldn't and put forward some figures to try and show the Court that it couldn't. In hindsight what the Court saw was the defendants saying they it couldn't afford to, and that it didn't fit in their

CASE SUMMARY**CASE NO. A-12-669926-C**

budget to pay such fees. Ultimately the Court realized that the defendant was simply refusing to pay it. The Court ordered \$25,000 and then later \$41,000 based upon an estimate. On March 6th the Court ordered that \$25,000 be paid. On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the defendants to really show that the defendant was not able to pay. And ultimately the Court concluded that what the defendant was really saying was not that they didn't have the money but that they didn't want to pay it because they had other business expenses. Then on September 11th a writ of execution was filed and the defendants were in possession of somewhat over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have the money. While the defendants may argue that it's all gone or that it was tied up, the defendant is still operating its business and still has income coming in. This record is devoid of evidence that shows the defendants could not pay the money or they did not have the money, and that is in the face of a Court order, several Court orders. As was already touched upon, there was a stay put in place. The Court was constantly trying not to kill the goose that lays the golden egg. The Court cannot help but find that in the course of protesting loudly having to pay anything, the defendant has just flat violated Court orders and refused to pay the \$25,000 or the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been paid and tendered. This is a willful violation of a Court order. Court NOTED Mr. Nady is not present today and if he were this Court would seriously consider putting him in jail for contempt. Ms. Rodriguez stated one very important point she forgot to mention, when the first \$25,000.00 was ordered following the stay Mr. Nady went to the Clerk with a check to attempt to make a deposit as the Court ordered and the Clerk refused it as there was no order in place ordering the \$25,000.00. The Court inquired if this was ever brought to the Court's attention. Ms. Rodriguez advised no. Court STATED it is simply amazing that the Court cannot seem to communicate with Mr. Nady that these are important responsibilities and that he's not going to avoid paying minimum wage. COURT FINDS, Mr. Nady and the corporate defendants HAVE WILLFULLY VIOLATED THE COURT ORDERS The Court is not going to order a bench warrant today but continue the hearing to determine how far this Court should go to exact payment. COURT ORDERED, Matter CONTINUED and Mr. Nady to PERSONALLY BE PRESENT. CONTINUED TO: 12/13/18 10:30 AM ;

12/18/2018

**Minute Order (4:19 PM)** (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:


The Court has read with surprise the factual allegations in Appellant's Emergency Motion For Stay. At times one wonders if the Court attended the same hearing as Appellant's counsel. Generally, this Court will trust that a perusal by the Supreme Court of the actual record in these matters will demonstrate how much of counsel's hyperbole is belied by that record. However, some groundless accusations regarding the specific issue prompting the emergency motion, the denial of the motion to dismiss for want of subject matter jurisdiction, must be corrected. On December 17, 2018, the Court received a copy of Defendants Emergency motion Under NRAP 27(e) for Stay. In Defendants Emergency Motion they claim numerous post-judgment orders which would allow Appellants to seek appellate relief have not been signed nor entered by the District Court. Thus, Appellant cannot seek relief without an order. These orders include a critical one addressing whether the District Court even had subject matter jurisdiction over this matter. The Court will clarify that, until December 17, 2018 at 12:19 p.m. via email from Plaintiffs counsel, the Court had not received from either Plaintiffs counsel or Defendants counsel any proposed final order adequately covering the issue complained of in the Emergency Motion. On October 22, 2018, the Court heard, among other motions, Defendants Motion for Dismissal of Claims on Order Shortening Time, and Defendants Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims. Those motions were denied. There were further statements by counsel regarding an appeal. At that time, Ms. Rodriguez requested a Stay pending appeal. Mr. Greenberg argued against the stay. The Court ordered the matter STAYED for ten (10) business days. The first communication the Court received regarding any proposed order covering the Defendants Motion for Dismissal of Claims was on December 11, 2018. On December 11, 2018 at 4:24 p.m., Leta Metz, paralegal for Jay Shafer, Esq. sent an email to Department 1's Judicial Executive Assistant. That email included a letter, Order and Red-Lined Order. The attachment was NOT a final order and was NOT signed as to form and content by ANY counsel. See left side filing. The letter to the Court stated [t]here were a number of disagreements regarding the findings and extent of the Court's Ruling. Accordingly the parties are submitting competing orders. Because of the disagreements between counsel, the indication of competing orders, and the lack of signatures as to form and content, the Court's law clerk contacted both Plaintiffs counsel, Leon Greenberg, and Defendants counsel, Jay Shafer, inquiring as to when the competing orders will be submitted so that the Court may expeditiously facilitate the entering of the order. On, December 17, 2018, Department 1's law clerk received a phone call from Jay Shafer's office inquiring of the Court


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s preference of electronic signatures or wet signatures as it related to the proposed order on Motion for Dismissal of Claims. Department 1 s law clerk advised that, typically, the Court prefers wet signatures with hard copies but to please inform the Court if there is difficulty in obtaining wet signatures or submitting a hard copy. Department 1 s law clerk further advised that given these circumstances and the allegations in the Emergency Motion For Stay, the Court would prefer a date next to the signature line by counsel approving the order as to form and content. On December 17, 2018 at 12:19 p.m., Department 1 s law clerk received an email from Mr. Greenberg stating, As per the call I received today from Kevin in Dept. 1 I forward a copy of the form of Order all counsel consented to entry of as confirmed by their signatures on the attached. It appears there may have been some confusion about this Order's submission to the Court not indicating agreement of all counsel to its form. Please contact me if there remains any outstanding issues in respect to this or any other proposed Orders being reviewed by the Court. Subsequently, on December 17, 2018 at 2:51 p.m., Department 1 s law clerk received an email from Mr. Shafer again inquiring if a PDF copy is acceptable, or if you need a wet ink signature? Department 1 s law clerk responded to that email memorializing that, typically, the Court prefers wet signatures with hard copies submitted to chambers. If there is difficulty in submitting a hard copy or obtaining wet signatures please let us know. Following the described confusion of counsel, the Court has this date signed the agreed upon order and the order is awaiting Defendants runner in Department 1 s pick-up box. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenbergvertirnelaw. com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the e- service list./mlt ;

01/02/2019 **CANCELED Objection** (10:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated
Objections to Claims of Exemption from Execution and Notice of Hearing

01/17/2019  **Minute Order** (4:00 PM) (Judicial Officer: Cory, Kenneth)
 Minute Order - No Hearing Held;
 Journal Entry Details:
The Court is in receipt of Defendants Motion to Pay Special Master on Order Shortening Time. While the affidavit of counsel does not demonstrate adequate grounds for the Court to grant an order shortening time, the Court will expedite the handling of this Motion to this extent: the hearing on this Motion will be set for February 6, 2019 at 9:00 a.m. Any opposition shall be filed by January 30, 2019. The reply shall be filed by February 4, 2019 and shall be no more than five (5) pages. 2/6/19 9:00 AM DEFENDANTS MOTION TO PAY SPECIAL MASTER ON ORDER SHORTENING TIME CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenbergvertirnelaw. com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the eservice list./mlt ;

02/05/2019  **Minute Order** (3:31 PM) (Judicial Officer: Cory, Kenneth)
 Minute Order - No Hearing Held;
 Journal Entry Details:
On December 19, 2018, the Court received a letter from Defendant s counsel relating that Defendants were re-submitting an order previously submitted but never signed by the Court. This order purports to be an order resolving Plaintiffs motion on order shortening time to 1) lift stay, 2) hold Defendants in contempt, 3) strike their answer, 4) grant partial summary judgment, 5) direct a prove-up hearing, and 6) coordinate cases. Counsel is correct that the Court did not sign the order submitted on July 19, 2018. The Court will now make this record indicating why that proposed order, which purports that the entirety of Plaintiffs Motion for Miscellaneous Relief is DENIED, was never signed. The bulk of Plaintiffs rather omnibus motion was not denied. The only portion of Plaintiffs miscellaneous motion resolved at the hearing on May 23, 2018 was that portion pertaining to the motion to coordinate cases, which was DENIED. The remainder of Plaintiffs motion, submitted on OST, was ruled on as follows: 1) The Motion to Lift Stay. The stay was lifted on May 22, 2018 via minute order. Subsequently, after the bulk of Plaintiffs compound motion was continued to June 5, 2018, there was colloquy regarding the stay and whether a stay would be appropriate. To be clear, the Court never imposed another stay. During the May 23, 2018 hearing, the Court made clear its intention NOT to hold up this case any longer and indicated this case needs to go forward. Thus, the Motion to Lift Stay was NOT denied. 2) The Motion to Hold Defendants in Contempt. As it is correctly indicated in the minutes from the May 23, 2018 hearing, that portion of Plaintiffs Motion to Hold Defendants in Contempt was continued to June 1, 2018. During the June 1,

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2018 hearing, the Court noted it is hesitant to hold Defendants in contempt for failure to pay, due to the affidavit and financial documents put forward by the Defendants. The Court directed Plaintiffs counsel to provide case authority where a court has proceeded to hold a party in contempt for failure to make payments where the Defendant claims it does not and will not have the money. The Court then advised it will revisit the issue at the upcoming court date, and indicated that if the issues are not resolved at that time the Court will hear the Motion for Partial Summary Judgment. The Court then continued the matter to the next hearing date, which was set for June 5, 2018. Thus, the Motion to Hold Defendants in Contempt was NOT denied on May 23, 2018. 3) The Motion to Strike Defendants Answer. Similar to the contempt motion, this portion of Plaintiffs omnibus motion was continued to June 1, 2018. Because this portion of the motion related back to the contempt motion, this portion was also continued from June 1, 2018 to June 5, 2018. On June 5, 2018, the Court GRANTED Plaintiffs Motion for Partial Summary Judgment. The Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment, heard on June 5, 2018, and filed August 21, 2018, provides, given the deference this Court must give in enforcing the Constitution of the State of Nevada, the Court finds that Defendants persistent failure to comply with Court orders, and for reasons stated herein, warrants holding defendants in contempt and striking their answer. . . While this Court has been at pains to resolve important issues without resort to sanctions, the Court cannot avoid the conclusion that if other, less drastic bases were not available, it would proceed by way of sanction, strike the answer, and award judgment to Plaintiffs. The Order then goes through the analysis of the sanction under *Young v. Johnny Ribeiro* 787 P.2d 777 (Nev. 1990), however, the Court stated [d]espite plaintiffs warranted request to hold defendants in contempt and strike their answer, the Court has not viewed this as warranted to remedy this point, and therefore has declined to do so. As an alternative ruling, the Court is prepared to do so now. Thus, the Motion to Strike Defendants Answer was NOT denied on May 23, 2018, but was continued for further argument on June 1, 2018, June 5, 2018, and ultimately resolved via the order granting summary judgment. 4) The Motion to Grant Partial Summary Judgment. Similar to the analysis above, this portion of Plaintiffs compound motion was continued to June 5, 2018 and ultimately GRANTED at the June 5, 2018 hearing. Thus, this portion of Plaintiffs omnibus motion was NOT denied at the May 23, 2018 hearing. 5) The Motion to Direct a Prove-Up hearing. The same analysis above, regarding the Motion to Strike Defendants Answer, applies here. 6) The Motion to Coordinate Cases. This portion of Plaintiffs motion was resolved at the May 23, 2018 hearing. The Court DENIED Plaintiffs Motion to Coordinate Cases. The Court is clarifying the procedural history of the relief requested because the proposed orders submitted to chambers by both sides have not accurately identified and resolved all motions before the Court. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@veritelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the eservice list./mlt ;

02/06/2019	Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth) STATUS CHECK: SPECIAL MASTERS REPORT Continued; JUDGE RECUSED
02/06/2019	Motion (9:00 AM) (Judicial Officer: Cory, Kenneth) Motion to Distribute Funds Held by Class Counsel Continued; JUDGE RECUSED
02/06/2019	Motion (9:00 AM) (Judicial Officer: Cory, Kenneth) Motion to Amend the Court s Order Entered on December 18, 2018 Continued; JUDGE RECUSED
02/06/2019	Motion (9:00 AM) (Judicial Officer: Cory, Kenneth) Defendants Motion to Pay Special Master on Order Shortening Time Continued; JUDGE RECUSED
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

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Continued;
JUDGE RECUSED

02/06/2019



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

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
Matter Heard;

Journal Entry Details:

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
Following statements and arguments by counsel, COURT ORDERED, as follows: COURT ORDERED, 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, and Plaintiff's Response in Opposition to Defendant's Motion to Pay Special Master OST and Countermotion for an Order to turn over property CONTINUED. COURT ORDERED, Special Master to retain the exhibits to the report and are to be kept in confidence. COURT ORDERED, Mr. Parson's oral Motion to be Retained by the Special Master and \$20,000.00 be disbursed to them GRANTED. COURT ORDERED, NO NEW Writs of Execution or RENEWAL of Writs of Execution to be issued before the February 27, 2019 hearing. COURT FURTHER ORDERED, Defendant A Cab may disburse a onetime disbursement of \$10,000.00 to Mr. Nady's Trust. Mr. Parson to prepare the Order.
CONTINUED TO: 2/27/19 10:00 AM;

03/01/2019



Minute Order (3:38 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court notes that a Notice of Firm Name Change was filed on February 27, 2019, which changes the name of one of the firms representing the Defendants from Premier Legal Group to Cory Reade Dows and Shafer. The Court has confirmed that his brother Timothy Cory has formed a law firm which places him in partnership with Jay Shafer, one of the attorneys for the Defendants. Pursuant to Rule 2.11(a)(2) of the Revised Nevada Code of Judicial Conduct, when a judge knows that the judge's brother is acting as a lawyer in the proceeding he should disqualify himself from presiding over the matter. Accordingly, the Court RECUSES itself from further hearings in this matter. The Court further notes that the three orders bearing today's date were previously heard and decided, and that the Court today simply approved the final draft of those orders. CLERK'S NOTE: A copy of this minute order was emailed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //ev 3/1/19;

03/18/2019



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of Court, Resolution Economics LLC's Motion to Strike the Defendants Motion for Reconsideration of the District Court's Contempt Order currently scheduled for March 28, 2019, must be heard before Defendants Motion for Reconsideration. Thus, the Motion to Strike is RESCHEDULED to March 21, 2019 at 10:30 a.m. CLERK'S NOTE: A copy of this minute order was emailed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //3/18/19 lk;

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

Motion Denied;

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Also present, Corey Gildart representing Resolution Economics. Court stated this case was assigned to Department 32 two days ago. Court advised it reviewed the 7 year old case and the Court believed it was familiar with the relevant procedural issues at hand. Court advised counsel of its understanding of the procedural issues. Court inquired as to whether the preemptory challenge of Judge Scottie was being challenge. Mr. Shafer advised there was an objection to the preemptory challenge, however; in the interest of having the issue resolved on the merits, Mr. Shafer moved to withdraw the objection and consider it moot. There being no objection by counsel to have Department 32 oversee the matter, COURT ORDERED the Motion objecting to Judge Scottie's preemptory challenge WITHDRAWN. Court advised Department 32 would decide the motion for reconsideration on 3/28/19. Mr. Dubowsky requested time to file an opposition and have time for Defendant to file a response. There being no opposition, COURT ORDERED, Motion for Reconsideration CONTINUED; with the following briefing schedule: Opposition due 3/28/19 and Reply due 4/4/19. Ms. Sniegocki inquired as to the Motions that were pending before Judge Cory prior to his recusal and advised they needed hearing dates on this Court's calendar. This Court's Law Clerk suggested parties contact her with the names of the Motions they wished to have heard and the Court would issue a minute order placing them on the calendar. CONTINUED TO: 4/16/19 10:30 AM;

03/26/2019

**Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)**

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of the Court, the Motion for Reconsideration currently scheduled for March 28, 2019, and all pending motions including Plaintiffs' Motion to Distribute Funds Held by Class Counsel, Plaintiffs' Motion to Amend the Court's Order Entered on December 18, 2018, Defendant's Motion to Pay Special Master on OST, 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 will be heard on April 16, 2019 at 10:30a.m. CLERK'S NOTE: A copy of the above Minute Order was distributed to the following: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //3/27/19 lk;

03/28/2019

CANCELED Motion For Reconsideration (9:30 AM) (Judicial Officer: Cory, Kenneth)*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

04/16/2019

**Motion For Reconsideration (10:30 AM) (Judicial Officer: Bare, Rob)***Motion for Reconsideration of Order of Recusal*

See minute order

Hearing Set;

Journal Entry Details:

Court reviewed the procedural history of the case. Mr. Shafer argued the Court did not have jurisdiction because the bankruptcy Stay that was in place applied to Mr. Nandy and A Cab. Court inquired what parties believed he should do about the dispute as to whether or not the Stay involved Mr. Nandy. Mr. Sniegocki suggested the motion be continued to 4/30/19 with the matter's other pending motions. Arguments by counsel regarding this Court's jurisdiction over Defendant Nandy. Court advised parties to file supplemental briefing and responses. COURT ORDERED, motion CONTINUED. Briefing schedule SET: Defendant's supplemental briefs due 5/2/19; Plaintiff's response due 5/10/19; Hearing regarding this Court's jurisdiction over Defendant Nandy SET for 5/21/19. 5/21/19 10:30 AM HEARING ;

05/21/2019

Motion (10:30 AM) (Judicial Officer: Bare, Rob)*Defendant's Motion to Pay Special Master on OST*

Decision Pending; Defendant's Motion to Pay Special Master on OST



05/21/2019

Motion (10:30 AM) (Judicial Officer: Bare, Rob)*Plaintiff's Motion to Distribute Funds Held by Class Counsel*

Decision Pending; Plaintiff's Motion to Distribute Funds Held by Class Counsel


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05/21/2019	<p>Motion to Quash (10:30 AM) (Judicial Officer: Bare, Rob) <i>Defendant's Motion to Quash Subpoena Issued to Curb Mobility LLC</i> Decision Pending; Defendant's Motion to Quash Subpoena Issued to Curb Mobility LLC</p>
05/21/2019	<p>Hearing (10:30 AM) (Judicial Officer: Bare, Rob) <i>Hearing Re: Jurisdiction</i> Matter Heard; Hearing Re: Jurisdiction</p>
05/21/2019	<p> All Pending Motions (10:30 AM) (Judicial Officer: Bare, Rob)</p> <p>MINUTES Matter Heard; Journal Entry Details: <i>HEARING RE: JURISDICTION DEFENDANT'S MOTION TO PAY SPECIAL MASTER ON ORDER SHORTENING TIME...PLAINTIFF'S MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL...DEFENDANT'S MOTION TO QUASH SUBPOENA ISSUED TO CURB MOBILITY LLC Defense counsel confirmed bankruptcy was filed. Defense advised it was there position that the bankruptcy Stay applied to A-Cab and to Defendant Nady. Colloquy regarding the timeline of Judge Cory's recusal and the filing of a Motion for Reconsideration. Court advised EDCR 7.12 issue may apply. Arguments by counsel regarding jurisdiction. COURT ORDERED, matter taken UNDER ADVISEMENT. Court to issue a decision within a few weeks. Status Check SET in Chambers. 6/5/19 STATUS CHECK: DECISION (CHAMBERS);</i></p> <p>SCHEDULED HEARINGS CANCELED Status Check (06/05/2019 at 3:00 AM) (Judicial Officer: Bare, Rob) <i>Vacated</i> Status Check: Decision</p>
06/05/2019	<p>CANCELED Status Check (3:00 AM) (Judicial Officer: Bare, Rob) <i>Vacated</i> Status Check: Decision</p>
06/21/2019	<p> Minute Order (3:00 AM) (Judicial Officer: Bare, Rob) Minute Order - No Hearing Held; Journal Entry Details: <i>This matter came before this Court on May 21, 2019 for Defendant's Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master s Fees and Order of Contempt. After hearing oral argument and carefully considering the briefs and evidence, the Court finds as follows. Defendants' basis for this Motion to Reconsider is that Judge Cory's ruling is clearly erroneous because Judge Cory found Defendants A Cab Taxi Service LLC, A Cab, and Creighton J. Nady individually guilty of contempt of Court for disobedience and/or resistance to the Court s lawful Orders to pay the Special Master s compensation. At the May 21, 2019 hearing, Defendants argued that Defendant Nady, individually was not required to pay in accordance with the Department 1 Court Order and as such, could not be held in contempt for failure to do so. In response, this Court took the matter under advisement and to fully consider all former findings. EDCR 2.24 (a) states, No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties. A district court may reconsider previously decided issue if substantially different evidence is subsequently introduced or decision is clearly erroneous. Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). Judge Cory's Orders for payment were directed to the Defendants in the plural. For instance, the February 7, 2018 Order states, The Court also finds a compelling imperative to appoint in so appointing a Special Master, at defendants expense . . . On March 6, 2018, Judge Cory entered a Minute Order further ordering the Defendants to pay the initial \$25,000 to the Special Master, stating the Defendants should well be able to set aside the initial \$25,000 deposit, and are ordered to do so. Judge Cory's payment orders go back to March 2018, with warnings of contempt as far back as August 2018. In the August 2018 Judgment Order, the Court found that the Defendants were in contempt: [T]he Court finds that Defendants'</i></p>

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	<p><i>persistent failure to comply with Court orders . . . warrants holding defendants in contempt . . . Further on December 11, 2018, Judge Cory stated, I do find that Mr. Nady and the corporate defendants have willfully violated Court orders Courts have inherent power to enforce their decrees through civil contempt proceedings Matter of Water Rights of Humboldt River, 118 Nev. 901 (2002), thus, even if Mr. Nady was severed out, the Court had inherit power to order contempt on him as a named Defendant in this case. Therefore, this Court finds that the Defendants have failed to establish that this Court's decision was clearly erroneous. As such, Defendants Motion to Reconsider is hereby DENIED. Counsel for Special Master Resolution Economics is directed to submit a proposed Order consistent with this Minute Order, the submitted briefing, and oral argument. Counsel may add language to or further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Counsel is directed to have the proposed Order submitted to chambers within 10 days. CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve. /lg 6.21.19 ;</i></p>
06/27/2019	<p>CANCELED Motion (10:30 AM) (Judicial Officer: Bare, Rob) <i>Vacated - per Secretary</i> <i>Plaintiffs' Motion to Distribute Funds Held by Class Counsel, Plaintiffs' Motion to Amend the Court's Order Entered</i></p>
06/27/2019	<p>CANCELED Motion (10:30 AM) (Judicial Officer: Bare, Rob) <i>Vacated</i> <i>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</i></p>
11/12/2019	<p>Motion for Distribution (9:30 AM) (Judicial Officer: Bare, Rob) 11/12/2019, 12/03/2019 <i>Plaintiff's Motion to Distribute Funds Held by Class Counsel</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;</p>
11/12/2019	<p>Motion (9:30 AM) (Judicial Officer: Bare, Rob) 11/12/2019, 12/03/2019 <i>Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;</p>
11/12/2019	<p>Motion to Enforce (9:30 AM) (Judicial Officer: Bare, Rob) 11/12/2019, 12/03/2019 <i>Plaintiff's Motion to Allow Judgment Enforcement</i> Matter Continued; Matter Heard; Matter Continued; Matter Heard;</p>
11/12/2019	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Bare, Rob) 11/12/2019, 12/03/2019 <i>Opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities</i> Matter Continued; Matter Heard; Matter Continued; Matter Heard;</p>
11/12/2019	<p> All Pending Motions (9:30 AM) (Judicial Officer: Bare, Rob) Matter Heard; Journal Entry Details:</p>

CASE SUMMARY

CASE NO. A-12-669926-C

PLAINTIFF'S MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision. PLAINTIFF'S MOTION REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320 Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision. PLAINTIFF'S MOTION TO ALLOW JUDGMENT ENFORCEMENT Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision. OPPOSITION TO MOTION TO ALLOW JUDGMENT ENFORCEMENT AND COUNTERMOTION FOR STAY OF COLLECTION ACTIVITIES Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision. 11/27/19 CHAMBERS ALL PENDING MOTIONS;

11/25/2019



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of Court, for judicial economy, the following matters: (1) Plaintiffs' Motion to Distribute Funds Held by Class Counsel, (2) Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, (3) Plaintiff's Motion to Allow Judgment Enforcement and (4) Defendants' opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities, currently scheduled for November 27, 2019, is RESCHEDULED to December 3, 2019 at 10:30 a.m. CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 11/25/19;

12/03/2019

Motion (10:30 AM) (Judicial Officer: Bare, Rob)

Defendants' Motion to Resume Court Hearings On Order Shortening Time

Matter Heard;

12/03/2019



All Pending Motions (10:30 AM) (Judicial Officer: Bare, Rob)

Matter Heard;

Journal Entry Details:

DEFENDANTS' MOTION TO RESUME COURT HEARINGS ON ORDER SHORTENING TIME Matter heard. PLAINTIFF'S MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL Following arguments by counsel, COURT ORDERED, motion DENIED. PLAINTIFFS' MOTION REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320 Following arguments by counsel, COURT ORDERED, motion DENIED as premature. PLAINTIFF'S MOTION TO ALLOW JUDGMENT ENFORCEMENT Following arguments by counsel, COURT ORDERED, \$100,000.00 offered to be given to Mr. Greenberg and placed in the trust account to go towards the potentiality of prevailing at the end of the day. Upon Court's inquiry, Mr. Wall requested 10 days to provide the amount; due by close of business on 12/13/19. OPPOSITION TO MOTION TO ALLOW JUDGMENT ENFORCEMENT AND COUNTERMOTION FOR STAY OF COLLECTION ACTIVITIES Following arguments by counsel, COURT ORDERED, \$100,000.00 offered to be given to Mr. Greenberg and placed in the trust account to go towards the potentiality of prevailing at the end of the day. Upon Court's inquiry, Mr. Wall requested 10 days to provide the amount; due by close of business on 12/13/19. ADDITIONALLY, George Swarts will be reactivated, remotivated, reinstalled under the moniker of receiver not in possession of A Cab. FURTHER, Mr. Swarts to file supplemental report due to the Court and the parties by end of business on 3/3/20. Colloquy regarding Mr. Parsons working without compensation since approximately April. Upon Court's inquiry, Mr. Parsons indicated he charges \$300.00 per hour and both parties are responsible for his compensation. Argument by Mr. Greenberg. Argument by Ms. Rodriguez. COURT ORDERED, parties to submit supplemental filings: supplement by Mr. Greenberg due by 12/17/19; response by Ms. Rodriguez due by 12/31/19. Colloquy regarding the Order the Judgment Debtor Examination. FURTHER, minute order to issue regarding the Scope issue.;

12/06/2019



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)

Minute Order - RE: 12/03/19 All Pending Motions

Decision Made; Minute Order - RE: 12/03/19 All Pending Motions

Journal Entry Details:

This matter came before the Court on December 3, 2019 for a hearing on Plaintiff's Motion to Distribute Funds Held by Class Counsel, Plaintiff's Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, Plaintiff Motion to Allow Judgment Enforcement, Defendants' Opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities, and Defendants' Motion to Resume Court

CASE SUMMARY**CASE NO. A-12-669926-C**

Hearings on Order Shortening Time. After hearing the oral arguments, the Court took the matter UNDER ADVISEMENT only on the issuance of the Order for Appearance of Judgment Debtor for Examination Pursuant to NRS 21.270. All other matters were decided at the hearing and Defendants counsel was directed to draft and circulate the proposed order. After carefully considering the evidence and arguments submitted, COURT FINDS and ORDERS the following: (1) The examination need not take place at the Court; it may take place at the Plaintiffs counsel's office, or another place that parties may agree to. (2) Per stipulation, Defendants shall deliver the copies of the documents as set forth in Exhibit 1 in the Plaintiff's proposed Order for Appearance of Judgment Debtor for Examination Pursuant to NRS 21.270 at least thirty (30) days prior to the examination date. (3) Defendants raised objections as to the broadness of the documents to be furnished, including Exhibit 1, Paragraph Q, which seeks a copy of all materials furnished to George Swarts during the term of his appointment as Special Master in this case. Objections are denied without prejudice. The Court notes that during the hearing, it ordered that George Swarts was appointed as a "limited" receiver in the case and he was ordered to provide a brief to provide guidance to the Court in the matters before the Court. The Court ORDERS that Plaintiff's counsel shall prepare and submit the proposed Order for Appearance of Judgment Debtor for Examination Pursuant to NRS 21.270 to chambers within ten (10) days, countersigned by Defendants counsel. CLERK'S NOTE: The above minute order has been electronically distributed.;

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

Denied;




Journal Entry Details:

Having considered Plaintiff's Motion for Appointment of a Receiver to Aid Judgment Enforcement and Defendant's Opposition to the same, the Court rules as follows: Plaintiff's motion is DENIED on several grounds. First, EDCR 7.12 provides When an application or a petition for any writ or order shall have been made to a judge and is pending or has been denied by such judge, the same application, petition or motion may not again be made to the same or another district judge, except in accordance with any applicable statute and upon the consent in writing of the judge to whom the application, petition or motion was first made. In reviewing the lengthy history of this case, plaintiff has brought forth the same motion seeking the same relief multiple times before Judge Cory and Judge Bare, which were all denied as appointment of receiver was not deemed appropriate when considering the entire circumstances of the case. See Bowler v. Leonard, 269 P.2d 833 (1954) (The Court must consider the entire circumstances of the case when considering the appointment of a receiver.) The instant motion was first brought before Judge Cory on December 13, 2018. Judge Cory denied the request to appoint a receiver but granted to a limited extent in the form of an appointment of special master. The relief was brought forth again on January 30, 2019, which in the March 4, 2019 Order, the Court approved the Special Master appointment, and endorsed the report as well as the ongoing service and reappointment of the special Master. The matter was stayed due to bankruptcy but once that was lifted, plaintiff brought the same request before Judge Bare, who reactivated the role of Special Master Swarts. Thus, plaintiff failed to comply with EDCR 7.12 as there is no indication written consent was sought before this duplicative and untimely motion was submitted. Second, this is a motion for reconsideration and not a new motion. As noted above, it has been litigated numerous times. Thus, it is governed by EDCR 2.24. Under EDCR 2.24(a)-(b), there is no right to a rehearing or motion for reconsideration without leave of the Court. A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. Here, the issue on the ruling of the receiver must have been brought for reconsideration by March 17, 2019. The Supreme Court Nevada even noted this point in its recent order stating the district court s [July 17, 2020] post judgment order reactivated a special master pursuant to a prior order of the court. Thus reconsideration of the denial for a receiver must have been brought by January 2, 2019, or if by the March 3, 2019 order, by March 17, 2019. Third, relief under NRCP 60(b) is time-barred. NRCP 60(b) allows relief from a final judgment, order, or proceeding for the following potential 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. Importantly, motions on grounds (1), (2), or (3) must be brought within 6 months. NRCP 60(c)(1) holds, the time for

CASE SUMMARY

CASE NO. A-12-669926-C


filing the motion cannot be extended under Rule 6(b). The other three reasons outside NRCPC 60 s 6-month limitation do not apply here nor has plaintiff argued they apply here. Absent good cause, an untimely motion for reconsideration will be denied. *Carmar Drive Tr. v. Bank of Am., N.A.*, 386 P.3d 988 (2016). Additionally, in *Geller v. McCowan*, the NV Supreme Court held Re-hearings are not granted as a matter of right and are not allowed for the purpose of re-argument, unless there is a reasonable probability that the court may have arrived at an erroneous conclusion. 177 P.2d 461 (1947). Here, plaintiff stated Judge Bare s July 17, 2020 Order was clearly erroneous, however, plaintiff did not provide substantive argument to support this assertion. The record reflects Judge Bare was careful in his decision and he did factor in the Nelson factors before rendering a limited stay as defendant had posted a partial security of near \$300,000. Finally, plaintiff has put forth no good cause argument to support its almost two year delay in bringing the instant motion. Thus, under EDCR 2.24 and NRCPC 60, the instant motion is denied. CLERK'S NOTE: A copy of the Minute Order was electronically served to all registered parties of Odyssey File and Serve.// ke 02/01/21;

02/01/2021	CANCELED Minute Order (3:25 PM) (Judicial Officer: Kierny, Carli) <i>Vacated - Duplicate Entry</i>
06/09/2021	Motion for Attorney Fees (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Defendant's Motion for Attorney's Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs</i> No Ruling;
06/09/2021	Response and Countermotion (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter- Motion for Set Off Judgment Owed</i> No Ruling;
06/09/2021	 All Pending Motions (9:30 AM) (Judicial Officer: Kierny, Carli) No Ruling; Journal Entry Details: <i>Defendant's Motion for Attorney's Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs ... Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter- Motion for Set Off Judgment Owed Parties advised that this Court declines to rule on the Motion and Counter Motion at this time until the Nevada Supreme Court decision has been made as it may affect this Court's decision or authority to rule.;</i>
02/16/2022	Status Check: Status of Case (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Supreme Court order reverse in part/remand to DCT</i>
02/16/2022	Motion for Costs (9:30 AM) (Judicial Officer: Kierny, Carli) <i>[542] Defendants' Motion for Costs</i>
02/16/2022	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria) Granted in Part; Journal Entry Details: <i>Arguments made by Counsel regarding cost. Following argument and statements by counsel, COURT ORDERED, Objection to Request for Transcripts DENIED, COURT ADDITIONALLY ORDERED, request for fees GRANTED as requested minus \$500.00 for prior appeals on June 13, 2017 and June 23, 2017 plus related costs. COURT FURTHER ORDERED, Cost Bond released to the Defendant from the Recorder's Office. Court noted, details are needed to release the Cost Bond with the Recorder's Office. Ms. Rodriguez to prepare the order.;</i>
03/09/2022	 Motion (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Defendant's Motion to Stay on OST</i> Granted; Journal Entry Details: <i>Argument by counsel. COURT ORDERED, DEFT'S MOTION TO STAY, GRANTED. All future hearings VACATED. Defense to prepare the order. ;</i>
03/23/2022	CANCELED Motion (9:30 AM) (Judicial Officer: Kierny, Carli)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>Vacated</i> <i>Defendants' Motion for Declaratory Order</i>
03/23/2022	CANCELED Motion (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Vacated</i> <i>Plaintiffs Motion for Entry of a Modified Judgment as Provided for by Remittitur</i>
03/23/2022	CANCELED Motion for Attorney Fees (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Vacated</i> <i>Plaintiff's Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided by Remittitur</i>
03/23/2022	CANCELED Motion (9:30 AM) (Judicial Officer: Kierny, Carli) <i>Vacated</i> <i>Plaintiffs' Motion for an Award of Attorney's Fees on Appeal</i>
03/30/2022	CANCELED Motion for Attorney Fees (9:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated</i> <i>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</i>
05/11/2022	 Status Check (9:00 AM) (Judicial Officer: Vacant, DC 9) 05/11/2022, 08/10/2022 <i>Status Check: Stay</i> <i>Matter Continued; Status Check: Stay</i> <i>Journal Entry Details:</i> <i>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.;</i>
06/29/2022	Motion (9:00 AM) (Judicial Officer: Vacant, DC 9) <i>Plaintiffs Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief</i>
07/11/2022	Motion to Stay (3:00 AM) (Judicial Officer: Vacant, DC 9) <i>Plaintiffs Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs</i>

DATE	FINANCIAL INFORMATION
	Defendant A Cab LLC
	Total Charges 647.00
	Total Payments and Credits 647.00
	Balance Due as of 6/16/2022 0.00
	Defendant A Cab Taxi Service LLC
	Total Charges 224.00
	Total Payments and Credits 224.00
	Balance Due as of 6/16/2022 0.00
	Defendant Nady, Creighton J
	Total Charges 223.00
	Total Payments and Credits 223.00
	Balance Due as of 6/16/2022 0.00
	Plaintiff Murray, Michael
	Total Charges 2,057.40
	Total Payments and Credits 1,814.00
	Balance Due as of 6/16/2022 243.40
	Plaintiff Reno, Michael
	Total Charges 24.00

CASE SUMMARY**CASE NO. A-12-669926-C**

Total Payments and Credits	24.00
Balance Due as of 6/16/2022	0.00
Special Master Resolution Economics LLC	
Total Charges	5.00
Total Payments and Credits	5.00
Balance Due as of 6/16/2022	0.00
Special Master Rosten, Michael	
Total Charges	3.50
Total Payments and Credits	3.50
Balance Due as of 6/16/2022	0.00
Defendant A Cab LLC	
Appeal Bond Balance as of 6/16/2022	0.00
Defendant A Cab Taxi Service LLC	
Appeal Bond Balance as of 6/16/2022	0.00
Other Wells Fargo	
Writ Balance as of 6/16/2022	0.00
Plaintiff Murray, Michael	
Appeal Bond Balance as of 6/16/2022	500.00

CIVIL COVER SHEET

A - 1 2 - 6 6 9 9 2 6 - C

Clark County, Nevada

XXVIII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): Michael P. Murray, 3555
Stober Blvd., Apt. 111, Las Vegas, NV 89103, Michael
Reno, 811 E. Bridger Avenue, #363, Las Vegas, NV 89101
Attorney (name/address/phone):

Leon Greenberg, 2965 S. Jones Blvd., Suite E-4, Las Vegas,
NV 89146, 702-383-6085

Defendant(s) (name/address/phone): A Cab Taxi Service, LLC, 3730
Pama Lane, Las Vegas, NV 89120

Attorney (name/address/phone):
Unknown

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

October 8, 2012

Date

Signature of initiating party or representative

See other side for family-related case filings.

ORDR

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Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com

Jay A. Shafer, Esq.
Nevada Bar No. 9184
CORY READE DOWS & SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
702-794-4411
jshafer@crdslaw.com
Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

This matter having come before the Court for hearing on February 16, 2022, before the Honorable Gloria Sturman, and counsel for Plaintiffs and Defendants having appeared, and having considered the Defendants A Cab, LLC and A Cab Series, LLC's *Motion for Costs*, including the response and counter-motion, reply and supplements filed by the parties and the arguments of all such counsel, and after due deliberation, the Court **GRANTS** Defendants' motion and **DENIES** Plaintiffs' counter-motion as follows:

THE COURT FINDS that pursuant to NRAP 39 and NRS 18.060 costs are properly awarded from the District Court to Appellants/Defendants resulting from the appeal of the summary

judgment entered in this matter on August 22, 2018, with associated orders. Appellants have incurred these said costs in having to appeal the judgment entered in error in this matter, as reflected by the decision rendered by the Nevada Supreme Court at 137 Nev. Adv. Op. 84 on December 30, 2021. Defendants have properly supported their request with a verified Memorandum of Costs and accompanying receipts.

Specifically, Defendants are awarded \$7,587.37 as costs incurred in the appeal minus \$500 for prior appeals and related costs of \$34.50.

Accordingly, Defendants are awarded a total of \$7,052.87 as costs, and against Plaintiffs.

THE COURT FURTHER FINDS that the cost bonds posted by Defendants in the amount of \$500.00 on March 23, 2017; and \$500.00 on October 2, 2018, are properly released to Defendants and are addressed by separate order of this Court.

IT IS SO ORDERED.

Dated this ____ day of _____, 2022. Heard For JUDGE CARLI KIERNY

Dated this 17th day of May, 2022



DISTRICT COURT JUDGE

428 B0F 8CD7 E234

Submitted by:

Gloria Sturman Approved as to Form:
District Court Judge

RODRIGUEZ LAW OFFICES, P.C.

LEON GREENBERG PROFESSIONAL CORPORATION

/s/ Esther C. Rodriguez, Esq.

not approved

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendants

Leon Greenberg, Esq.
Nevada Bar No. 8094
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Attorney for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Michael Murray, Plaintiff(s)

CASE NO: A-12-669926-C

7 vs.

DEPT. NO. Department 9

8 A Cab Taxi Service LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/17/2022

15 "Esther Rodriguez, Esq." .

esther@rodriguezlaw.com

16 Assistant .

info@rodriguezlaw.com

17 Cindy Pittsenbarger .

cpittsenbarger@hutchlegal.com

18 Dana Sniegocki .

dana@overtimelaw.com

19 Esther Rodriguez .

esther@rodriguezlaw.com

20 filings .

susan8th@gmail.com

21 Hilary Daniels .

hdaniels@blgwins.com

22 Hillary Ross .

hross@blgwins.com

23 leon greenberg .

leongreenberg@overtimelaw.com

24 Leon Greenberg .

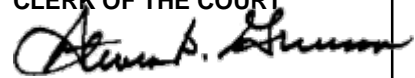
wagelaw@hotmail.com

25 Michael K. Wall .

mwall@hutchlegal.com

26
27
28

1	Susan .	susan@rodriguezlaw.com
2	Susan Dillow .	susan@rodriguezlaw.com
3	Trent Richards .	trichards@blgwins.com
4	Christian Gabroy	christian@gabroy.com
5	Katie Brooks	assistant@gabroy.com
6	Katie Brooks	assistant@gabroy.com
7	Christian Gabroy	christian@gabroy.com
8	Elizabeth Aronson	earonson@gabroy.com
9	Christian Gabroy	christian@gabroy.com
10	Kaine Messer	kmesser@gabroy.com
11	Ali Saad	ASaad@resecon.com
12	Peter Dubowsky, Esq.	peter@dubowskylaw.com
13	Amanda Vogler-Heaton, Esq.	amanda@dubowskylaw.com
14	William Thompson	william@dubowskylaw.com
15	Kaylee Conradi	kconradi@hutchlegal.com
16	R. Reade	creade@crdslaw.com
17	Kathrine von Arx	kvonarx@crdslaw.com
18	Ruthann Devereaux-Gonzalez	ranni@overtimelaw.com
19	Jay Shafer	jshafer@crdslaw.com
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NEOJ
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Las Vegas, Nevada 89128
702-794-4411
jshafer@crdslaw.com
Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS' MOTION FOR COSTS

PLEASE TAKE NOTICE that an Order Granting Defendants' Motion for Costs was entered

...

...

...

...

...

1 by the Court on May 17, 2022. A copy of the Order is attached hereto.

2 DATED this 17th day of May, 2022.

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

4
5 /s/ Esther C. Rodriguez, Esq.
6 Esther C. Rodriguez, Esq.
7 Nevada State Bar No. 006473
8 10161 Park Run Drive, Suite 150
9 Las Vegas, Nevada 89145
10 *Attorneys for Defendants*

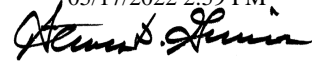
11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY on this 17th day of May, 2022, I electronically filed the foregoing
13 with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will
14 send a notice of electronic service to the following:

15 Leon Greenberg, Esq.
16 Leon Greenberg Professional Corporation
17 2965 South Jones Boulevard, Suite E4
18 Las Vegas, Nevada 89146

19 Christian Gabroy, Esq.
20 Gabroy Law Offices
21 170 South Green Valley Parkway # 280
22 Henderson, Nevada 89012
23 *Co-Counsel for Plaintiffs*

24 /s/ Susan Dillow
25 An Employee of Rodriguez Law Offices, P.C.
26
27
28


CLERK OF THE COURT

ORDR

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
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Nevada Bar No. 9184
CORY READE DOWS & SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
702-794-4411
jshafer@crdslaw.com
Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

This matter having come before the Court for hearing on February 16, 2022, before the Honorable Gloria Sturman, and counsel for Plaintiffs and Defendants having appeared, and having considered the Defendants A Cab, LLC and A Cab Series, LLC's *Motion for Costs*, including the response and counter-motion, reply and supplements filed by the parties and the arguments of all such counsel, and after due deliberation, the Court **GRANTS** Defendants' motion and **DENIES** Plaintiffs' counter-motion as follows:

THE COURT FINDS that pursuant to NRAP 39 and NRS 18.060 costs are properly awarded from the District Court to Appellants/Defendants resulting from the appeal of the summary

judgment entered in this matter on August 22, 2018, with associated orders. Appellants have incurred these said costs in having to appeal the judgment entered in error in this matter, as reflected by the decision rendered by the Nevada Supreme Court at 137 Nev. Adv. Op. 84 on December 30, 2021. Defendants have properly supported their request with a verified Memorandum of Costs and accompanying receipts.

Specifically, Defendants are awarded \$7,587.37 as costs incurred in the appeal minus \$500 for prior appeals and related costs of \$34.50.

Accordingly, Defendants are awarded a total of \$7,052.87 as costs, and against Plaintiffs.

THE COURT FURTHER FINDS that the cost bonds posted by Defendants in the amount of \$500.00 on March 23, 2017; and \$500.00 on October 2, 2018, are properly released to Defendants and are addressed by separate order of this Court.

IT IS SO ORDERED.

Dated this ____ day of _____, 2022. Heard For JUDGE CARLI KIERNY

Dated this 17th day of May, 2022



DISTRICT COURT JUDGE

Submitted by:

RODRIGUEZ LAW OFFICES, P.C.

/s/ Esther C. Rodriguez, Esq.

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendants

428 B0F 8CD7 E234

Gloria Sturman Approved as to Form:
District Court Judge

**LEON GREENBERG PROFESSIONAL
CORPORATION**

not approved

Leon Greenberg, Esq.
Nevada Bar No. 8094
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Attorney for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Michael Murray, Plaintiff(s)

CASE NO: A-12-669926-C

7 vs.

DEPT. NO. Department 9

8 A Cab Taxi Service LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/17/2022

15 "Esther Rodriguez, Esq." .

esther@rodriguezlaw.com

16 Assistant .

info@rodriguezlaw.com

17 Cindy Pittsenbarger .

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19 Esther Rodriguez .

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20 filings .

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21 Hilary Daniels .

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22 Hillary Ross .

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6	Katie Brooks	assistant@gabroy.com
7	Christian Gabroy	christian@gabroy.com
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9	Christian Gabroy	christian@gabroy.com
10	Kaine Messer	kmesser@gabroy.com
11	Ali Saad	ASaad@resecon.com
12	Peter Dubowsky, Esq.	peter@dubowskylaw.com
13	Amanda Vogler-Heaton, Esq.	amanda@dubowskylaw.com
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19	Jay Shafer	jshafer@crdslaw.com
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ORDR

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christian@gabroy.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

This matter having come before the Court for hearing on February 16, 2022, before the Honorable Gloria Sturman, and counsel for Plaintiffs and Defendants having appeared, and having considered the Defendant A Cab Series, LLC formerly known as A Cab LLC's *Motion for Costs*, including the response and counter-motion, reply and supplements filed by the parties and the arguments of all such counsel, and after due deliberation, the Court **GRANTS** Defendants' motion and **DENIES** without prejudice Plaintiffs' counter-motion as follows:

THE COURT FINDS that pursuant to NRAP 39 and NRS 18.060 costs are properly

1 awarded from the District Court to Appellant/Defendant A Cab Series LLC ("A Cab") resulting from
2 the appeal of the summary judgment entered in this matter on August 22, 2018, with associated
3 orders. A Cab incurred these said costs in having to appeal the judgment entered in error in this
4 matter, as reflected by the decision rendered by the Nevada Supreme Court at 137 Nev. Adv. Op. 84
5 on December 30, 2021. A Cab has properly supported its request with a verified Memorandum of
6 Costs and accompanying receipts.

7 Specifically, A Cab is awarded \$7,587.37 as costs incurred in the appeal minus \$500 for prior
8 appeals and related costs of \$34.50.

9 Accordingly, Defendant A Cab is awarded a total of \$7,052.87 as costs against Plaintiffs with
10 Plaintiffs' counter-motion seeking to have that award of costs applied as a set off *pro-rata* against
11 each of the Plaintiff class-member judgment creditors' individual judgment amounts is denied
12 without prejudice. A Cab is stayed from seeking collection of its award of \$7,052.87 in costs until a
13 further Order is issued by this Court.

14 **THE COURT FURTHER FINDS** that the cost bonds posted by Defendants in the amount
15 of \$500.00 on March 23, 2017; and \$500.00 on October 2, 2018, are properly released to Defendants
16 and are addressed by separate order of this Court.

17 **IT IS SO ORDERED.**

18 Dated this ____ day of _____ ~~Dated this 3rd day of June, 2022~~ ²⁰²²

19
20 

21 DISTRICT COURT JUDGE

22 Approved as to Form:

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

24 NOT APPROVED

25 Esther C. Rodriguez, Esq.
26 Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
27 *Attorneys for Defendants*

Submitted by:
478 EC8 5624 8C5B
Michael Cherry
LEON GREENBERG PROFESSIONAL
District Court Judge CORPORATION

28 */s/ Leon Greenberg*

Leon Greenberg, Esq.
Nevada Bar No. 8094
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Attorney for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Michael Murray, Plaintiff(s)

CASE NO: A-12-669926-C

7 vs.

DEPT. NO. Department 9

8 A Cab Taxi Service LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/3/2022

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24 Leon Greenberg .

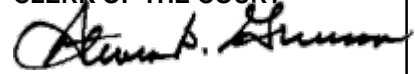
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16	R. Reade	creade@crdslaw.com
17	Kathrine von Arx	kvonarx@crdslaw.com
18	Ruthann Devereaux-Gonzalez	ranni@overtimelaw.com
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1 **NEOJ**

2 LEON GREENBERG, ESQ., SBN 8094
3 RUTHANN DEVEREAUX-GONZALEZ, ESQ., SBN 15904
4 Leon Greenberg Professional Corporation
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Attorneys for Plaintiffs

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13 christian@gabroy.com
14 Attorneys for Plaintiffs

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 MICHAEL MURRAY, and MICHAEL)
14 RENO, Individually and on behalf of)
15 others similarly situated,)

16 Plaintiffs,)

17 vs.)

18 A CAB TAXI SERVICE LLC, and A)
19 CAB, LLC,)

20 Defendants.)

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF ENTRY OF ORDER

21
22 PLEASE TAKE NOTICE that the Court entered the attached Order on June 3,
23 2022.

24 Dated: June 3, 2022

25 LEON GREENBERG PROFESSIONAL CORP.

26 /s/ *Leon Greenberg*

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

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 3, 2022, she served the within:

NOTICE OF ENTRY OF ORDER

by court electronic service to:

TO:

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

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

/s/ *Ruthann Devereaux-Gonzalez*

Ruthann Devereaux-Gonzalez

ORDR

LEON GREENBERG, ESQ., SBN 8094
RUTHANN DEVEREAUX-GONZALEZ, ESQ., SBN 15904
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christian@gabroy.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

This matter having come before the Court for hearing on February 16, 2022, before the Honorable Gloria Sturman, and counsel for Plaintiffs and Defendants having appeared, and having considered the Defendant A Cab Series, LLC formerly known as A Cab LLC's *Motion for Costs*, including the response and counter-motion, reply and supplements filed by the parties and the arguments of all such counsel, and after due deliberation, the Court **GRANTS** Defendants' motion and **DENIES** without prejudice Plaintiffs' counter-motion as follows:

THE COURT FINDS that pursuant to NRAP 39 and NRS 18.060 costs are properly

1 awarded from the District Court to Appellant/Defendant A Cab Series LLC ("A Cab") resulting from
2 the appeal of the summary judgment entered in this matter on August 22, 2018, with associated
3 orders. A Cab incurred these said costs in having to appeal the judgment entered in error in this
4 matter, as reflected by the decision rendered by the Nevada Supreme Court at 137 Nev. Adv. Op. 84
5 on December 30, 2021. A Cab has properly supported its request with a verified Memorandum of
6 Costs and accompanying receipts.

7 Specifically, A Cab is awarded \$7,587.37 as costs incurred in the appeal minus \$500 for prior
8 appeals and related costs of \$34.50.

9 Accordingly, Defendant A Cab is awarded a total of \$7,052.87 as costs against Plaintiffs with
10 Plaintiffs' counter-motion seeking to have that award of costs applied as a set off *pro-rata* against
11 each of the Plaintiff class-member judgment creditors' individual judgment amounts is denied
12 without prejudice. A Cab is stayed from seeking collection of its award of \$7,052.87 in costs until a
13 further Order is issued by this Court.

14 **THE COURT FURTHER FINDS** that the cost bonds posted by Defendants in the amount
15 of \$500.00 on March 23, 2017; and \$500.00 on October 2, 2018, are properly released to Defendants
16 and are addressed by separate order of this Court.

17 **IT IS SO ORDERED.**

18 Dated this ____ day of _____ ~~Dated this 3rd day of June, 2022~~ ²⁰²²

19
20 

21 DISTRICT COURT JUDGE

22 Approved as to Form:

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

24 NOT APPROVED

25 Esther C. Rodriguez, Esq.
26 Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
27 *Attorneys for Defendants*

Submitted by:
478 EC8 5624 8C5B
Michael Cherry
LEON GREENBERG PROFESSIONAL
District Court Judge CORPORATION

28 */s/ Leon Greenberg*

Leon Greenberg, Esq.
Nevada Bar No. 8094
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 17, 2013

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

January 17, 2013 9:00 AM Motion to Dismiss

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

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney

JOURNAL ENTRIES

- Statements by the Court as to reasoning by Judge Jones and amendment to the Constitution. Ms. Rodriguez argued as to NRS 608.250. Mr. Greenberg referred to the first sentence in the Constitution and argued the term of employee. Statements by the Court. Mr. Greenberg argued the Court is bound by the Constitution. Ms. Rodriguez argued Judge Jones did take notice the amendment made no reference to NRS 608.250. Further arguments by counsel. COURT STATED FINDINGS and ORDERED, Motion DENIED. Mr. Greenberg to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 01, 2013

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

**April 01, 2013 3:00 AM Motion For
Reconsideration**

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion for Reconsideration

COURT ORDERED, Defendant's Motion for Reconsideration is DENIED. Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq., and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 29, 2013

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

April 29, 2013 3:00 AM Motion to Strike

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion to Strike Amended Complaint

COURT ORDERED, Defendant's Motion to Strike Amended Complaint DENIED. The Court is persuaded by the Ninth Circuit FRCP 15(a) jurisprudence that filing a motion to dismiss does not constitute filing a responsive pleading. See, e.g. Miles v. Department of Army, 881 F.2d 777, 781. Mr. Greenberg to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Default Judgment or Sanctions DENIED. Ms. Rodriguez to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriquez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 17, 2014

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

July 17, 2014 9:00 AM Pretrial/Calendar Call

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

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT: Rodriguez, Esther Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Ms. Rodriguez advised the matter has been stayed pending a Supreme Court decision which came down last week. Request the stay remain in place until July 28, 2014. Ms. Lawson, JEA advised counsel will need to file 3.25 and go to discovery. Further advised the stay will remain until 7/28/14.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 14, 2014

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

October 14, 2014 9:00 AM Status Check

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

COURT CLERK: Dania Batiste

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT: Rodriguez, Esther Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Ms. Rodriguez advised the Court that there was a Stay, pending the rendition of a decision regarding minimum wage from the Nevada Supreme Court (NSC); which has been returned. Ms. Rodriguez further advised that the parties are in currently discussing settlement discussions; and are ready for the Stay to be lifted so each side may proceed accordingly.

COURT SO ORDERED, and DIRECTED counsel to submit the necessary documents to the Discovery Commissioner, who will provide a trial-ready date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 18, 2015

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

March 18, 2015	9:00 AM	Motion to Compel	Notice of Pltfs' Motion to Compel the Production of Documents
-----------------------	----------------	-------------------------	--

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Sandra Pruchnic**REPORTER:****PARTIES**

PRESENT:	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Jay Nady present.

Commissioner inquired what documents were turned over in the Federal lawsuit. Ms. Rodriguez stated counsel came on site to review trip sheets and payroll records, and pay stubs and time records were provided for Pltfs Murray and Reno. Ms. Rodriguez is willing to work with Pltf to provide information, but counsel needs guidance with timeframes, and Deft's system is not as sophisticated as other cab companies.

Ms. Sniegowski addressed computer process for drivers (check in time, meter upload, meter checkout procedure, and validated cash drop). Statement by Mr. Nady regarding how the system is used, and Mr. Nady can provide an Affidavit of attempts to fix the clock. Mr. Nady will give the same data the DOL had.

Commissioner advised counsel the records can be produced in a hard copy format, but it doesn't

have to be a searchable format for Pltf. Upon Commissioner's inquiry, Mr. Nagy will check what it takes to write a program to pull out information. Ms. Rodriguez stated redacting documents is too voluminous, but Pltf's counsel is welcome to look at data. Argument by Ms. Sniegocki.

COMMISSIONER RECOMMENDED, motion is CONTINUED to determine 1) whether there is a computer program that can be written to pull up electronic information for wages, commissions, and payment that qualify as part of the claim; 2) Commissioner advised Ms. Sniegocki to review documents at Deft's premises. COMMISSIONER RECOMMENDED, the timeframe for writing a code is October 2008 through January 1, 2015.

Statement by Mr. Nagy re: voluminous documents provided to DOL, but all trip sheets were not returned from the DOL. COMMISSIONER RECOMMENDED, Pltf to prepare and send a Rule 34 inspection notice, and set forth exactly what will be looked at, and who will do it; inspection notice reduced to five business days. Commissioner is available by conference call if necessary. COMMISSIONER RECOMMENDED, names and addresses are OFF LIMITS for now.

4/8/15 9:30 a.m. Notice of Pltfs' Motion to Compel the Production of Documents

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 20, 2015

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

May 20, 2015	9:00 AM	Motion to Compel	Notice of Pltfs' Motion to Compel the Production of Documents
---------------------	----------------	-------------------------	--

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Jay Nady, Owner, present.

The Inspection that Commissioner Bulla envisioned did not happen. Commissioner stated the Attorneys must be in control of the situation and remain professional; if inappropriate conduct occurs, disregard it, and bring issue to Commissioner Bulla's attention.

Argument by Ms. Rodriguez; her expert was put in an uncomfortable situation. Colloquy re: notice of inspection; Ms. Rodriguez stated Mr. Morgan's answers were miscommunicated by Mr. Greenberg. Commissioner advised Ms. Rodriguez she should have diffused the situation and spoken with counsel re: how to move forward.

Commissioner did not order a videotaped Inspection. COMMISSIONER RECOMMENDED, no fees or costs. Commissioner typically does not allow discussions directly with the client at an Inspection;

counsel must ensure the perception is appropriate. COMMISSIONER RECOMMENDED, no videotaped Inspection and clients will not be present, but attorneys and experts will be present.

COMMISSIONER RECOMMENDED, take the 30(b)(6) deposition first if possible (outline categories specifically); then speak about an Inspection with parameters. Mr. Greenberg filed a Motion for Class Certification with Judge Cory (set 6/22/15). Colloquy re: if Mr. Nady should be present at upcoming depositions. If Commissioner receives a call re: interference with the process, Commissioner will ask the party to leave the room. Ms. Rodriguez stated there won't be any problems.

Arguments by counsel. Location of payroll documents should be a 30(b)(6) topic. Commissioner will move the continuance date upon counsel's request. Counsel did not get to QuickBooks during Inspection. COMMISSIONER RECOMMENDED, all information must be provided; motion is CONTINUED. Mr. Nagy stated QuickBooks is the payroll tool. Commissioner is available by conference call if necessary.

Send Commissioner the entire copy of transcript as discussed in Open Court. Mr. Greenberg requested briefing. If a courtesy copy is provided to Commissioner, provide a copy to Defense counsel so there is no ex-parte. Provide courtesy copy to Commissioner by July 21, 2015 at 12:00 noon.

7/22/15 9:00 a.m. Notice of Pltfs' Motion to Compel the Production of Documents

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 22, 2015

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

June 22, 2015 3:00 AM Motion to Certify Class

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's 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 CONTINUED to this Court's oral calendar.

CONTINUED TO: 7/15/15 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 15, 2015

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

July 15, 2015 9:00 AM Motion to Certify Class

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- null

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 22, 2015

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

July 22, 2015	9:00 AM	Motion to Compel	Notice of Pltfs' Motion to Compel the Production of Documents
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Motion on Class Certification set before the Judge on August 11, 2015. Arguments by Ms. Sniegocki. Commissioner advised counsel send an Interrogatory asking who held former positions, and Commissioner will make them answer it. Colloquy. Ms. Rodriguez made offers, but discovery was over broad.

Commissioner's order should not be taken to such an extent it prohibits relevant discovery that should be completed. Commissioner stated Pltfs need cab driver pay stubs and trip sheets. COMMISSIONER RECOMMENDED, revenue from Medallion is NOT COMPELLED. Colloquy re: Pltf took a deposition of the IT person, and Pltf was supposed to take a 30(b)(6) deposition, but Pltf vacated it (August dates are expected).

Ms. Rodriguez stated everything for Michael Reno and Michael Murray (two Pltfs) was produced a long time ago; counsel always offered the trip sheets and driver pay stubs. Ms. Rodriguez stated Commissioner offered a site inspection, Pltfs were not interested in seeing driver pay stubs and trip

sheets, and part of Motion requested appointment of a Special Master to look at documents (Pltf requested at Deft's expense). Arguments by counsel.

When Ms. Sniegocki receives Mr. Morgan's transcript, she will provide it to Commissioner. Pltfs' counsel requested 60 days to complete Rule 30(b)(6) depositions (23 categories with subparts), provide the transcript, and Ms. Sniegocki requested further briefing.

COMMISSIONER RECOMMENDED, motion is CONTINUED; Status Check SET; Deft must respond to Interrogatories re: specific positions as discussed in Open Court.

9/23/15 10:00 A.M.

Notice of Pltfs' Motion to Compel the Production of Documents Status Check: Scheduling Order

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 27, 2015

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

July 27, 2015 3:00 AM Motion for Leave

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint GRANTED. Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 11, 2015

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

August 11, 2015 10:30 AM Motion to Certify Class

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Mr. Greenberg gave summary of previous hearing. Mr. Greenberg argued defendants have only focused on one issue which as to individuals not being appropriate named plaintiffs. Ms. Rodriguez argued the two year statute of limitations has run. The names attached to plaintiffs motion are inappropriate as they have not been produced. Statements by the Court. Ms. Rodriguez argued NRCF 23 has not been met by plaintiff. Mr. Greenberg argued it would be in the defendants best interest to certify. There was a judgment entered in Federal Court that wages were owed. Under Federal Law this creates the common issue, were they owed the extra dollar an hour if they had health insurance, and the other is Federal Law allowed a tip credit and they were allowed to continue their tips. The States standing is they could not take the tip and they have been for about 15 months. Mr. Greenberg further argued they have a common issue. Out of 400 people this is a constitutional directive and there is strict public policy. All requirements for certification have been met. Ms. Rodriguez argued there is no prima facie as to these two plaintiffs. Nothing has been proven regarding the tips. Ms. Rodriguez argued Mr. Greenberg is leaving out the fact these two plaintiffs have to give rise to judicial controversy. Ms. Rodriguez further argued the matter regarding the statute of limitations needs to be heard. Ms. Rodriguez stated the decision in Federal Court Mr. Greenberg is referring to was a settlement agreement not a judgment and it is improper for Mr.

Greenberg to refer to it as a judgment. There is no showing these two plaintiffs have been under paid. Ms. Rodriguez further argued this has been filed as a minimum wage claim and drivers were shorted by a \$1.00 an hour; this is a claim for unpaid hours and needs to go before the Labor Commissioner as there are allegations of fraud. Ms. Rodriguez argued Walmart vs. Duke and Moore vs. PaineWebber. Statements by the Court as to commonality. Mr. Greenberg referenced Walmart vs. Duke and argued the common exam will resolve the liability issue. Mr. Greenberg argued common course of conduct. Statements by the Court. Mr. Greenberg argued the defendants have had an opportunity to bring before the Court why these two individuals are not qualified representatives and what they have brought is unsubstantiated. Defendants did not raise these objections in their responses. Mr. Greenberg requested the Court certify the class conditionally and appoint all four representatives and if later it is found they need to be removed the Court can remove them. Statements by the Court regarding requirements to certify as a class action. Mr. Greenberg argued as to the statute of limitations and there is no injury if it is found some of the class are not eligible for the claims. Mr. Rodriguez argued they would like to know who they are purposing as representative; they have never named anyone except Murray and Reno. Further arguments. Court inquired as to the costs for a Special Master. Mr. Greenberg advised he did not know. Colloquy. COURT ORDERED, Supplemental Opposition due 9/11/15 and Reply due 9/18/22; Matter CONTINUED.

CONTINUED TO: 9/22/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 22, 2015

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

September 22, 2015 10:30 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Nady, Creighton J Defendant
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- ALL PENDING - 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

Court STATED it is inclined to hold off until a decision from the Supreme Court. Colloquy. COURT ORDERED, Motions CONTINUED.

CONTINUED TO: 11/3/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 23, 2015

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

September 23, 2015 10:00 AM Motion to Compel

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As parties failed to appear, COMMISSIONER RECOMMENDED, motion is CONTINUED.

10/14/15 9:30 A.M. Notice of Pltfs' Motion to Compel the Production of Documents

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Leon Greenberg
Esther Rodriguez

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 03, 2015

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

November 03, 2015 9:00 AM All Pending Motions

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

COURT CLERK: Billie Jo Craig

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF
MICHAEL RENO...

DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF
MICHAEL MURRAY...

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...

DEFENDANT'S MOTION FOR DECLARATORY ORDER REGARDING STATUTE OF
LIMITATIONS

Paralegal Susan Dillow present with Attorney Rodriguez.

Court noted defendant was requesting a Continuance for Creighton Nady to be present. As he was
in Russia and due to the Court's concerns, matter to proceed today.

AS TO MOTION REGARDING STATUTE OF LIMITATIONS: Extensive arguments by counsel. Court stated its findings, and ORDERED, that it is governed by a 4-year statute of limitations. Further clarification of the Court's Order.

AS TO MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order.

AS TO MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order.

AS TO MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST RENO AND MURRAY: Extensive arguments by counsel. Ms. Rodriguez argued Discovery was closed. Ms. Rodriguez provided documentation to the Court. Court heard argument as to Summary Judgment Against Murray. Court stated its findings, and ORDERED, both Motions are DENIED WITHOUT PREJUDICE.

AS TO MOTION TO CERTIFY THIS CASE AND APPOINT A SPECIAL MASTER: Ms. Rodriguez requested this Motion be Continued as there are issues before the Discovery Commissioner next week regarding extending Discovery. If Granted, she will refile the Motions for Summary Judgment Against Reno and Murray. Court advised it wished to hear this matter today. COURT ORDERED, matter to TRAIL to the afternoon.

RECALLED. Extensive arguments by counsel. Mr. Greenberg advised he was before Judge Israel recently who Granted Certification on a similar case. Court inquired what would a Special Master do, how long it would take him to create the records requested, and whether he would become a fact finder. Mr. Greenberg advised he would create records, trip sheets start and end times and practices, and compare hours. There were over 230,000 trip sheets and a Special Master would not be a fact finder as he was doing math. Further arguments by counsel. Court stated its findings, and ORDERED, matter CONTINUED to Monday for a ruling.

CONTINUED TO: 11/9 CHAMBERS - 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 09, 2015

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

November 09, 2015 3:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- ALL PENDING

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF:
COURT ORDERED, Motion DENIED.

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF:
COURT ORDERED, Motion DENIED.

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

After oral argument and reviewing the authorities submitted in this matter, the Court finds that the Plaintiffs have adequately met the requirements of class certification and that the motion to certify the class should be granted. However, the Court cannot grant Plaintiffs motion to appoint a special master. The underlying reasons advanced by the Plaintiffs do not provide a sufficient basis for the Court to place the entire financial burden of the requested work on the Defendants. The Court must deny the motion to appoint a special master without prejudice at this time. Accordingly, COURT ORDERS, 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 GRANTED IN PART and DENIED IN PART.

Plaintiffs are to prepare the order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 18, 2015

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

November 18, 2015 9:00 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Pltfs' Motion to Compel the Production of Documents ... Plaintiffs' Motion to Extend Discovery Schedule ... Status Check: Scheduling Order

Colloquy regarding status of case discovery. Discovery Commissioner pointed out from review of events in this matter that counsel does have a responsibility for their client. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Extend Discovery Deadlines is GRANTED; COMMISSIONER RECOMMENDED, Phase 2 Liability and Damages discovery cutoff is 06/29/16; adding parties, amended pleadings, and initial expert disclosures DUE 04/01/16; rebuttal expert disclosures DUE 04/29/16; dispositive motions TO BE FILED BY 07/29/16; and case will be ready for trial by 09/12/16. FURTHER RECOMMENDED, 01/04/2016 Jury Trial is VACATED. Discovery Commissioner notes based on the deposition testimony, the cab manager program/documentation is not difficult to obtain; and, therefore is expected to be turned over to the Plaintiff in their electronic 'searchable' form. As far as employment records, specifically, driver payroll information from QuickBooks is to be turned over as well. Any records and times of taxi cabs or taxi drivers engaged in activities from a particular vehicle back to October 8, 2011 up to present. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Production is GRANTED within the parameters

discussed. FURTHER RECOMMENDED, all production is DUE NO LATER THAN 12/31/15 for all parties. Arguments regarding fees. COMMISSIONER FINDS based on the testimony that there is no special code or that a special program would need to be written to produce the requested information from the cab manager, COMMISSIONER RECOMMENDED, fees and costs from the Morgan deposition are GRANTED; any remaining fees are deferred until a determination can be made by the Discovery Commissioner as to whether the information already produced matches what has been ordered in the electronic formats, in addition to the Defendant's conduct at deposition, the incomplete transcript even though it went over 7 hours. COMMISSIONER RECOMMENDED, \$638.95 Court Reporter fees; attorney fees (2.8 hrs. attendance, 2.5 hrs. preparation, 1.2 hrs. travel time) @ \$400.00/hr., \$2,600.00 is GRANTED. Status check set. Mr. Greenberg to prepare the Report and Recommendations, and to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations.

01/08/16 11:00 a.m. Status Check: Compliance - Report and Recommendations

01/13/16 9:00 a.m. Further Proceedings - Discovery Production / Deferred Ruling - Defendant's Rule 37 Sanctions

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 13, 2016

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

January 13, 2016	9:00 AM	Further Proceedings	Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Deft was going to produce additional information, however, Ms. Rodriguez requested Judge Cory modify the Order to limit time. Ms. Rodriguez produced Quickbooks and the Cab Manager production, but Pltf's counsel isn't happy with production. Ms. Rodriguez addressed the prior order. Commissioner may need to speak with the Judge re: class certification on names of Drivers. Arguments by counsel.

Colloquy re: identifying the employees by number or letter. Mr. Greenberg stated the opt-out will not be concluded until April or May 2016. Commissioner advised counsel prepare a 2.35 Stipulation or submit something to Commissioner. Ms. Rodriguez stated a number of issues are pending before Judge Cory. COMMISSIONER RECOMMENDED, Commissioner advised counsel talk, try to work out issues, and provide a list of names with documents already turned over. Ms. Rodriguez stated

another case is pending.

Arguments by counsel. Commissioner suggested a Mandatory Settlement Conference. Ms. Rodriguez agreed. COMMISSIONER RECOMMENDED, Deft's Rule 37 Sanctions is GRANTED IN PART; GRANTED as to allowing Pltf to submit an Affidavit for bringing a Motion and referencing the conduct; further Rule 37 Sanctions are DENIED WITHOUT PREJUDICE; if the conduct continues, Commissioner will deal with it appropriately. Colloquy re: prior award of costs. COMMISSIONER RECOMMENDED, Mr. Greenberg will prepare a supplemental Affidavit with the Brunzel factors by 3/1/16; Further Proceedings set on Discovery Production / Fees and Costs.

Commissioner stated counsel should go back before the Judge to determine how a class certification notice will be prepared and proceed. Mr. Greenberg stated it will be addressed in the Order submitted on the Minute Order. Before returning to see Commissioner Bulla in March, COMMISSIONER RECOMMENDED, disclose the names of Drivers before 3/16/16.

Commissioner has not made a decision on deduction information from payroll as Mr. Greenberg requested Commissioner not make a decision pending further discussion between counsel. Commissioner will honor Mr. Greenberg's request.

Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations.

2/19/16 11:00 a.m. Status Check: Compliance

3/16/16 10:00 a.m. Further Proceedings: Discovery Production / Fees and Costs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 16, 2016

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

March 16, 2016 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- 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

Statements by the Court regarding going before the Discovery Commissioner. Mr. Greenberg advised the hearing had been continued. Court STATED it is inclined to deny the Motion for Stay Pending Proceedings set for April 18, 2016. Ms. Rodriguez advised the motion for stay pertains only to the stay; request all the hearings be continued to the same day for argument. Statements by the Court. Mr. Rodriguez argued the Order submitted included a number of items that were not brought up before the Court. Court suggested continuing the 3/28/16 Motion for Reconsideration to an oral calendar. Mr. Greenberg argued the class action was filed in May and was fully briefed in July. The Court has heard over four hours of argument regarding this. Defendants are moving in this fashion to deliberately slow this down The Court has adopted the Discovery Commissioner's Report and

Recommendation and defense counsel has advised they were not going to comply with certain parts of the Order. Further arguments by counsel. COURT ORDERED, Motions DENIED. COURT FURTHER ORDERED, the 4/18/16 Motion for Stay Pending Proceedings RESCHEDULED to the 3/28/16 Chamber calendar and the Motion for Reconsideration will STAND on the Chamber calendar. COURT FURTHER ORDERED, Defendant's Motion for Stay Pending Court's Reconsideration of Prior Order set for 4/4/16 GRANTED and once the Court rules on the Motion for Reconsideration it will resolve or dissolve the Stay.

3/28/16 CHAMBERS MOTION FOR RECONSIDERATION

RESCHEDULED TO: 3/28/16 CHAMBERS DEFENDANT'S MOTION FOR STAY PENDING PROCEEDINGS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 21, 2016

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

March 21, 2016 9:26 AM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the request of Mrs. Rodriguez, the Court is extending the time for Defendants to file a reply to the motions set in chambers on March 28, 2016. Please file any replies by Friday, March 25, 2016 at 12:00 p.m. The current date of the hearings remains unchanged.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 28, 2016

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

March 28, 2016 3:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR RECONSIDERATION ...DEFENDANTS' MOTION FOR STAY
PENDING PROCEEDINGS

COURT ORDERED, Defendants Motion for Reconsideration is GRANTED IN PART and DENIED IN PART. The Court agrees with Defendants and ORDERS that claims Nos. 3 and 4 were not certified as class claims. The COURT FURTHER ORDERS that language on p. 5: 11-13 regarding qualifying health insurance be removed. Lastly, the COURT ORDERS that language on p. 5:26 stating that defendants do not dispute be removed. COURT FURTHER ORDERS, the balance of the motion is DENIED. Plaintiff to submit a new order with the above changes.

This case is now three and a half years old. Defendants have no reason to believe that the pending matters before the Supreme Court will be resolved in the near term. Accordingly, this matter must proceed forward. The fact that this is a class action that little or no discovery has been done is alarming to say the least. There can be no more delays. COURT ORDERS, Defendants' Motion for Stay Pending Proceedings DENIED.

Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

CLERK'S NOTE: Minute Order has been corrected to indicate the correct Motion For Reconsideration.
/mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 05, 2016

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

April 05, 2016 3:00 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Based upon Discovery Commissioner Bulla s Order on 11/18/15, the Jury Trial for this case will be set on a five-week stack date beginning 1/3/17 at 10 AM in District Court Department I. The Pretrial Conference/Calendar Call will be set for 12/8/16 at 9:00 AM in District Court Department I.

A new trial order WILL NOT issue.

Please abide by the following Notice pertaining to motions in limine and trial counsel:

NOTICE TO ALL COUNSEL IN DISTRICT COURT DEPARTMENT I CASES REGARDING
SUPPLEMENTATION TO THE COURT S TRIAL ORDERS IN ALL CASES CURRENTLY PENDING
IN DEPARTMENT I.

A word about motions in limine: The Court is singularly unimpressed with attorneys who wait until too close to motion deadlines to hold meaningful conferences pursuant to EDCR 2.47(b), prompting the filing of many form motions and/or a standard omnibus motion in limine, with little or no particularized reference to the facts of the matter going to trial. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel s opportunity to raise prior to trial those few evidentiary issues which the particular facts of the instant case are likely to raise.

Also, in those instances where the deadline for dispositive motions has preceded the limine cutoff, the motion in limine should not be a motion for summary judgment in disguise. An omnibus motion in limine is a sure tip-off to the Court that the stock motions in limine which EDCR 2.47 seeks to avoid are being filed. Accordingly, in District Court Department I, failure to evidence meaningful EDCR 2.47(b) conferences will result in all motions in limine being stricken by the court sua sponte. The Court will make the determination not only from the certificate of compliance with EDCR 2.47 but also from the substance of the motions themselves.

Additionally, the chief attorney who will be trying the case must be in attendance at the Pretrial Conference and should have access to his/her calendar availability for trial dates during the five-week stack for which the trial is scheduled. The attorney who attends the Pretrial Conference will be denominated the lead attorney at trial.

This order is effective as of October 12, 2015.

12/8/16 9:00 AM PRETRIAL CONFERENCE

1/3/17 10:00 AM JURY TRIAL

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 08, 2016

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

**April 08, 2016 10:00 AM Further Proceedings Further Proceedings:
Discovery Production
/ Deferred Ruling**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Colloquy re: the District Court Judge has not made all Decisions, a stay is in place on the February 10th order, and a separate Motion is set to stay all proceedings. Commissioner is not inclined to Recommend further fees and costs today as Motions are pending. Colloquy. Ms. Rodriguez explained her attempts to comply with Commissioner's Recommendation. Arguments by counsel. Print out of production provided from Mr. Greenberg to Commissioner in Open Court. Colloquy re: data disclosed. Discussion re: the Bahena Decision. Commissioner DENIED Mr. Greenberg's request for Defense counsel to correspond with him in writing. Colloquy re: providing information with a Motion pending.

Ms. Rodriguez will re-format the data from Quickbooks in a meaningful way. Colloquy re: submission in camera. COMMISSIONER RECOMMENDED, produce 1) employees (absent names until the Court rules on class certification), 2) wage earned and hours, 3) pay period, and 4) any deductions and for what (including health deductions). Commissioner advised Mr. Greenberg to

put in writing to Defense counsel a letter re: what is necessary and an explanation, and courtesy copy Commissioner; Ms. Rodriguez will identify employees by number and develop a key. No Report and Recommendation today. Commissioner expects better communication between counsel. COMMISSIONER RECOMMENDED, Status Check SET in 30 days.

5/20/16 10:00 a.m. Status Check: Status of Case

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 25, 2016

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

April 25, 2016	3:00 AM	Motion For Reconsideration
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HEARD BY: Cory, Kenneth	COURTROOM: RJC Courtroom 16A
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COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations DENIED. Mr. Greenberg to prepare the Order.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 20, 2016

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

May 20, 2016 10:00 AM Status Check: Status of
Case

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Discovery Commissioner directed counsel to make future submissions via memorandum or supplemental brief for purposes of keeping information in the record. Counsel acknowledged. Mr. Greenberg stated parties may have reached an agreement regarding resolution of electronic production format and protocols. Colloquy regarding stay being lifted. Colloquy regarding pending class certification and exchange of information. Discovery Commissioner hopes the resolution will be worked out; and, expressed concern and advised parties if there are some additional problems, counsel will need to bring another motion. Parties addressed the prior scheduling order and requested updated deadlines. Colloquy regarding status disclosures from trial setting. Discovery Commissioner Finds parties have worked out how to properly get the information on the computers exchanged; or, at least a good faith effort has been shown; and no further action will be taken this date. Status conference set. COMMISSIONER RECOMMENDED, new discovery cutoff is 10/31/16; adding parties, amended pleadings, and initial expert disclosures DUE 08/01/16; rebuttal expert disclosures DUE 08/31/16; dispositive motions TO BE FILED BY 11/23/16; and trial date STANDS.

Mr. Greenberg to prepare the Report and Recommendations for extension of discovery deadlines,

and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations.

06/29/16 9:00 a.m. Status Check: Compliance - Report and Recommendations

06/29/16 9:00 a.m. Status Conference: Status of Case - Exchange of Electronic Information

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 13, 2016

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

July 13, 2016	9:00 AM	Motion to Compel	Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Ms. Sniegocki requested a 30 day continuance to try and resolve the issue (Opposition was recently filed). The Opposition came through July 12th per Mr. Wall; counsel associated in for Appellate purposes, and Ms. Rodriguez is out of the country.

COMMISSIONER RECOMMENDED, Motion is CONTINUED; provide a courtesy copy of Opposition to Commissioner. Colloquy re: the Stay. Mr. Wall stated both counsel understand the Stay is no longer in place.

8/10/16 9:00 a.m. Pltfs' Motion to Compel the Production of Documents and Interrogatory

PRINT DATE: 06/16/2022

Page 39 of 170

Minutes Date: January 17, 2013

Responses

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 20, 2016

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

July 20, 2016 10:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney

JOURNAL ENTRIES

- Status Check: Compliance - DCRR Status Conference: Status of Case - Exchange of Electronic Information

Mr. Nady present.

Mr. Greenberg addressed production, and outstanding production was discussed. Ms. Rodriguez stated a Third Party Contractor pulls the information, older records were kept differently, and counsel requested 10 days. Colloquy re: the cost sharing provision, Stays in case, and when the Five Year Rule runs (May / June 2018 per Mr. Greenberg). Commissioner advised counsel to perform calculation.

Commissioner advised counsel to submit a Stipulation and Order to Judge Cory to extend discovery and Move the Trial date. As Ms. Rodriguez does not agree to move the Trial date, Commissioner advised Mr. Greenberg to bring a Motion. Ms. Rodriguez doesn't agree the Stay tolled the Five Year

Rule. COMMISSIONER RECOMMENDED, Motion to Compel set 8/10/16 is RESET to 8/24/16; Status Check SET; counsel may provide supplements to Commissioner by 8/22/16.

8/24/16 9:00 a.m. Status Check: Status of Case Pltfs' Motion to Compel Production of Documents and Interrogatory Responses

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 29, 2016

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

August 29, 2016 3:00 AM Motion to Continue Trial

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Plaintiff's Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief GRANTED. Mr. Greenberg to prepare the Order.

Counsel are directed to prepare a EDCR 2.35 Stipulation and Order and submit to chambers.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 07, 2016

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

September 07, 2016 9:30 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
 Sniegocki, Dana Attorney
 Wall, Michael K. Attorney

JOURNAL ENTRIES

- Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses Status
Check: Status of Case

Commissioner advised counsel other discovery disputes must be by Motion (first conduct a 2.34 conference). Colloquy re: electronic data produced was incompatible. Argument by Mr. Greenberg re: Quickbooks data. Argument by Mr. Wall. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Wall has until 9/21/16 to re-run Quickbooks data, match names and wage data, and produce in a useable format. If it isn't done, bring a Motion for Rule 37 Sanctions, and Commissioner will award sanctions. Mr. Wall will check if the last four digits of Social Security numbers can be included. Status Check SET.

Five Year Rule runs 2018. If a Motion for Rule 37 Sanctions is presented the week of October 3, 2016, Discovery can hear the Motion Oct. 12, 2016. Colloquy re: production of Excel files re: Trip sheets. COMMISSIONER RECOMMENDED, produce Trip sheets (U.S. Department of Labor) as discussed

by 9/21/16, or provide a sworn Affidavit from Deft on efforts taken. Colloquy re: NRCP 16.1. COMMISSIONER RECOMMENDED, make all efforts to locate information for Request to Produce by 9/21/16, and confirm Mr. Nagy knew what he was talking about.

COMMISSIONER RECOMMENDED, Pltf will bear costs and provide a hard drive for Deft to download PDF files on Trip sheets; for other costs, have a 2.34 conference to decide how to handle. Commissioner will discuss updated Historic Manual in October. Colloquy re: health insurance coverage in 2010 and 2011. Commissioner advised counsel to speak with Ms. Rodriguez re: outstanding issues. Evidentiary rulings are decided by the District Court Judge. Commissioner advised Mr. Greenberg to send an Interrogatory on historic records.

COMMISSIONER RECOMMENDED, answers are COMPELLED to Interrogatories and Request for Production on insurance information and efforts taken by 9/21/16. Commissioner advised Mr. Greenberg he may need to Subpoena insurance information, and Mr. Wall must help figure out the issues. If additional time for production is needed, contact Commissioner by conference call. COMMISSIONER RECOMMENDED, no fees or costs.

Mr. Greenberg to prepare the Report and Recommendations, and Mr. Wall to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations.

10/12/16 9:00 a.m. Status Check: Production SC: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 22, 2016

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

September 22, 2016 5:00 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff has submitted a proposed Order to the Court, to which the Defendants have objected.

A reading of the Defendants opposition to the present Motion leaves one with the question of whether the Defense appreciates the gravity that inures to a Plaintiffs case when alleging the denial of constitutional rights under Nevada s Constitution. The Second Amended Complaint alleges a wholesale denial of constitutional rights to Defendants employees. It follows that a careful examination of the serious allegations and the evidence that underlies those allegations must be made by the Court. To the extent that Plaintiffs are unable to prove their allegations in the matter because Defendants are in sole possession of evidence Plaintiffs would utilize, then unless some privilege protects disclosure of the evidence it will not do for Defendants to simply fail to produce the evidence. In the event that Defendants protest that they do not possess such evidence, then it is the proper course for this Court to determine the truth of that position through all means necessary and reasonable.

Nonetheless, in light of Defendants continued objections to providing the evidence called for (the Court notes Defendants have now filed a Motion for a Protective Order from the Discovery Commissioner), and their protest that the burden of proof in this matter should not be shifted to Defendants, the Court will not order the burden shifted at this time. It would behoove the Court to

move cautiously in this area. Accordingly, the Court will echo Defendants' request in their Motion for a Protective Order that the Discovery Commissioner give what time she can to the monitoring of the discovery process in this area of controversy.

Only after discovery discloses whether the Defendants could provide the already ordered discovery will the Court further consider Plaintiffs' request to shift the burden of proof on this issue, and other measures.

The Order submitted by Plaintiffs should be amended accordingly.

Given the allegations of the Second Amended and Supplemental Complaint, the Order submitted by Plaintiffs as to the certification of the third and fourth claims for relief in the Second Amended Complaint against Defendant Creighton Nady are accurately framed in the Order submitted.

COURT ORDERS, Plaintiff is to resubmit in compliance with this Order.

A copy of this minute order shall be submitted to the Discovery Commissioner.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 12, 2016

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

October 12, 2016 9:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- 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 Status Check: Compliance Status Check: Production

Commissioner had a conference call 10/7/16 on the Report and Recommendations. Ms. Rodriguez will review and sign it after court for submission to Discovery. Colloquy re: Judge Cory's 9/22/16 hearing. Argument by Ms. Rodriguez re: production. Arguments by counsel. COMMISSIONER RECOMMENDED, how to conduct the 30(b)(6) deposition is DEFERRED to Pltf's counsel; however, post-judgment debtor discovery is not appropriate at this time without a judgment.

COMMISSIONER RECOMMENDED, questions allowed on distribution of funds to family members including total amount of distributions; further discussion re: appropriate questions; Motion is

GRANTED IN PART and DENIED IN PART; written discovery served is PROTECTED; alternative relief is provided, and Mr. Nady will provide supporting documentation and identification of distribution, salary, payment for 2007 through 2015; A Cab Taxi Service will provide profit and loss statements for 2007 through 2015; remaining requested information is PROTECTED at this time, but may be revisited if punitive damages are part of the Trial; parties may also agree to provide information requested by Stipulation, Interrogatory, or Request to Produce instead of deposition categories. No duplicative questions.

COMMISSIONER RECOMMENDED, with the CAVEAT to notice other 30(b)(6) witnesses for deposition if they would provide information. Counsel must be on the same Page on Topics and logistical issues must be addressed. Mr. Greenberg is given an additional 40 Interrogatories. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, 30(b)(6) deposition is one day, seven hours; Depose Mr. Nady individually for half a day. Topic areas discussed. Arguments by counsel.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 2/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 12/23/16; rebuttal expert disclosures DUE 1/23/17; FILE dispositive motions by 3/23/17; Trial ready 7/10/17. Status Check SET.

Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations.

11/18/16 9:00 a.m. Status Check: Status of Case SC: Compliance

CLERK'S NOTE: Minutes amended to reflect Trial ready 7/10/17. (JL 1-9-17)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 18, 2016

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

November 18, 2016 9:00 AM Status Check: Compliance

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- New case law came down. Colloquy. Arguments by counsel. Commissioner suggested answering issues in Interrogatories; discussion why counsel didn't address discovery and the Trial date, and why Ms. Rodriguez filed an Objection. COMMISSIONER RECOMMENDED, 1/3/17 Trial date VACATED; discovery cutoff EXTENDED to 4/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 1/27/17; rebuttal expert disclosures DUE 2/28/17; FILE dispositive motions by 5/31/17; Trial ready 7/10/17.

Mr. Greenberg requested briefing issues. Commissioner advised counsel to bring a Motion to Compel to brief issues. Commissioner advised Ms. Rodriguez to provide costs of insurance for the timeframe at issue. COMMISSIONER RECOMMENDED, Ms. Rodriguez will provide 1) costs to employees of plans for all five years at issue (all levels); 2) what criteria is to access plans; 3) what was the waiting period. Ms. Rodriguez provided the list of employees. Colloquy. Both sides can supplement.

Mr. Greenberg discussed difficulties at depositions, and requested depositions taken at the RJC with Commissioner present. Deposition set 11/22/16 will be videotaped. Commissioner will be in court, however, call if problems continue with Deft. If deposition is discontinued pursuant to Rule 30(d), and Commissioner hears the Motion for Protective Order, the losing party will pay fees and costs. Ms. Rodriguez requested confidentiality on tax records. COMMISSIONER RECOMMENDED, records will REMAIN CONFIDENTIAL within the confines of litigation until otherwise ordered by the District Court Judge.

Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. Include vacating the Objection.

12/9/16 9:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 21, 2016

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

November 21, 2016 3:00 AM Motion

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, 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 CONTINUED to this Court's oral calendar.

CONTINUED TO: 1/3/17 9:00 AM

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 09, 2016

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

December 09, 2016 9:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- Motion to Compel Interrogatory Responses Status Check: Compliance - Report and Recommendation

Counsel do not agree to a Mandatory Settlement Conference. Commissioner cannot suspend Rule 41(e) as it is by agreement of counsel. Colloquy re: two Report and Recommendations from the November 18, 2016 Hearing. Commissioner will sign the Report and Recommendation after court today. Status Check is OFF CALENDAR.

Commissioner clarified prior Recommendations from the November 18, 2016 Hearing. Commissioner will not revisit the issues. Commissioner envisioned costs of health insurance for five years at issue for all employees at all levels, for individual plan, family plan, paid for by employees. COMMISSIONER RECOMMENDED, Motion to Compel Interrogatory Responses is GRANTED; supplement Interrogatories 8, 9, 10, 15, and 19.

Ms. Rodriguez stated Mr. Nagy's deposition was set 12/1/16. COMMISSIONER RECOMMENDED, counsel have until 4/28/17 to complete discovery. Colloquy re: expert disclosure in January; Ms. Rodriguez has a two week Trial. Commissioner relied on counsel to prepare the case for Trial; if counsel are not satisfied with Recommendation, file a Motion to Reconsider before the Judge. Ms. Rodriguez requested more time to review Mr. Greenberg's supplement received yesterday. Arguments by counsel. Colloquy re: request for spousal coverage. Bring a separate Motion. Counsel will follow up on the PDF issue. Commissioner advised counsel to have a 2.34 conference, and file a Motion on Dept. of Labor authorizations (include J roll). No further Status Checks; file a separate Motion.

Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations.

1/13/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 21, 2016

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

December 21, 2016 8:45 AM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Order of Referral to the Discovery Commissioner

In this matter the Discovery Commissioner has entered a Report and Recommendation to which the Plaintiffs object. In this complex class action matter, the issue of compliance with the Discovery Commissioner's previous Order on the pertinent discovery to be produced by the Defendant is itself complicated. The Court is taking the unusual step of referring this matter back to the same Discovery Commissioner who authored the Report and Recommendation to which the Plaintiffs object. Before the Court rules, the Court wishes the Discovery Commissioner to have the benefit of the precise objections raised by the Plaintiffs. The Discovery Commissioner may simply refer the matter back to the Court if in the Discovery Commissioner's consideration the objection is meritless, or may modify the prior Report and Recommendation and determine it warranted. The Court takes this step having considerable confidence in the Discovery Commissioner's abilities on such matters.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 03, 2017

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

January 03, 2017 9:00 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Alan Castle

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- 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 ... 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 ... 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

No parties being present, COURT ORDERED, ALL PENDING MOTIONS CONTINUED for Motion to Compel to be heard before the Discovery Commissioner on 1/25/17.

02/07/17 9:00 a.m. 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 /// 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 /// 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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 24, 2017

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

January 24, 2017 11:00 AM Motion

HEARD BY: Loehrer, Sally **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Denise Trujillo

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- PLTF'S MOTION TO HAVE CASE REASSIGNED TO DEPT. 1 PER EDCR RULE 1.60 AND DESIGNATED AS COMPLEX LITIGATION PER NRCP RULE 16.1(f)

COURT noted she read motion and opposition and noted she doesn't see this as forum shopping, but more as judicial economy. Statements by counsel. COURT ORDERED, Motion GRANTED insofar as case is REASSIGNED BACK to Dept. 1, but DENIED as to Designation as Complex, as that should be decided by Judge Cory. Pending motions set in Dept. 18 are to be RESET by Dept. 1, but motions in front of discovery commissioner STAND. COURT admonished Mr. Greenberg the five year rule runs in October 2017, and he better get a trial date. Mr. Greenberg to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 25, 2017

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

January 25, 2017	9:00 AM	Motion to Compel	Pltfs' Motion to Compel the Production of Documents
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Commissioner read the MDC Restaurant case again, and discovery in the case is being made too complicated; coverage gaps discussed. Arguments by counsel. Ms. Rodriguez will double check the rates for the timeframe. COMMISSIONER SO RECOMMENDED, verify and update schematic. Colloquy re: how to verify whether employees had spouses or families and were offered coverage, but to ensure coverage did not exceed ten percent of their taxable gross income; single, married, had children. COMMISSIONER RECOMMENDED, Deft is REQUIRED to produce W-4s for Deft's employees during the timeframe at issue in this case; information will be maintained as CONFIDENTIAL to be utilized at Trial for this litigation only (share with experts), and CONFIDENTIALITY will be MAINTAINED until such time as ordered by the District Court Judge.

COMMISSIONER RECOMMENDED, Ms. Rodriguez is instructed to look with the payroll person if

there is a way to identify employees marital status with/without dependents as told by employees to the Company, and can Deft print it out without too much difficulty (only information provided to Deft for the class for timeframe at issue). Colloquy. COMMISSIONER RECOMMENDED, go to the present time. Ms. Rodriguez requested only the timeframe. COMMISSIONER RECOMMENDED, only turn over through December 31, 2015, but have other information ready to go as needed, and include W-4s for all employees; if class certification period is extended, Mr. Greenberg requested information to the present. COMMISSIONER RECOMMENDED, if extended, request will be Granted. Colloquy re: J-roll. J-roll is Quickbooks per Ms. Rodriguez. COMMISSIONER RECOMMENDED, Ms. Rodriguez must produce J-roll or at least point Pltf in the right direction; confirm whether or not they had Quickbooks prior to 2013 (or stored in another format); Deft will provide Trip sheets as discussed.

Mr. Greenberg to prepare the Report and Recommendations, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations.

2/24/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 08, 2017

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

February 08, 2017 9:00 AM Motion to Compel Pltf's Motion to
Compel Compliance
with Subpoena

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- No one from the Law Firm present, but Mr. Greenberg and Ms. Rodriguez didn't request an appearance. However, Ms. Rodriguez can obtain an Affidavit from the Attorney. Colloquy re: Pltf's request for Excel files given to Dept. of Labor (four pay period compilation, two months, random selection). Upon Commissioner's inquiry, Ms. Rodriguez stated three documents were not disclosed to the DOL, but Deft is claiming privilege. Arguments by counsel. No courtesy copy provided from Pltf to Commissioner. Provided in Open Court. Document provided from Ms. Rodriguez to Commissioner in Open Court. Commissioner stated the personal attacks between counsel need to stop, and counsel must communicate more effectively. Colloquy.

COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Ms. Rodriguez must turn over data in document including driver names and shift information; redact opinions within document; upon Ms. Rodriguez's request, Commissioner provided 2.34(e) relief, and produce hard copies within five days after Court signs recommendation. Commissioner asked Ms. Rodriguez to

double check if information was kept in Excel format, and if available in Excel, produce it and Mr. Greenberg will pay costs; Ms. Rodriguez to telephone Mr. Greenberg if the information exists, and produce in the format as discussed between counsel.

Mr. Greenberg to prepare the Report and Recommendations, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations.

3/17/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 14, 2017

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

February 14, 2017 9:00 AM Motion

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
 Wall, Michael K. Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, 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 GRANTED and issued the following Order.

IT IS ORDERED that the defendants are, upon entry of this Order, prohibited and enjoined from entering into any settlement on a class action basis through the use of NRCP Rule 23 with any of their current or former taxi driver employees for claims under Article 15, Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment, whether styled as a claim for breach of contract, conversion, or under any other theory of recovery. The foregoing settlement prohibition can only be amended or removed by a further order issued in this case. The foregoing settlement prohibition bars the defendants from seeking approval for a settlement under NRCP Rule 23 of any such persons' claims on a class action basis in any other proceeding now pending before or in the future filed in the Courts of the State of Nevada, including, but not limited to, their joint motion filed on January 24, 2017 requesting preliminary class settlement approval and class certification in the case of Dubric v. A Cab LLC at A-15-721063-C currently pending in Department 25 of this Court. Defendants are commanded to within one judicial day of the service of this Order with Notice of

Entry to file with this Court in the Dubric case a request for withdrawal of that joint motion and make all available efforts to have that motion withdrawn and proceed no further with the same. This Order does not limit the defendants ability to settle the claims of the named plaintiff Jasminka Dubric, only, in Dubric v. A Cab LLC et at A- 15-721063-C.

The foregoing is without prejudice to the grant of further relief by the Court on the motion and the Court intends to issue a subsequent Order addressing the same.

Order issued February 16, 2016.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 17, 2017

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

February 17, 2017 12:20 AM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Please be advised due to the Court's schedule, COURT ORDERS, Motion for Partial Summary Judgment RESCHEDULED from Tuesday, 3/7/17 to Tuesday, 2/28/17 at 9:00 am.

RESCHEDULED TO: 2/28/17 9:00 AM

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 27, 2017

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

February 27, 2017 3:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- 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

COURT ORDERS, Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Mr. Greenberg to prepare the Order.

COURT ORDERS, Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Ms. Rodriguez to prepare the Order.

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

CLERK'S NOTE: Court VACATES its previous ruling as Denied Without Prejudice as to both

Motions. COURT ORDERS, the Motions CONTINUED to 5/18/17 @ 9:00 AM.

CONTINUED TO: 5/18/17 9:00 AM 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 28, 2017

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

February 28, 2017 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- 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 STATUE 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

Court requested counsel calculate the five (5) year rule. Colloquy regarding setting trial February 5, 2018. Ms. Rodriguez advised the parties have been negotiating going to mediation and staying the proceedings pending the outcome of mediation. If the matter does not resolve the Court would be notified to lift the stay. Mr. Greenberg agreed with Ms. Rodriguez's statements. Mr. Greenberg

advised he would like the Motion for Partial Summary Judgment argued today, but would leave it to the Court's discretion. Statements by the Court as to the Order for Injunction. Mr. Greenberg requested the hearing be continued into the future so they would not have to re-notice it if the matter does not settle. COURT ORDERED, ALL MOTIONS CONTINUED. COURT FURTHER ORDERED, Trial date SET.

Mr. Greenberg to prepare the Order.

CONTINUED TO: 5/18/17 9:00 AM

1/18/18 9:00 AM PRETRIAL CONFERENCE

2/5/18 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing**COURT MINUTES****March 06, 2017**

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

March 06, 2017 12:00 AM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Jury Trial for this case has been continued to a Stack date of 02/05/18 at 1:30 p.m.

The continuance was by stipulation between counsel pursuant to Rule 2.35 EJDRCR. The stipulation should contain the dates for the close of discovery pursuant to Rule 2.35. The date for the deadline for filing dispositive motions shall remain no more than 30 days following the discovery cutoff, pursuant to NRCP 16.1 (c) (8). Counsel should not presume that by informally stipulating to continue some discovery past the discovery cutoff date that the above deadline for dispositive motions is somehow affected. The deadline to file motions in limine, in accordance with Rule 2.47 EJDRCR remains no less than 45 days prior to the stacked trial date, and heard not less than 14 days prior to the same stacked trial date.

The Pretrial Conference/Calendar Call will be held on 01/18/18 at 9:00 a.m. in District Court Dept. 1. The lead trial attorney trying the case shall attend and should come prepared with his/her calendar for the entire 5-week stack, as well as the 5-week calendar for all witnesses to be called in the trial. Your case may be tried anywhere within the 5-week stack, regardless of age of the case. The Court notes that it becomes increasingly difficult to accommodate the schedules of out-of-state witnesses, particularly expert witnesses. It is up to counsel to anticipate scheduling difficulties with witnesses and to notify the Court and opposing counsel well in advance of the Pretrial Conference/Calendar

Call date. It will not do to simply appear at Calendar Call expecting to notify the Court at that late date of the need to reschedule the trial. If you do so, you may expect to be treated with the same consideration which you have shown for both the Court and opposing counsel. A ready alternative to live, in-court testimony is available through the use of either deposition testimony or live video testimony, through the use of now-available technology installed by the Eighth Judicial District Court. The Court has presided over a number of trials where expert testimony was admitted utilizing a live video feed technique and has noted little or no diminution in the effectiveness of live video testimony compared to live in-court testimony.

Rule 2.47 EJDRC The Court is singularly unimpressed with attorneys who wait too close to motion deadlines to hold meaningful conferences pursuant to EJDRC 2.47(b), prompting the filing of many form motions in limine, or worse yet, a form omnibus motion in limine, with little or no particularized reference to the facts of the present case. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel's opportunity to raise prior to trial those few evidentiary issues which are novel or as to which the law is thus far silent. Rather than ask that settled law be enforced in a motion in limine, counsel are invited to file a trial brief outlining an issue in which, in counsel's estimation, the Court may not be as well versed as counsel would wish. An omnibus motion in limine is a sure tip-off that the very stock motions which EJDRC 2.47 seeks to avoid are being filed and accordingly should not be filed. The failure to evidence that meaningful Rule 2.47 conferences are being held will likely result in all motions in limine being stricken by the Court sua sponte. The Court will make the determination not only from the certificate evincing compliance with the Rule but also from the substance of the motions themselves. Also, given that the deadline for filing dispositive motions will have already passed, a motion in limine should not be a motion for summary judgment in disguise.

This Order shall supplement the original trial order, which counsel are invited to re-read.

2/5/18 1:30 PM JURY TRIAL

1/18/18 9:00 AM PRETRIAL CONFERENCE

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. Esther Rodriguez, Esq., and Michael Wall, Esq. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 18, 2017

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

May 18, 2017 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker
Cassidy Wagner

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT... DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS... PLTFS' OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS' RE-NOTICE 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

Mr. Greenberg advised the five (5) year rule should run in late 2018. Colloquy.

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

Mr. Greenberg argued against Defendants' motion as to third party as it would be directed at him with the allegations he interfered with a contract. Mr. Rodriguez argued there have been other defendants who have brought claims against Mr. Greenberg and his firm. These are legitimate causes of action as Mr. Greenberg has interfered. COURT ORDERED, Matter CONTINUED FOR CHAMBERS DECISION.

PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Mr. Greenberg gave summary of low tier and high tier and advised the calculations have been made as to \$8.25 versus \$7.25. Further advised as to when the \$7.25 was applied, payroll records provided, and the computations. Mr. Rodriguez argued as to the errata and reply and not receiving a timely expert report or expert. Mr. Greenberg argued there has been a designation of expert. Mr Rodriguez argued plaintiff has reserved an expert, but not designated. Ms. Rodriguez further argued as to the computations their CPA came up with. COURT ORDERED, Matter CONTINUED matter for Mr. Greenberg to provide the Court and counsel a copy of the raw data/spreadsheets.

PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF

Mr. Greenberg argued as to alter ego and unjust enrichment. Ms. Rodriguez stated no objection if bifurcated for trial, but believe this is just to open discovery. Ms. Rodriguez advised they would be moving at the end of discovery for summary judgment. COURT ORDERED, further briefing; supplemental opposition due 5/24/17, supplemental reply due 5/31/17 and Matter CONTINUED FOR CHAMBERS DECISION.

DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS... PLTFS' OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING

Ms. Rodriguez argued as to Perry vs. Terrible Herbst and NRCP 12(c). Statements by the Court. Mr. Greenberg argued as to duty when the wages changed as of 7/1/2007. The issue is what the employer was required to do. Ms. Rodriguez advised they have attached photos of the notice which was posted. Ms. Rodriguez advised Mr Nady testified each driver was noticed of the change in the minimum wage. Court inquired if a Copeland hearing was needed. Mr. Rodriguez stated not unless the Court is inclined to hear from the State Labor Commissioner. Mr. Greenberg argued it is not

necessary to hear how the Labor Commissioner interprets the requirements, it is for the Court to decide. Mr. Greenberg further argued a written change should be placed in the hands of each employee. It is the obligation of the employer to notice each employee. Ms. Rodriguez argued it just has to be posted. Further arguments. COURT ORDERED, Defendants' Motion GRANTED IN PART and Plaintiffs' Countermotion GRANTED as to Toll.

CONTINUED TO: 5/25/17 1:30 PM PLAINTIFFS' RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

CONTINUED TO: 6/5/17 CHAMBERS (PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF and 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)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 25, 2017

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

May 25, 2017	1:30 PM	Motion for Partial Summary Judgment
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HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- Following supplemental briefing and statements by counsel; COURT ORDERED, Plaintiff's Re-Notice of Motion for Partial Summary Judgment DENIED. Ms. Rodriguez to prepare the Order. COURT FURTHER ORDERED, All Discovery is OPEN until June 30, 2017.

Court ADMONISHED Counsel as to their conduct to in each other.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 05, 2017

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

June 05, 2017 3:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- 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

COURT ORDERS, Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief GRANT for reasons urged by Plaintiff. Plaintiff to prepare the Order.

COURT ORDERS, Defendant s Motion for Leave to Amend is DENIED WITHOUT PREJUDICE. If the Court were to grant the Motion, it would simply have to severe determination of that cause of action from the Complaint in this case. Plaintiff to prepare the Order.

COURT ORDERS, Plaintiff s Countermotion DENIED WITHOUT PREJUDICE. Additionally, COURT ORDERS, Plaintiff s anti-SLAPP Motion is DENIED as presently MOOT in light of the Court s denial of the Motion for Leave to Amend. Defendant to prepare the Order

Counsel are reminded of the Court's stern admonition at the 05/18/17 hearing to quit fighting amongst themselves and litigate their clients' cases first.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 13, 2017

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

June 13, 2017 9:00 AM Motion

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Rodriguez, Esther C. Attorney
 Sniegocki, Dana Attorney
 Wall, Michael K. Attorney

JOURNAL ENTRIES

- Statements by the Court regarding the five year rule running in July 2018 and inquired if the motion were granted would it not continue the trial, which is set for 2/5/18. Ms. Sniegocki stated it would only extend the class certification person. The only thing needed is how many hours worked, paid, and would just be a supplement of new people added. Ms. Rodriguez argued it is not that simple. Defendant has had to hire a third party to create a program to generate these reports. Ms. Rodriguez argued discovery is almost closed and in granting this motion they would have to extend discovery for new expert reports. Ms. Sniegocki stated there is an Order from the Discovery Commissioner the defendants were to get the data collected and then wait on this Court's ruling. Further arguments by counsel. COURT ORDERED, RULING DEFERRED on Plaintiff's Motion on OST to Extend damages Class Certification and for Other Relief. Court advised it would refer the matter to the Discover Commissioner for her recommendations.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 13, 2017

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

June 13, 2017 2:28 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- When considering Plaintiff's Motion on OST to Extend Damages Class Certification and for Other Relief the Court concludes it could benefit from the reference to the Discovery Commissioner of a question, given the Discovery Commissioner's thorough and complete familiarity with the on going discovery disputes in this matter. The Court, therefore, refers the matter to the Discovery Commissioner for her recommendation, including whether or not the granting of the Plaintiff's motion would eventuate in the future continuance of the trial in this matter, set for February 5, 2018. Because of time constraints, the Court requests the Discovery Commissioner to give her recommendation by Tuesday, June 27, 2017, if possible. The parties will thereafter have five (5) days to file with this Court an objection to the Discovery Commissioner's recommendations. The matter will then be placed on the Court's chamber calendar on July 10, 2017.

7/10/17 CHAMBERS DECISION: PLAINTIFF'S MOTION ON OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 10, 2017

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

July 10, 2017

3:00 AM

Decision

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF

Court referred the matter to the Discovery Commissioner, in which she recommended the matter be denied. Therefore, COURT ORDERS, MATTER OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 08, 2017

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

August 08, 2017 10:00 AM Discovery Conference

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- Court Directed counsel to return to Discovery. Trial date is 2-5-18. Mr. Greenberg stated the Five Year Rule expires 2018. Ms. Rodriguez disagrees, and it expires October 2017. Discovery closed in June. Judge Cory extended discovery deadlines for experts; initial expert disclosure 9-30-17, and rebuttal expert disclosure 10-30-17. Arguments by counsel. Commissioner advised counsel the 2-5-18 Trial date STANDS unless something is done with the Five Year Rule. Commissioner needs a written Stipulation. Colloquy re: current claimants from January 2016 through the present time.

Based on how the Judge rules, if Pltfs prevail, Pltfs will be allowed to collect full wages up to and including the present time if they've been employed during the proper timeframes. Colloquy re: carving out another exception post-Judgment that will not deal people who have a remedy in other cases. No further discovery in this case except for what was discussed post-Judgment.

Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing.

Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 14, 2017

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

August 14, 2017 3:00 AM Motion for Sanctions

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Inasmuch as the sanctions sought have to do with a Discovery Order this matter is referred to the Discovery Commissioner for her recommendation of the present Motion seeking sanctions for violations of that Order.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 05, 2017

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

September 05, 2017 3:00 AM Motion

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

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

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 04, 2017

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

**October 04, 2017 9:30 AM Discovery Conference Discovery
Conference - referred
by Judge**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Counsel dispute whether records were produced. Commissioner Recommended production 2-8-17, and Ms. Rodriguez produced documents 6-13-16. Arguments by counsel. Ms. Rodriguez provided a Declaration from the expert, his Report, and Plaintiff's Tenth supplemental disclosure to Commissioner in Open Court. Colloquy re: production. COMMISSIONER RECOMMENDED, matter is UNDER ADVISEMENT and CONTINUED; Commissioner will issue a Decision. Ms. Sniegocki will submit supplemental Reports to Commissioner (copy Defense counsel).

11-8-17 9:00 a.m. Discovery Conference - referred by Judge (VACATED 10-19-17 JL)

CLERK'S NOTE: The Discovery Commissioner having conducted a Conference Call with counsel (noted above) on 10-13-17, Recommends that by 11-13-17 Defendant will submit a sworn statement (Affidavit or Declaration) that Defendant did not maintain records of "total hours worked per pay

period" per employee prior to January 1, 2013, in contravention of NRS 608.115. The imposition of potential sanctions regarding this conduct is Deferred to the District Court Judge. Plaintiffs' counsel to prepare the Report and Recommendation, Defense counsel to approve as to form and content. The Report and Recommendations must be submitted to Discovery within 10 days of receiving this Clerk's note.

The Hearing set for 11-8-17 at 9:00 a.m. is hereby vacated.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Michael Wall - Hutchinson & Steffen
Dana Sniegocki - Greenberg Leon
Esther Rodriguez

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 16, 2017

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

**November 16, 2017 3:00 AM Motion for Appointment of
Attorney**

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff s Motion for Appointment of Co-Class Counsel GRANTED. Mr. Greenberg to prepare the Order.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 28, 2017

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

November 28, 2017 9:00 AM Motion to Continue

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Colloquy regarding rescheduling 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 set for December 5, 2017. COURT ORDERED, Motion RESCHEDULED TO 12/14/17.

RESCHEDULED TO: 12/14/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 07, 2017

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

December 07, 2017 3:00 AM Motion to Bifurcate

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Plaintiff s Motion for Bifurcation and/or to Limit Issues for Trial is DENIED, except to the extent that Plaintiff seeks to admit evidence of damages by representative sampling, pattern or practice evidence, or other approximation.

NRS 608.115 requires, in relevant part, that employers keep records of its employees wages and hours worked for each pay period. Nev. Rev. Stat. Ann. 608.115 (West). Plaintiff argues that because Defendant failed to keep these records, and because employees do not have the records nor a duty to keep the records, Plaintiff should be allowed to present evidence of the employees average hours worked per shift. Defendant argues that it kept records of the actual hours its employees worked in the form of handwritten tripsheets, and that evidence of an approximation is inadmissible in lieu of the precise data.

Defendant s tripsheets document the hours each of its employees worked during any given shift. Because the tripsheets are handwritten physical documents, compiling data from the records requires litigants to undertake the task of locating and compiling each employee s several tripsheets for each of the thousands of pay periods in question. Apparently, NRS 608.115 does not specify a particular medium in which employers must keep the records; however, an employer cannot avoid liability under Nevada s Minimum Wage Act by keeping records in a form that makes it virtually impossible

for litigants to challenge the sufficiency of compensation paid. And at any rate, NRS 608.115 requires that employers keep a record of its employees' hours per pay period; Defendant's tripsheets do not do so. In this case, an approximation would provide a reasonably expeditious means of calculating and allocating damages, whereas an individual calculation for each class member would impose impossible burdens on the litigants. See *Bell v. Farmers Ins. Exch.*, 115 Cal. App. 4th 715, 753 (2004).

Defendant understandably argues the disadvantages of such approximation evidence, and we acknowledge that such an approach necessarily yields an average figure that will overestimate or underestimate the right to relief of individual employees. See *id.* We have weighed the disadvantages of such evidence against the opportunity to vindicate an important constitutional mandate in a manner that does not impose an undue burden on the court or the litigants. See *id.* Like under-compensation cases that employees have brought under the Fair Labor Standards Act, calculation of damages on an individualized basis in this case would be impracticable and would undermine the purpose and utility of class actions. See *Smith v. Lowe's Home Centers, Inc.*, 236 F.R.D. 354, 357 (S.D. Ohio 2006).

For the foregoing reasons, and for other reasons argued by the Plaintiff, the Court ORDERS the following: Plaintiff may present at trial evidence of approximate damages so long as he makes an ultimate approximation (not merely advances a model by which damages could be approximated), so long as there is a sufficient basis from which a reasonable inference of damages could be drawn, and so long as the evidence is otherwise admissible. Defendant may counter by advancing evidence of its employees' precise shift length, by advancing its own approximation and demonstrating its superior accuracy, or by advancing other evidence that would tend to negate the reasonableness of the inference to be drawn from Plaintiff's evidence. See *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 688 (1946).

Ms. Rodriguez to prepare the Order.

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

CLERK'S NOTE: Minutes Amended and re-circulated to all parties on 12/21/17. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 14, 2017

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

**December 14, 2017 9:00 AM Motion for Partial
Summary Judgment**

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney

JOURNAL ENTRIES

- Mr. Greenberg argued as to factual issue of wages and listed the three facts. Ms. Rodriguez argued the plaintiff's argument is relied upon inadmissible evidence and argued Rule 56(e). The experts used by the plaintiff do not meet the Hallmark requirement and their reports are not admissible. Further arguments by counsel. COURT ORDERED, 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 DENIED as to Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(B) Invalid and GRANTED only to the extent Plaintiff has established the liability claim; the only thing left are the damages. Mr. Greenberg to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 02, 2018

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

January 02, 2018 9:00 AM **Motion for Summary
Judgment**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Ms. Rodriguez argued there have been no calculations of damages and believe the Court should dismiss the case in its entirety as there is no evidence of actual damages for on individual, or a class of individuals. If the Court is not willing to dismiss entirely the defense request the dismissal of the claims against Mr. Nady. There is no evidence to support plaintiff's claims of civil conspiracy, aiding and abetting. Court NOTED bifurcation had been granted. Ms. Rodriguez argued the plaintiffs have not come up with any evidence while doing discovery to support a civil conspiracy, unjust enrichment, or punitive damages claim. The only response the plaintiffs put forth in their claim for punitive damages is the fraud claim. Plaintiffs accusation is that A Cab forced its drivers to write fraudulent break times into the trip sheet, but then they argue that its not a fraud claim. Ms. Rodriguez stated she has always argued this isn't a minimum wage claim, its a claim for unpaid hours and should only be considered through 2012. Mr. Greenberg argued The Sarvas case, Just Film case, Hanon case, Parsons, and East Texas Motor Freight case. Mr. Greenberg argued the U.S. Department of Labor made a finding in 2013 that the defendants were manipulating the trip sheets and were forcing drivers to put in break time in their trip sheets that were false to conceal the hours

they worked. Mr. Greenberg argued the constitutional amendment's language which says "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." It doesn't say compensatory damages, punitive damages, it just says damages. Mr. Greenberg suggested the Court look beyond the language to the broader circumstances of this case. Mr. Greenberg stated in there is a finding of liability against A Cab and A Cab satisfies that liability, there would be no claim against Mr. Nady, but if A Cab does not satisfy the judgment plaintiffs are prepared to proceed against Mr. Nady. The actual claim against Mr. Nady if they were to proceed would be a claim in equity, under a theory of unjust enrichment or alter ego. Mr. Greenberg further argued the question here is how much did the defense pay these people and how many hours did they work. Further arguments by Ms. Rodriguez.

COURT ORDERED, Defendant's Motion seeking Summary Judgment in favor of defendants and complete dismissal DENIED.

COURT ORDERED, Defendant's Motion seeking Dismissal of the Class Action/Decertification on the Class DENIED.

COURT ORDERED, Defendant's Motion seeking Dismissal of the Punitive Damages DENIED.

COURT FURTHER ORDERED, Dismissal of the Claims Made Against Defendant Nady DENIED WITHOUT PREJUDICE.

Mr. Greenberg to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 18, 2018

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

January 18, 2018 9:00 AM Calendar Call

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Gabroy, Christian Attorney
Greenberg, Leon Attorney
Messer, Kaine Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Colloquy regarding trial time. COURT ORDERED, Trial date SET. COURT FURTHER ORDERED, Joint PreTrial Memorandum, Proposed Jury Instructions, and Proposed Voir Dire due 2/12/18.

2/26/18 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing**COURT MINUTES****January 25, 2018**

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

January 25, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS

Court STATED the Motions in Limine would NOT be heard.

Court STATED the purpose of today s hearing will be the subject of a motion filed by plaintiffs in May of 2015 to request the Court to appoint a special master paid for by the defendants to compile the hours of work information as contained in the trip sheets. Ultimately the Court denied the motion and the reason that the Court gave at that time was: The Court is not persuaded that the underlying reasons advanced by the plaintiffs provide a sufficient basis to place the entirety of the financial burden of such a process upon the defendants. The entirety of the litigation process since that time to the present convinces the Court that indeed is not only an appropriate way to resolve this issue, but is perhaps the only way to accurately resolve this issue and for that reason if that motion is renewed at

this time, the Court is going to grant it. Mr. Greenberg advised they would not renew the request for the appointment of the special master if plaintiffs and the class had to bear the cost of the process. Court indicated if the motion is renewed as it was with the costs borne to the defendants it would be granted. If it is going to be done, it needs to be done immediately. The order needs to be entered so if the defendants choose to seek any appellate relief they can do so. Mr. Greenberg requested two additional items; if the Court has someone in mind that would be appropriate as a special master, to advise. Secondly, that the findings of the special master in respect to the hours worked per pay period be deemed established as the working time for purposes of this litigation. Defendants have continually insisted in this litigation that the trip sheets do contain an accurate statement of the time. Ms. Rodriguez argued the plaintiffs have had over two years to come up with a methodology for calculation. They've had the trip sheets and other routes. They chose this Excel spreadsheet. At the end of the day that route and that methodology doesn't work and they have not met their burden. That was their decision and in-between there were a lot of red herrings, there was a lot of cost, and thousands of dollars to the defendant to chase W-4s, to chase cab manager data, to chase the trip sheets themselves and plaintiffs never even looked at any of it. Now the Court is saying plaintiffs have failed to meet their burden, shifting the burden now to the defendants financially now again to basically start over with what plaintiff should have done back in May of 2015. Ms. Rodriguez requested the Court to consider that this is a very large financial burden to the defendants that the plaintiffs should share in, due to everything else that the defendants have had to bear in-between there for two and a half years. Court STATED in the end if the Court found that there was not compliance with the Minimum Wage Act in our Constitution and therefore they prevailed to some extent in the lawsuit. Would not the costs that they would soak up at that time still shift to the defendant. Court cited NRS 608.115 and stated it is satisfied that this is a quest driven by or founded in the Constitution and therefore it must be accorded particular deference when it comes to the ways that the Court might use to enforce the Minimum Wage Act. Ms. Rodriguez advised the plaintiffs are willing to stipulate to not make a claim for the 8.25 an hour and inquired if the Court is asking the special master to look for any violations based on the 7.25 an hour as opposed to the 8.25 an hour. Secondly, the time frame the special master will be looking at. Mr. Greenberg argued the statute of limitations applicable to the class claims in their entirety extends from October of 2010 and the class period concludes under the Court's order at the end of 2015. Ms. Rodriguez argued she did not believe there was a dispute after July of 2014, why would they have a special master go through 18 months of thousands of trip sheets that are not in question. Mr. Greenberg argued they have been trying to litigate this case to judgment based upon the Court's rulings and how they can present the case within the confines of those rulings. Plaintiffs have looked extensively to the QuickBooks records from 2013 to 2015. Court inquired if the order on file cut it off at mid-2014. Mr. Greenberg stated no and advised defendants' expert conducted their own very limited study of trip sheets for that 2013 to 2015 period. Mr. Greenberg requested the study period by the special master be to the end of the class period of December 31, 2015. Further, Mr. Greenberg stated plaintiff's position is it would be more sensible to decertify the class to the limited extent of saying the only claims that will be adjudicated here on a class-wide basis are the class members' entitlement under the 7.25 an hour rate. If any individual class member believes that they are entitled to the higher rate, they would then be free to litigate that issue independently, but that would not be heard or determined as part of this proceeding. Court STATED it would be anticipating the order would be at the 7.25 rate. For purposes

of what we're trying to accomplish here, the special master would be asked to provide this work at the 7.25 rate. Court DIRECTED counsel to submit the names of Special Masters by Thursday, February 1, 2018. COURT ORDERED, Trial date VACATED.

2/2/18 9:00 AM STATUS CHECK: APPOINTMENT OF SPECIAL MASTER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 02, 2018

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

February 02, 2018 9:00 AM Status Check

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- COURT ORDERS, Micahael Rosten and the firm of Piercy Bowler Taylor & Kern of Las Vegas, Nevada, APPOINTED as Special Master in this case. The purpose of such Special Master appointment is to determine for each class member, based upon the hours of work set forth in their trip sheets for each pay period, and the wages they were paid in each such pay period as set forth in A Cab's QuickBooks records, the unpaid minimum wages they are owed by A Cab pursuant to Article, 15, Section 16, of Nevada's Constitution (the "MWA") under the "lower tier" or "health insurance provided" minimum wage rate. That determination is to be made for all class members for all pay periods falling entirely within the class period of October 8, 2010 through December 31, 2015. That determination is also to be made for those class members who were granted a statute of limitations toll pursuant to this Court's Order entered on June 7, 2017 for all pay periods occurring entirely after the statute of limitations toll date listed for them in Exhibit "A" of that Order and prior to December 31, 2015.

COURT ORDERS, in determining the hours of work shown by a trip sheet, the Special Master shall accept as correct the characterization of time as "breaks" or "meals" or non-working time in the trips sheet as accurate and subtract all such time from the interval between the start and end time for the shift as recorded on the trip sheet. The Special Master in their report shall also note the indicated start and end time of "break" or "meal" time entry on each trip sheet. In the event that no shift end time is recorded or fully legible on a trip sheet the Special Master shall indicate in their report the times on that trip sheet's copy of the printed receipt that included Meter Details and that trip sheet's copy of the printed fuel purchase receipt and use the earlier of each time arrive as a "shift end" time for purposes of calculating the hours worked during the shift. If no legible "Meter Details" or fuel purchase receipt time exists on that trip sheet the Special Master shall not calculate any hours of work for that trip sheet and that shift and shall record that they were unable to arrive at a working hours total, or perform a minimum wage underpayment calculation, for the class member during a pay period the Special Master shall include all items of taxable income paid by A Cab to the class member during the pay period as recorded in A Cab's QuickBooks records but shall not include any amounts identified as "Tips" or "Tips Supplemental." The Special Master shall rely on the parties' stipulated agreement as to the wages paid to the class members each period if the parties so agree to stipulate.

COURT ORDERS, A Cab shall, forthwith, provide the Special Master all records necessary for the performance of its appointment and as the Special Master requests. The first meeting of the parties and the Special Master directed by NRCP 53(d)(1) is dispensed with. The Special Master shall deliver the report of their findings to the Court and parties no later than 45 days from the Special Master's receipt of the deposit specified in this Order. The report so furnished shall state the total amount of unpaid minimum wages so owed, if any, for each class member; the amount of hours each class member was found to have worked each pay period for A Cab; and the amount of wages within the meaning of the MWA they were paid each pay period by A Cab. The report shall also indicate every pay period for every class member that the Special Master finds the records reviewed contained incomplete or not fully legible information and for which no determination on whether proper minimum wages were paid could be made. At the request of any party, the Special Master shall provide the report's foregoing findings in an Excel file.

COURT ORDERS, the costs of the Special Master shall be borne by the defendant A Cab who shall, within 10 days of the entry of this Order deposit with the Special Master the amount of \$25,000 for their services, the Court also expressly reserving the possibility that it may in the future direct some portion of the Special Master's cost be shifted to the plaintiffs if the Special Master's report documents circumstances that the Court finds warrant it doing so.

COURT FURTHER ORDERS, the Court WILL NOT be entertaining a motion for reconsideration of this order by the defendants.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 13, 2018

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

February 13, 2018 11:04 AM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has in its possession copies of the letter of Ms. Rodriguez to Michael Rosten of Piercy Bowler Taylor & Kerns, as well as the responsive letter from Mr. Greenberg. As of this writing it has been nineteen (19) days since the Court Ordered that a Special Master be appointed, and yet inadequate progress is being made toward implementation of that Order. The Court is extremely concerned with the passage of time in this matter for reasons previously expressed.

In order to prevent one more issue from injecting itself into these proceedings, and in light of the possibility that any local firm may trigger another objection due to purported conflicts of interest, the Court rescinds its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns, and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this case. Mr. Rosten and Piercy Bowler Taylor & Kerns may present their bill for services rendered to the Defendant who shall have 10 days to pay the same and this matter will proceed to its conclusion.

Mr. Greenberg to prepare the Order in conformity herewith.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 15, 2018

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

February 15, 2018 10:00 AM Status Check

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Ms. Rodriguez argued a conflict check should have been done by Mr. Rosten of Piercy Bowler as one of the cab drivers of A Cab has a brother who is a managing shareholder of Piercy Bowler and that is a conflict. Further argued as to a possible bill being submitted to the defendant by Piercy Bowler. Mr. Greenberg stated he cannot speak as to whether Mr. Rosten did or did not do a conflict, but can represent to the Court there were five or six nominees and every single one did inquire about any conflict based upon their firm's involvement in other matters. Mr. Greenberg advised they were all proved with a copy of the complaint. Mr. Greenberg further advised it was represented to him by Mr. Saad and his firm that a conflict check was done. Court STATED it has made its decision to use Dr. Saad, an out-of-state firm, and that way the possibility of knowing someone is limited. Court DIRECTED Defendants to overnight the materials they have in there possession to Dr. Saad and transmit a letter which inquires of him what conflicts check he has done. Mr. Greenberg clarified the materials that are available immediately to overnight are both the QuickBooks payroll information and the October 2010 later trip sheets. Ms. Rodriguez advised there are 300,000 trip sheets on an

external hard drive that can be overnighted.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 06, 2018

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

March 06, 2018 4:14 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has reviewed Defendant s Motion on OST for Stay, received on March 2, 2018, Plaintiffs Response to Defendant s Motion, Plaintiffs Motion on OST to enforce the Court s Orders, and the e-mail correspondence from counsel and the Special Master, Dr. Saad.

For the reasons stated herein the Court grants a temporary stay to resolve the Defendants claimed inability to pay the Special Master the initial \$25,000 required by previous court order.

In addition to Defendants protestations of their temporary inability to pay the initial \$25,000, the Court also GRANTS a temporary Stay due to health considerations of the Court. The Court has scheduled a necessary surgery for March 8, 2018, which surgery will require a relatively brief recuperation period. The Court is therefore entering an indefinite stay for both reasons, which the Court anticipates will not last longer than approximately 3 weeks.

The Court has considered whether it would make more sense to recuse from the case, and/or request a reassignment by the Chief Judge of the Eighth Judicial District Court. However, the duplication of the time and effort it would take for another judge to become adequately conversant with this case would likely protract this case yet again, and would likely cost the parties more in attorney fees; nor would it facilitate an economical and fair management of this litigation. Recusal or reassignment

would necessitate such delay that it should only come as a last resort.

Inasmuch as the anticipated calendared surgery is laparoscopic in nature, the Court feels confident that it will be fully functional and able to proceed ahead within three weeks.

In the meantime, the Special Master is directed to cease all efforts to complete the task previously ordered by this Court until further order of this Court. Additionally, because there will be a breathing space of approximately three weeks the Defendants should well be able to set aside the initial \$25,000 deposit, and are ordered to do so.

The court anticipates setting a hearing date to accomplish the following:

1. Dissolve the stay;
2. Argue and rule on the various motions which have been filed; and
3. Reset the Rule 41(e), i.e., 5-year Rule, date by which this matter must be concluded.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 15, 2018

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

March 15, 2018 3:00 AM Motion to Strike

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This case was Stayed on March 06, 2018, therefore COURT ORDERS, the Motion to Strike Defendants Affirmative Defenses OFF CALENDAR. Parties to re-notice their Motion once the Stay is lifted.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing**COURT MINUTES****April 26, 2018**

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

April 26, 2018 1:30 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On April 17, 2018, Plaintiffs filed 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. The Court signed an Order Shortening Time, setting the matter for hearing on April 27, 2018, nine days later, admittedly a shortened setting. Shortly after notifying counsel of the hearing, chambers received a telephone call from Esther Rodriguez advising that she would be out of the country, having reset a vacation which she had earlier canceled due to an earlier trial setting in this matter. Notwithstanding EDCR 2.22, the Court acted upon that request and reset the hearing for May 4, 2018, believing that a fuller response to this admittedly complex motion could be had.

After the matter had been continued to May 4, Plaintiffs caused to be filed the same motion, bearing the caption of this case and the case sought to be coordinated by the motion: A721063, Jasminka Dubric v A Cab, et al. That motion bore the previous OST which set the hearing once again on April 27, 2018. On the next day, April 19, 2018, this Court received an un-filed chamber s copy of the same motion, this time bearing the caption of and Dubric v A Cab, A721063, which reflected that it was pending in Department 25. However, Odyssey does not reflect a filing of this document.

Needless to say, the rapid-fire filing and service of these motions caused considerable confusion and

consternation, not only for Defendants counsel but also for the Court.

The Court decided to proceed on the April 27 hearing pertaining to the second, double-captioned version of the motion, simply for the purpose of having Plaintiffs counsel explain the intentions of the Plaintiffs. Accordingly, the Court determined that Ms. Rodriguez presence was not required and telephonically notified associate counsel, Michael Wall, to be present. Mr. Wall protested that he was on the case only as appellate counsel.

Subsequently, on April 24, the Court receive a letter of strong objection from Ms. Rodriguez pertaining to the Court s going forward with any hearing on April, 27 (See Left Side Filing, Counsels facsimiles), which apparently prompted Mr. Greenberg to send a missive, pleading with the Court to proceed on April 27 on the entire motion ((See Left Side Filing, Counsels facsimiles).

To avoid complicating this matter further, the Court will continue the hearing on the second filed double-captioned version of the motion to May 4. In the meantime, the Court would appreciate an explanation from Mr. Greenberg in a pleading filed with the Court as to why there are two court filings and one chambers copy of the same motion with three different captions. While the court believes that Plaintiffs effort was simply to make clear to all parties in both cases the coordination-of-cases aspect of the motion, further explanation would be appreciated. The Court will take up the matter on May 4, 2018.

5/4/18 9:00 AM 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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 01, 2018

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

May 01, 2018

4:35 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- 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 was set to be heard on May 4, 2018. (See April 26, 2018 Minute Order). Due to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be VACATED until further order of this Court. Furthermore, the STAY IS TO REMAIN IN PLACE until further order of this Court.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 22, 2018

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

May 22, 2018

3:23 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This Court deems it advisable to make a record of the various events which led to this Court setting down a hearing on May 23, 2018 to hear Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Case. That recitation of events includes the deliberate actions of counsel for both sides and the circumstances beyond the control of counsel and this Court which have led to the hearing date of May 23, 2018.

On February 16, 2017, this Court Granted a Preliminary Injunction enjoining Defendants from seeking settlement of any unpaid wage claims involving any class members except as part of this lawsuit. A Supplement to Order for Injunction Filed on February 16, 2017 was filed on February 17, 2017, providing the explanation required by NRCP 65.

On March 6, 2018, this Court entered a Minute Order granting a temporary stay due to health considerations of the Court. The Court had scheduled a necessary surgery for March 8, 2018, anticipating being out of the office for approximately 3 weeks.

On April 6, 2018, the Nevada Supreme Court entered an Order reversing this Court s Order granting of the preliminary injunction.

On April 16, 2018, the Court granted an Order Shortening Time in connection with Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases, and set the hearing for April 27, 2018. When the Court was advised Defendants Counsel would be out of the country on April 27, 2018, the Court reset that Motion to be heard on May 4, 2018.

On April 30, 2018, this Court s wife passed away unexpectedly.

On May 1, 2018, the Court issued a Minute Order that [d]ue to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be vacated until further order of this Court. Furthermore, the Stay is to remain in place until further order of this Court.

On May 17, 2018 the Court received a copy of a Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., wherein Plaintiffs Counsel declared that at a hearing on May 9, 2018 Department 25 had vacated the prior grant of partial summary judgment as to the only named Plaintiff in that lawsuit (Dubric) and set a hearing for the preliminary approval of a proffered class settlement proposal.

Further, Plaintiffs Counsel argued that the Defendants actions, unless Department 1 would hear the Motion for Coordination prior to May 24, 2018, would inevitably result in a reverse auction described in this Court s Supplement to the Preliminary Injunction, thereby obstructing the proper administration of justice in this case. Plaintiff s Counsel further urged this Court to grant the coordination requested under EDCR 2.50 immediately in chambers prior to the next hearing in Department 25.

Due to the unavailability of this Court due to the death of the Court s spouse, Department 1 law clerk sought guidance from the Chief Judge of the Eighth Judicial District Court pursuant to EDCR 7.10. As Senior Judge Bonaventure was scheduled to hear Department 1 s cases while Judge Cory was unavailable, the Chief Judge requested that if Judge Cory remained unavailable that Judge Bonaventure hear so much of Plaintiffs Motion as Judge Bonaventure thought necessary. Accordingly, on May 17, 2018, the Court set a hearing date for May 23, 2018. Department 1 law clerk was advised by both counsel that they were available for the May 23, 2018 hearing.

The Stay previously imposed by this Court is hereby LIFTED for the purposes of the May 23, 2018 hearing.

Finally, the time of the hearing is continued from 10:30 a.m. to 1:30 p.m. so that Judge Cory may return to the bench to hear the Motion.

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

Wall, Esq. (mwall@hutchlegal.com) Mark Bourassa, Esq. (mbourassa@blgwins.com) /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 23, 2018

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

May 23, 2018

1:30 PM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Gabroy, Christian Attorney
 Greenberg, Leon Attorney
 Richards, Trent L. Attorney
 Rodriguez, Esther C. Attorney

JOURNAL ENTRIES

- Counsel gave summary of case and the case in front of Judge Delaney.

COURT ORDERED, Plaintiff's Motion for Miscellaneous Relief DENIED. The Court is not ruling on the suggested renewed motion for preliminary injunction. This case needs to go forward and the Court is disinclined to hold up the matter for non-payment to the special master. COURT FURTHER ORDERED, \$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to be present at the next hearing to show proof of the posting.

6/1/18 10:00 AM PLAINTIFF'S MOTION TO HOLD DEFENDANT IN CONTEMPT, STRIKE THEIR ANSWER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 01, 2018

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

June 01, 2018

10:00 AM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Madalyn Kearney

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Greenberg confirmed the basis to find Defendants in contempt of court is the nonpayment of funds to the Special Master. Arguments by Mr. Greenberg and Ms. Rodriguez regarding whether or not Defendants have the money to pay the Special Master and the effects of litigation in another matter. Court noted it is hesitant to hold Defendants in contempt for failure to pay due to the Affidavit and Financial documents put forward by the Defendants. Court directed counsel to provide case authority, not necessarily in Nevada, where a court has proceeded to hold Defendant in contempt for failure to make payments but the Defendant claims it does not and will not have the money. Court advised it will revisit the issue at the upcoming court date; it will not hear further argument, but will announce if it will grant the Motion and what sort of sanction it may impose. If the issues are not resolved at that time, the Court will hear the Motion for Partial Summary Judgment. Colloquy regarding the next court date. Court directed counsel to submit case authorities by noon on Monday, June 4th. COURT ORDERED, matter SET for Motion for Partial Summary Judgment.

6/5/18 3:00 PM MOTION FOR PARTIAL SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 05, 2018

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

**June 05, 2018 3:00 PM Motion for Partial
Summary Judgment**

HEARD BY: Cory, Kenneth**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Madalyn Kearney**RECORDER:** Lisa Lizotte**REPORTER:****PARTIES**

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- COURT STATED ITS FINDINGS and ORDERED, Plaintiff's Motion for Partial Summary Judgment GRANTED to the extent that not only is the time period of 2013-2015 granted, but using the rational and the evidence propounded by the plaintiffs, which they in turn claim is based on the evidence propounded by the defendants to grant the same summary judgment for the period of 2007-2012. It is the Courts understanding that amounts to approximately \$174,000.00; the Court does not have the precise amount. Mr. Greenberg advised the amount for 2013-2015 is itemized in precise amounts to identify the individuals and does amount to \$174,839.00 which is the amount requested, which is at least \$10.00 an hour owed to these individuals. If it is below \$10.00 an hour they are treating it as De Minimis and not bothering with it. COURT SO ORDERED. Additionally, COURT ORDERS, in the amount of \$804,000.00 for the period of 2007-2012. Court inquired if that was the correct amount. Mr. Greenberg stated the Court could recite that number and he would submit an order for the Court's approval. Mr. Greenberg indicated he would like to submit the actual pay periods and calculations for each individual with the documentation in conjunction with a final order that the Court could

approve with an appendix of the judgment amounts for each individual.

As to the interim fees is there any evidence before the Court or any recitation, or numbers that would show the Court how it was calculated. Mr. Greenberg advised on November 2nd he submitted to the Court a declaration that he had expended over 850 hours and \$35,000.00 at that time in costs. Court inquired as to the fee amount and based on what hourly rate. Mr. Greenberg stated if he was to be compensated for 500 hours at \$200.00 an hour it would be \$100,000.00. Court indicated this issue would be the subject of a separate motion. The Court is not stating interim fees should not be award, because this Court believes they should, but there has to be a basis for the calculation. Mr. Greenberg advised he had submitted a declaration in support of fees request on November 2nd; 850 hours spent on the prosecution of this case, \$27,200.00 for expert, witness, and technical consultant costs. Court requested the total fees and hours. Mr. Greenberg stated the fees request are \$35,200.00 and requested a round reward of \$100,000.00 in interim fees based on the fact at that time he had expended over 850 hours. The total time expenditures is 1,100 hours personally, Ms. Sniegocki has over 500 hours, and the costs are \$35,200.00 as of November 2; have requested \$135,000.00 in total. Mr. Greenberg inquired if he could include the \$135,000.00 interim award in the Order he would be presenting to the Court. Court indicated yes. Mr. Greenberg advised the Minimum Wage Act empowers the Court to award any relief that it is empowered to act to award in any civil action of an equitable injunctive type nature and referred to Texas State Teachers vs. Garland. Mr. Greenberg advised they would be before this Court on post-judgment motion for full fee award and a detailed itemization would be submitted. Court STATED it would review the authority given in the motion and make the determination whether an interim award would be awarded; Court is not making a ruling from the bench on that issue and would issue a minute order. Mr. Greenberg advised he would like to submit a final order in accordance with the other ruling made today so that a final judgment can be entered appropriately. Mr. Greenberg stated it is his understanding that the directions given today are to fashion an order that will constitute a final judgment in this case pursuant to the rulings today. Court inquired if Mr. Greenberg was stating the Court could dissolve the class and allow those former class members who wish to go forward to go forward on the higher amounts. Mr. Greenberg stated the judgment would be fashioned in individual amounts for each individual class member pursuant to the approach the Court has discussed today. This will constitute a final judgment of the Court to the extent any class member asserts they are owed amounts under the Minimum Wage Act or under NRS 608.040. There were NRS 608.040 claims that were made in this case and believe it would be more efficient to dismiss those claims without prejudice and if any class member wishes to pursue the claim they are entitled to compensation in excess of the Court has awarded, they would be free to do so. Court inquired if this would be a final judgment as to all defendants. Mr. Greenberg stated it would be final judgment as to all defendants and to the class representatives. Court inquired what happens to the conspiracy claim. Mr. Greenberg advised it would be dismissed without prejudice. Mr. Greenberg advised the claims against Mr. Nady personally have been severed; entering final judgment would be to the corporate defendants. Mr. Nady is not subject to that judgment and there would be no need for the claims against Mr. Nady to proceed. The Court could issue a stay of those claims pending entry of final judgment and if final judgment is not satisfied the claims against Mr. Nady would proceed separately. Mr. Wall argued severing claims does not make it a separate case and it would not be a final judgment. A final judgment is a judgment that resolves all claims against

all parties that were asserted. Severing claims is just a matter by which method each claim is decided. If you bifurcate a case, you do not get a final judgment until you re done with the second half of the bifurcated case. You do not get multiple final judgments in Nevada and it is clear in Lee vs. GNLV. Mr. Greenberg argued Valdez vs. Cox. Further argument by Mr. Wall and Mr. Greenberg. Court directed Mr. Greenberg to submit authorities with the proposed order and Defendants will have 10 days to submit any countervailing authorities.

Ms. Rodriguez inquired if the finding as to the 2007-2012 is based on the 9.21 average hours. Court indicated it was based on the argument put before the Court by plaintiff's counsel that the number is accurate.

Court DIRECTED Mr. Greenberg to include with his briefing and proposed judgment the calculation basis on the 2007-2012 amount, and include the methodology of the calculation. Court STATED defendant's will have 10 days to submit any countervailing authorities or argument if they feel it is improper.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 26, 2018

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

September 26, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- ALL PENDING - 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

Kelly Dove, Esq. present on behalf of Wells Fargo.

Mr. Shafer requested the Court quash the writ of execution as to third parties. Mr. Shafer argued the plaintiffs are not entitled to execute against independent entities and is a violation of NRS 86.296. Mr. Shafer further argued the defendant has not received the notice of writ of execution and proof of service has not been made. Mr. Nady advised as to how the entities and accounts are setup and paid out. Mr. Greenberg argued Nevada s LLC statute does not authorize the creation of series LLCs

that can hold assets beyond the reach of a judgment against the master LLC that created them. There is evidence that exists that the funds at issue are the property of A Cab LLC. Further arguments by Mr. Shafer as to the independent entities. Statements by Mr. Wall. Statements by the Court. COURT ORDERED, Matter CONTINUED. Court DIRECTED A Cab and/or the series LLC to supply sufficient evidence to quash the writ of execution.

CONTINUED TO: 9/28/18 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 28, 2018

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

September 28, 2018 10:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- ALL PENDING - 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

Kelly Dove, counsel for Wells Fargo present.

Court NOTED it had received Defendant's exhibits in support to quash the writ of execution. COURT ORDERED, Defendant's Exhibits A-J ADMITTED. Statements by the Court regarding LLC series and review of numerous laws in Nevada and other states. Mr. Shafer argued as to the statutes regarding LLC's and operating agreements in Nevada. Further argued as to NRS 86.296. Statements by Ms. Rodriguez. Colloquy regarding LLC statutes. Statements by the Court regarding creating LLC's that are not identifiable to the public. Arguments by Mr. Greenberg regarding public notice and there

being no business licenses for the entities. Ms. Dove advised if the Court wishes for a motion for interpleader be filed they would do so, or they would just follow the Court's direction. COURT ORDERED, Motion to Quash the Writ of Execution DENIED and the FUNDS BE TRANSFERRED TO THE CLERK OF THE COURT pending further action by this Court. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Appropriate Judgment Enforcement Relief CONTINUED. Court inquired if the defendant's would be seeking redress from the Supreme Court. Mr. Shafer advised that is one of the options they would be pursuing. The exemption process still remains to be done pursuant to the writ of execution statute. Mr. Shafer requested if the Court is denying they would request denying in part and granting in part as to the funds in the employee leasing company. If the Court is not inclined to do that, that the Court would preclude further execution of the funds against the company. Essentially, they maintain the status quo until such time as two week that they can have Mr. Ocean testify as to the records. Mr. Shafer requested the Court preclude further execution on the funds that may be deposited into Wells Fargo. Mr. Greenberg argued that to the extent the funds are being held under the same EIN# that is the same EIN# when they started the law suit, they believe they should be properly subject to execution and they are sufficient to identify them as funds in the judgment debtor A Cab LLC. There was never a writ served just on A Cab Series Leasing Company in generic form. An execution was served based on the designation of these funds being associated under the EIN# and there is no basis to restrain them from doing this. If A Cab wishes to stop the process execution they could post a bond in the amount of \$960,000.00 which is less than the judgment entered. Mr. Shafer stated they could not post the bond as the funds are being held and they do not have the collateral to secure a bond. Mr. Shafer stated Mr. Greenberg is correct a writ was served with an EIN#. The EIN# they are saying belongs to one company is incorrect as to who they are saying it belongs to and this issue has not been briefed before this Court, but anticipate it will be. Mr. Shafer requested until the Court returns in two weeks and additional briefing has been submitted that plaintiff doesn't take these unrelated companies and stay the proceedings on this particular writ. Defendant is not asking the Court to restrain the plaintiff's ability to file other motions or other proceedings, but just as to this account so that A Cab can continue to operate. Defendant is just asking for a stay on further execution on the writ that was served on Wells Fargo, not A Cab or A Cab Taxi, just as to these other separately named series LLC's. That money is not withheld from those accounts in the future. Court inquired if Mr. Shafer presently represents any of the series LLC's entities. Mr. Shafer advised he has not been presently retained, but believes he will when they file their requests for exemptions. Ms. Rodriguez stated she believed Mr. Wall was going to contact the entirety of Hutchinson and Steffen to make an appearance on 120 plus series individual entities if the Court was going to require representation for each of the entities and that she does not currently represent them. Court STATED the challenges come back to the attempted use of Nevada's relatively new series LLC's statutes and for all the reasons discussed this Court concludes they have not correctly, in such a way to ensure due process to the plaintiff's class members. The defendant is free to seek redress on the central issue of whether or not these separate entities have been created in such a way that it does not deny the rights of the plaintiff class members. The Court is only going to rule on the motion to quash the writ, which has been denied. The Court will allow further argument on the plaintiff's motion.

CONTINUED TO: 10/22/18 10:00 AM (PLAINTIFF'S COUNTER-MOTION FOR APPROPRIATE

JUDGMENT ENFORCEMENT RELIEF)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 22, 2018

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

October 22, 2018 10:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- 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

Mr. Wall argued as to Notice of Appeal, Honeycutt case, and new rules regarding tolling. Mr. Greenberg argued the motion to amend the judgment is proper before this Court. Statements by the Court as to Honeycutt. Mr. Wall stated he does not believe there is a Honeycutt issue.

DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME

Mr. Wall argued subject jurisdiction. Mr. Greenberg argued damages and cited Edwards case. Further arguments by Mr. Wall as to Edwards and Castillo cases. COURT ORDERED, Motion DENIED.

DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS

Arguments by Mr. Greenberg. Ms. Rodriguez argued as to name change. Statements by the Court. COURT ORDERED, Motion DENIED.

PLAINTIFF'S MOTION TO AMEND JUDGMENT

COURT ORDERED, Motion GRANTED. ORDER SIGNED IN OPEN COURT.

Ms. Rodriguez requested a Stay pending appeal and advised any further garnishments are jeopardizing the company's existence . Mr. Nady and A Cab have actively sought a bond pending appeal and have been denied. Ms. Rodriguez advised she was intending on drafting Motion to Stay under hardship. If the garnishments continued the company will have to shut their doors and lay off hundreds of people. Mr. Greenberg argued against the Stay and stated he believes A Cab is able to pay the judgment. COURT ORDERED, Matter STAYED for TEN (10) BUSINESS DAYS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 29, 2018

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

November 29, 2018 3:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- 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

COURT ORDERS, Matter SET for Announcement of Decision.

12/4/18 9:00 AM

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 04, 2018

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

December 04, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Dubowsky, Peter Attorney
 Greenberg, Leon Attorney
 Shafer, Jay A. Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

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

ANNOUNCEMENT OF DECISION

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

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

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

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

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

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

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

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

Defendant argues Plaintiffs' request is untimely pursuant to NRCP 54(b). First, the quote provided by Defendant is actually NRCP 54(d)(2)(B), which deals only with Attorney Fees and provides, the motion must be filed no later than 20 days after notice of entry of judgment is served. The rule also

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

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

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

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

The Court heard Plaintiff's Motion for Partial Summary Judgment on December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has established liability. Thereafter, Plaintiff filed Plaintiffs Supplement in Support of Motion for Partial Summary Judgment arguing that damages and liability are inextricably related. Defendants also filed their Motion for Summary Judgment on November 27, 2017, and heard on January 2, 2018. Other motions before the Court in the end of December 2017 and early January 2018 included Plaintiffs Motion to Place Evidentiary burden on Defendant, Plaintiffs motion to bifurcate or limit issues at trial, Defendants objection to the Discovery Commissioners Report and Recommendation, both Defendants and Plaintiffs motions in limine, Defendants Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to 16.1(3), and Plaintiffs motions to strike affirmative defenses. It was upon review of all of these motions that the Court found that liability and damages were inextricably related. That is precisely why the Court gave Defendants one more opportunity to present evidence which would rebut that liability, and yet they could not.

It was in preparation of those pretrial motions that the Court inquired into what evidence would be

submitted and presented at trial. In that Defendants Motion in Limine, Defendants argued that Plaintiffs experts methodology was unreliable because it calculated damages derived from inaccurate information, despite Plaintiffs experts using information consisting of computer data files provided by A Cab. Defendants argued at that time that the Tripsheets were the only accurate information. That is precisely why this Court appointed a special master, who expended more than \$85,000 to review Tripsheets which did not comply with NRS 608.115, to make a determination on a precise calculation of hours. Defendants continued to use their noncompliance with the record keeping statute as both a sword and a shield. That is when this Court decided to apply the reasoning of Mt. Clemmons, which stated that the employer cannot be heard to complain that the damages lack the exactness of measurement that would be possible had he kept records. Contrary to the Defendants assertions that the experts were never utilized, Plaintiffs experts were necessary to this Court granting summary judgment. It was defendants lack of evidence of the precise amount of work performed to negate the reasonableness of the inference to be drawn from the employees evidence, which warranted the granting of summary judgment. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687 (1946) (The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence *688 to negate the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the court may then award damages to the employee, even though the result be only approximate.) This Court gave defendants every opportunity to come forward with precise evidence, and yet Defendants failed to provide the initial \$25,000 deposit as ordered by this Court. Defendants might have a colorable argument against Plaintiff s expert costs had the Special Master completed his work regarding the Tripsheets, and had the trial proceeded on that basis. However, that is not the case here. Plaintiffs experts were necessary and their expenses reasonable given the extent of the work performed in calculating damages based upon computer data information provided by ACAB. Therefore, costs are awarded in their entirety.

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

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

Plaintiffs have asked the Court order the property in the possession of the series LLC's belonging to A Cab, LLC, be deposited with plaintiffs' counsel. The Court is NOT going to Order this. The COURT will ORDER, it not be sold off or given away, the property MUST be maintained pending further Order of the Court. COURT FURTHER ORDERS, there is to be no transfer of funds from A Cab, LLC to any of its series LLC's, or to Defendant Nady, or any family members, without further order of the

Court. The plaintiff also asked for an Order of Attachment of assets including the CPCN Medallion and the sale of same. The Court is NOT ordering this at this time.

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 11, 2018

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

December 11, 2018 9:00 AM Motion for Order

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Dubowsky, Peter Attorney
 Gabroy, Christian Attorney
 Rodriguez, Esther C. Attorney
 Shafer, Jay A. Attorney
 Wall, Michael K. Attorney

JOURNAL ENTRIES

- Jonathan Wilson and Corey Gildart, representatives for the Special Master, also present.

Mr. Dubowsky argued this is a motion for contempt. The defendants have not complied with orders going back to February, March, and May 27th where the Court ordered \$41,000.00 to be paid. Then on August 21st the Court found the defendants were in contempt. Mr. Dubowsky argued the Court brought his client into the case and they did an exhaustive amount of work, over \$85,000.00 in labor at the request of the Court. Mr. Dubowsky requested the Court find the defendant in contempt of Court and order whatever punishment necessary to get them to pay and comply with the Court's orders. Court NOTED the motion does not ask for anything specific and inquired if the special master was asking the Court to formally find the defendants in contempt of court. Mr. Dubowsky stated the Court has the discretion to order it, and if incarceration is necessary to compel them to comply with the Court's orders, then that is what is necessary. Ms. Rodriguez argued the defendants objected to the appointment of the special master and then at the first opportunity filed a motion with the Court to inform the Court and all the parties, including the special master that there was an inability to

finance such a costly project by the special master. Ms. Rodriguez stated they have fully complied with everything the Court has ever ordered as it pertains to the special master, except for the money, as A Cab could not afford it. The Court did grant a stay and did allow the further opportunity to try to come up with the money. As the Court is fully aware, things quickly transformed to go down a different path and that path was the summary judgment motion, and then to utilize the spreadsheets that were prepared by Mr. Greenberg rather than anything from the special master. Ms. Rodriguez advised they have never seen any work, any data, or anything from the special master. All they have ever received is a bill for \$85,000.00 which was argued without showing any of data that either party could use, the bill is extremely excessive. Ms. Rodriguez further advised the issue of the special master is on appeal. Ms. Rodriguez further argued they overnighted all the trip sheets, downloaded everything onto a thumb drive and a drop box and sent it to the special master as the Court ordered. They had no idea they would be served with a bill for \$85,000.00 because as far as what the Court had ordered was the \$25,000.00 initial deposit. The special master was on alert immediately that there was an inability to even pay the \$25,000.00. If the Court is inclined to grant such a bill, they should have to turn something over to show what is worth \$85,000.00. Mr. Dubowsky argued this is very specialized work and that is why the bill may appear high, but in fact the bill is accurate as to what was earned and the work that was done at the Court's request. The Court ordered the defendants to pay \$41,000.00 and they not paid any of it. Court inquired of Mr. Dubowsky it was normal for the special master to begin by hiring temps and paying them to train them and perform the work. Mr. Wilson advised they try to refrain from hiring temps as much as possible, but with the time constraints the way they were; they did their best to make sure the work was quality. The Court stated it did make it clear in a number of the orders and statements that it was most concerned with the passage of time that it would take in order to accomplish this purpose and that it was important to get this done quickly. Mr. Gildart advised this was not minimum wage work. They do not just get temps off the streets, these are qualified individuals and they have to train them accordingly, which explains the rate. Mr. Wilson advised they were trying to do this as quickly as possible and as cost effective as possible. The Court STATED this Court determined that the defendants simply were not willing to produce any evidence on their own. At most every turn the response that the Court heard was it s only the time sheets . But the defendant did not put forward any calculations based on the time sheets, and so ultimately because of the passage of time in this litigation this Court determined that it was going to have to go back and revisit a motion that had been brought by the plaintiffs much earlier. And to say that the defendants were blindsided by it is not really accurate. It was briefed and argued by both sides when it was first proposed by the plaintiff. It became more obvious to the Court ultimately that something as drastic and perhaps as expensive as this, was the only way that we were going to get down to having the best evidence of what was owed. And so the Court ordered it and ordered that the defendant would pay the cost. The Court had already at that point determined that there had been a violation of the constitutional provisions regarding minimum wage; that there was indeed liability and the question was what the amount of the damages would be. The Court FURTHER STATED in preparing for today the Court went back and looked at virtually all of the minute orders recounting the efforts of both sides and the Court in this case for the last at least year or perhaps more, and what the Court sees is that the Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said that it couldn t t and put forward some figures to try and show the Court that it couldn t. In hindsight what the Court saw was the defendants

saying they it couldn't afford to, and that it didn't fit in their budget to pay such fees. Ultimately the Court realized that the defendant was simply refusing to pay it. The Court ordered \$25,000 and then later \$41,000 based upon an estimate. On March 6th the Court ordered that \$25,000 be paid. On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the defendants to really show that the defendant was not able to pay. And ultimately the Court concluded that what the defendant was really saying was not that they didn't have the money but that they didn't want to pay it because they had other business expenses. Then on September 11th a writ of execution was filed and the defendants were in possession of somewhat over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have the money. While the defendants may argue that it's all gone or that it was tied up, the defendant is still operating its business and still has income coming in. This record is devoid of evidence that shows the defendants could not pay the money or they did not have the money, and that is in the face of a Court order, several Court orders. As was already touched upon, there was a stay put in place. The Court was constantly trying not to kill the goose that lays the golden egg. The Court cannot help but find that in the course of protesting loudly having to pay anything, the defendant has just flat violated Court orders and refused to pay the \$25,000 or the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been paid and tendered. This is a willful violation of a Court order. Court NOTED Mr. Nady is not present today and if he were this Court would seriously consider putting him in jail for contempt. Ms. Rodriguez stated one very important point she forgot to mention, when the first \$25,000.00 was ordered following the stay Mr. Nady went to the Clerk with a check to attempt to make a deposit as the Court ordered and the Clerk refused it as there was no order in place ordering the \$25,000.00. The Court inquired if this was ever brought to the Court's attention. Ms. Rodriguez advised no. Court STATED it is simply amazing that the Court cannot seem to communicate with Mr. Nady that these are important responsibilities and that he's not going to avoid paying minimum wage. COURT FINDS, Mr. Nady and the corporate defendants HAVE WILLFULLY VIOLATED THE COURT ORDERS The Court is not going to order a bench warrant today but continue the hearing to determine how far this Court should go to exact payment. COURT ORDERED, Matter CONTINUED and Mr. Nady to PERSONALLY BE PRESENT.

CONTINUED TO: 12/13/18 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 13, 2018

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

December 13, 2018 10:30 AM Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Dubowsky, Peter	Attorney
	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Laurie Nady, defendant's wife present. Also present, Jonathan Wilson, representative for the Special Master.

Mr. Greenberg advised the issue to be heard today are in regards to the TRO and the request for the transfer of those motor vehicles or an order coordinating the transfer, or assisting in having those motor vehicles transferred to the sheriff for sale on judgment execution. The other issue is the appointment of a receiver. Mr. Greenberg advised he had submitted two different proposed orders for the Court's consideration. One would be a limited form of receivership which would allow the receiver to take possession of assets that are under the control of the judgment debtor corporation, A Cab, LLC, and hold those assets, potentially pay liabilities in his discretion if the receiver thought it was important to preserve the business, and to gather information for a report to the Court and a

proposal for actually managing the business in full for the purpose of satisfying the judgment. The receiver would not have the power to interfere or control any of the operations at this point, which is truly what a receiver does in the normal course. The receiver would also have the authority to withhold operation of the medallions which are possessed by the judgment debtor from the Series. The other form of order proposed to the Court is far more limited, which is based on his discussion with Mr. Swarts, who indicated a special master appointment would be more appropriate. The special master would not actually take possession of any assets of A Cab. He would have no authority to pay expenses. He would be essentially in charge of obtaining the records and reviewing the books and have access to the information of the company. He would have no power in respect to the taxi medallions as was proposed for the limited receiver. The special master proposal, which is far more limited o the two, is the model the defendants have proposed. Their variation does two things, which plaintiff's oppose. First it removes the provision that the special master would provide to plaintiffs' counsel information as to assets he located that are in the name of the judgment debtor. If there is going to be a special master appointed they are not going to have a receiver who's actually going to take possession of any assets. Plaintiffs' counsel should be told what assets he comes up with so they can take affective means to secure those assets for the benefit of the plaintiffs. Defendants have removed that power from their proposed special master appointment. The other thing they have done is they have capped the fee to be paid to the special master at \$5,000.00. That is an inadequate amount for anyone to be willing to accept the appointment. Mr. Greenberg suggested an amount more in the range of \$20,000.00. Court STATED it was this Court that appointed the special master and this Court is amenable to making sure the special master gets paid for the work that they've put into the project, up to the point where the Court found that it was going to be so cumbersome and so expensive that it was better to simply grant the plaintiffs' earlier motion for summary judgment that included approximations. Court FURTHER STATED to Mr. Nady it seemed to the Court it might have to put him in jail in order to get his attention. Rather than do that the Court believes it can accomplish this without putting him in jail. It is the Court's belief that with the proposals that have been put forth by plaintiff and the modified proposal by his counsel there is a way to get the special master paid. Therefore, the COURT GRANTS the relief the plaintiffs have asked for in the sense of having a special master appointed and APPOINTS MR. SWARTS. The COURT FURTHER ORDERS, the defendants and their agents to give full and complete disclosure of all the financial records that pertain to the company. Mr. Shafer advised one of the modifications proposed is for confidentiality, anything revealed to the plaintiff should not be revealed to the public at large. Mr. Shafer further advised they still stand by their objection to an appointment of a receiver or special master as it is an extraordinary remedy. Given the Court's inclination is to appoint a receiver, defendants would like to make that as limited as possible with the goal of accomplishing what the Court's concerns are, and that's to maintain the assets to make sure we now what the current status is. The defendants' request is to limit it just to receipt and review of the financial records of the company with the appropriate protective order. There is no objection to Mr. Swarts being appointed, but would like it to be limited and if further funds are need they must come back to the Court and ask for additional funds. Court NOTED the last issue is the temporary restraining order not to sell items. Mr. Shafer argued as to disposing of assets and the vehicles Mr. Shafer advised their only caveat would is nothing be sold off except in the ordinary course of business. With that exception and with a notification requirement they can be assured that the judgment debtor

would receive equivalent value. Colloquy regarding the vehicles. Further arguments by counsel

COURT ORDERS, The Request for Appointment of a Receiver GRANTED to a limited extent in the form of an appointment of a Special Master as Follows:

1. George C. Swarts is appointed as a Special Master pursuant to NRCP Rule 53;
2. The Special Master shall be provided by the judgment debtor A Cab LLC also known as A Cab Series LLC, including Creighton J. Nady and any other agents of judgment debtors, copies of all electronic and paper financial and business records of the judgment debtor A Cab LLC also known as A Cab Series LLC that the Special Master deems advisable to possess for the preparation of the report directed in this order, including, but not limited to, all such records involving, and all of its contracts or agreements with, any other entity or person including any series LLC it has issued pursuant to NRS 86.296. Upon being presented with a copy of this Order all persons and entities possessing any such records of the judgment debtor A Cab LLC also known as A Cab Series LLC shall deliver them to the Special Master;
3. The Special Master shall promptly advise plaintiffs' counsel of all property of the judgment debtor A Cab LLC also known as A Cab Series LLC that it has identified and plaintiffs' counsel shall take no action to proceed with any legal execution upon such property to satisfy plaintiffs' judgment;
4. The Special Master shall issue a report by February 1, 2019 to the Court advising the Court of:
 - (a) A proposed plan, to the extent that they deem it feasible, for the Special Master to be appointed Receiver pursuant to NRS Chapter 32 over the operations of judgment debtor A Cab LLC also known as A Cab Series LLC in a manner that will allow the profits from the operation of the taxi medallions authorized to it to be applied towards satisfaction of the plaintiffs' judgment.
5. Plaintiffs' counsel shall be required to make available to the Special Master, from the funds they have collected on the plaintiffs' judgment and are holding in their IOLTA account pursuant to this Court's prior Orders, a sum not to exceed \$20,000.00 to pay for the Special Master's services. The Special Master shall be entitled to be paid a fee not exceeding \$300.00 per hour for their services. The Special Master shall be authorized, in their discretion, to cease further work and present the report discussed in paragraph 4 to the Court, to the extent it is able to complete such a report, once the cost for their services have exceeded 90% of the amount specified in this paragraph that plaintiffs' counsel shall be required to make available to pay for such services.
6. The information and records received by the Special Master shall be kept confidential and subject to a protective order issued by the Court, precluding production to the general public except as directed by the Court.

The Request for a Judgment Debtor Exam

As the Court ruled at the December 4, 2018 hearing this issue is the subject of a separate motion and

will be addressed by a separate order.

The Request to Enjoin Certain Transfers of Funds

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

Other Requested Relief

Plaintiffs' other requested forms of relief are, without prejudice, DENIED by the Court at this time.

COURT FURTHER ORDERS, Judgment Debtors shall not create any additional Series LLC s without further order of this Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 18, 2018

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

December 18, 2018 4:19 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has read with surprise the factual allegations in Appellant s Emergency Motion For Stay. At times one wonders if the Court attended the same hearing as Appellant s counsel. Generally, this Court will trust that a perusal by the Supreme Court of the actual record in these matters will demonstrate how much of counsel s hyperbole is belied by that record.

However, some groundless accusations regarding the specific issue prompting the emergency motion, the denial of the motion to dismiss for want of subject matter jurisdiction, must be corrected.

On December 17, 2018, the Court received a copy of Defendants Emergency motion Under NRAP 27(e) for Stay. In Defendants Emergency Motion they claim numerous post-judgment orders which would allow Appellants to seek appellate relief have not been signed nor entered by the District Court. Thus, Appellant cannot seek relief without an order. These orders include a critical one addressing whether the District Court even had subject matter jurisdiction over this matter.

The Court will clarify that, until December 17, 2018 at 12:19 p.m. via email from Plaintiffs counsel, the Court had not received from either Plaintiffs counsel or Defendants counsel any proposed final order adequately covering the issue complained of in the Emergency Motion.

On October 22, 2018, the Court heard, among other motions, Defendants Motion for Dismissal of Claims on Order Shortening Time, and Defendants Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims. Those motions were denied. There were further statements by counsel regarding an appeal. At that time, Ms. Rodriguez requested a Stay pending appeal. Mr. Greenberg argued against the stay. The Court ordered the matter STAYED for ten (10) business days.

The first communication the Court received regarding any proposed order covering the Defendants Motion for Dismissal of Claims was on December 11, 2018.

On December 11, 2018 at 4:24 p.m., Leta Metz, paralegal for Jay Shafer, Esq. sent an email to Department 1 s Judicial Executive Assistant. That email included a letter, Order and Red-Lined Order. The attachment was NOT a final order and was NOT signed as to form and content by ANY counsel. See left side filing. The letter to the Court stated [t]here were a number of disagreements regarding the findings and extent of the Court s Ruling. Accordingly the parties are submitting competing orders.

Because of the disagreements between counsel, the indication of competing orders, and the lack of signatures as to form and content, the Court s law clerk contacted both Plaintiffs counsel, Leon Greenberg, and Defendants counsel, Jay Shafer, inquiring as to when the competing orders will be submitted so that the Court may expeditiously facilitate the entering of the order.

On, December 17, 2018, Department 1 s law clerk received a phone call from Jay Shafer s office inquiring of the Court s preference of electronic signatures or wet signatures as it related to the proposed order on Motion for Dismissal of Claims. Department 1 s law clerk advised that, typically, the Court prefers wet signatures with hard copies but to please inform the Court if there is difficulty in obtaining wet signatures or submitting a hard copy. Department 1 s law clerk further advised that given these circumstances and the allegations in the Emergency Motion For Stay, the Court would prefer a date next to the signature line by counsel approving the order as to form and content.

On December 17, 2018 at 12:19 p.m., Department 1 s law clerk received an email from Mr. Greenberg stating, As per the call I received today from Kevin in Dept. 1 I forward a copy of the form of Order all counsel consented to entry of as confirmed by their signatures on the attached. It appears there may have been some confusion about this Order's submission to the Court not indicating agreement of all counsel to its form. Please contact me if there remains any outstanding issues in respect to this or any other proposed Orders being reviewed by the Court.

Subsequently, on December 17, 2018 at 2:51 p.m., Department 1 s law clerk received an email from Mr. Shafer again inquiring if a PDF copy is acceptable, or if you need a wet ink signature? Department 1 s law clerk responded to that email memorializing that, typically, the Court prefers wet signatures with hard copies submitted to chambers. If there is difficulty in submitting a hard copy or obtaining wet signatures please let us know.

Following the described confusion of counsel, the Court has this date signed the agreed upon order

and the order is awaiting Defendants' runner in Department 1's pick-up box.

CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@tirneta.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com), Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the e-service list. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 17, 2019

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

January 17, 2019 4:00 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court is in receipt of Defendants Motion to Pay Special Master on Order Shortening Time. While the affidavit of counsel does not demonstrate adequate grounds for the Court to grant an order shortening time, the Court will expedite the handling of this Motion to this extent: the hearing on this Motion will be set for February 6, 2019 at 9:00 a.m. Any opposition shall be filed by January 30, 2019. The reply shall be filed by February 4, 2019 and shall be no more than five (5) pages.

2/6/19 9:00 AM DEFENDANTS MOTION TO PAY SPECIAL MASTER ON ORDER
SHORTENING TIME

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenbergoverturnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the eservice list./mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 05, 2019

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

February 05, 2019 3:31 PM Minute Order

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- On December 19, 2018, the Court received a letter from Defendant s counsel relating that Defendants were re-submitting an order previously submitted but never signed by the Court. This order purports to be an order resolving Plaintiffs motion on order shortening time to 1) lift stay, 2) hold Defendants in contempt, 3) strike their answer, 4) grant partial summary judgment, 5) direct a prove-up hearing, and 6) coordinate cases. Counsel is correct that the Court did not sign the order submitted on July 19, 2018. The Court will now make this record indicating why that proposed order, which purports that the entirety of Plaintiffs Motion for Miscellaneous Relief is DENIED, was never signed.

The bulk of Plaintiffs rather omnibus motion was not denied. The only portion of Plaintiffs miscellaneous motion resolved at the hearing on May 23, 2018 was that portion pertaining to the motion to coordinate cases, which was DENIED. The remainder of Plaintiffs motion, submitted on OST, was ruled on as follows:

1) The Motion to Lift Stay. The stay was lifted on May 22, 2018 via minute order. Subsequently, after the bulk of Plaintiffs compound motion was continued to June 5, 2018, there was colloquy regarding the stay and whether a stay would be appropriate. To be clear, the Court never imposed another stay. During the May 23, 2018 hearing, the Court made clear its intention NOT to hold up this case any longer and indicated this case needs to go forward. Thus, the Motion to Lift Stay was NOT denied.

2) The Motion to Hold Defendants in Contempt. As it is correctly indicated in the minutes from the May 23, 2018 hearing, that portion of Plaintiffs Motion to Hold Defendants in Contempt was continued to June 1, 2018. During the June 1, 2018 hearing, the Court noted it is hesitant to hold Defendants in contempt for failure to pay, due to the affidavit and financial documents put forward by the Defendants. The Court directed Plaintiffs counsel to provide case authority where a court has proceeded to hold a party in contempt for failure to make payments where the Defendant claims it does not and will not have the money. The Court then advised it will revisit the issue at the upcoming court date, and indicated that if the issues are not resolved at that time the Court will hear the Motion for Partial Summary Judgment. The Court then continued the matter to the next hearing date, which was set for June 5, 2018. Thus, the Motion to Hold Defendants in Contempt was NOT denied on May 23, 2018.

3) The Motion to Strike Defendants Answer. Similar to the contempt motion, this portion of Plaintiffs omnibus motion was continued to June 1, 2018. Because this portion of the motion related back to the contempt motion, this portion was also continued from June 1, 2018 to June 5, 2018. On June 5, 2018, the Court GRANTED Plaintiffs Motion for Partial Summary Judgment. The Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment, heard on June 5, 2018, and filed August 21, 2018, provides, given the deference this Court must give in enforcing the Constitution of the State of Nevada, the Court finds that Defendants persistent failure to comply with Court orders, and for reasons stated herein, warrants holding defendants in contempt and striking their answer. . . While this Court has been at pains to resolve important issues without resort to sanctions, the Court cannot avoid the conclusion that if other, less drastic bases were not available, it would proceed by way of sanction, strike the answer, and award judgment to Plaintiffs. The Order then goes through the analysis of the sanction under *Young v. Johnny Ribeiro* 787 P.2d 777 (Nev. 1990), however, the Court stated [d]espite plaintiffs warranted request to hold defendants in contempt and strike their answer, the Court has not viewed this as warranted to remedy this point, and therefore has declined to do so. As an alternative ruling, the Court is prepared to do so now. Thus, the Motion to Strike Defendants Answer was NOT denied on May 23, 2018, but was continued for further argument on June 1, 2018, June 5, 2018, and ultimately resolved via the order granting summary judgment.

4) The Motion to Grant Partial Summary Judgment. Similar to the analysis above, this portion of Plaintiffs compound motion was continued to June 5, 2018 and ultimately GRANTED at the June 5, 2018 hearing. Thus, this portion of Plaintiffs omnibus motion was NOT denied at the May 23, 2018 hearing.

5) The Motion to Direct a Prove-Up hearing. The same analysis above, regarding the Motion to Strike Defendants Answer, applies here.

6) The Motion to Coordinate Cases. This portion of Plaintiffs motion was resolved at the May 23, 2018 hearing. The Court DENIED Plaintiffs Motion to Coordinate Cases.

The Court is clarifying the procedural history of the relief requested because the proposed orders submitted to chambers by both sides have not accurately identified and resolved all motions before the Court.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenbergovertnelaw. com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the eservice list./mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2019

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

February 06, 2019 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Dubowsky, Peter	Attorney
	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Parsons, Steven J.	Attorney
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- 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

Following statements and arguments by counsel, COURT ORDERED, as follows:

COURT ORDERED, 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, and Plaintiff's Response in Opposition to Defendant's Motion to Pay Special

Master OST and Countermotion for an Order to turn over property CONTINUED.

COURT ORDERED, Special Master to retain the exhibits to the report and are to be kept in confidence.

COURT ORDERED, Mr. Parson's oral Motion to be Retained by the Special Master and \$20,000.00 be disbursed to them GRANTED.

COURT ORDERED, NO NEW Writs of Execution or RENEWAL of Writs of Execution to be issued before the February 27, 2019 hearing.

COURT FURTHER ORDERED, Defendant A Cab may disburse a onetime disbursement of \$10,000.00 to Mr. Nady's Trust.

Mr. Parson to prepare the Order.

CONTINUED TO: 2/27/19 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 01, 2019

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

March 01, 2019 3:38 PM Minute Order

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

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court notes that a Notice of Firm Name Change was filed on February 27, 2019, which changes the name of one of the firms representing the Defendants from Premier Legal Group to Cory Reade Dows and Shafer. The Court has confirmed that his brother Timothy Cory has formed a law firm which places him in partnership with Jay Shafer, one of the attorneys for the Defendants.

Pursuant to Rule 2.11(a)(2) of the Revised Nevada Code of Judicial Conduct, when a judge knows that the judge's brother is acting as a lawyer in the proceeding he should disqualify himself from presiding over the matter. Accordingly, the Court RECUSES itself from further hearings in this matter.

The Court further notes that the three orders bearing today's date were previously heard and decided, and that the Court today simply approved the final draft of those orders.

CLERK'S NOTE: A copy of this minute order was emailed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //ev 3/1/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 18, 2019

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

March 18, 2019 3:00 AM Minute Order

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the request of Court, Resolution Economics LLC's Motion to Strike the Defendants Motion for Reconsideration of the District Court's Contempt Order currently scheduled for March 28, 2019, must be heard before Defendants Motion for Reconsideration. Thus, the Motion to Strike is RESCHEDULED to March 21, 2019 at 10:30 a.m.

CLERK'S NOTE: A copy of this minute order was emailed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //3/18/19 lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 21, 2019

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

March 21, 2019 10:30 AM Motion to Strike

HEARD BY: Bare, Rob

COURTROOM: RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER: Carrie Hansen

REPORTER:

PARTIES

PRESENT: Dubowsky, Peter Attorney
 Shafer, Jay A. Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Also present, Corey Gildart representing Resolution Economics.

Court stated this case was assigned to Department 32 two days ago. Court advised it reviewed the 7 year old case and the Court believed it was familiar with the relevant procedural issues at hand. Court advised counsel of its understanding of the procedural issues. Court inquired as to whether the preemptory challenge of Judge Scottie was being challenge. Mr. Shafer advised there was an objection to the preemptory challenge, however; in the interest of having the issue resolved on the merits, Mr. Shafer moved to withdraw the objection and consider it moot. There being no objection by counsel to have Department 32 oversee the matter, COURT ORDERED the Motion objecting to Judge Scottie's preemptory challenge WITHDRAWN. Court advised Department 32 would decide the motion for reconsideration on 3/28/19. Mr. Dubowsky requested time to file an opposition and have time for Defendant to file a response. There being no opposition, COURT ORDERED, Motion for Reconsideration CONTINUED; with the following briefing schedule: Opposition due 3/28/19 and Reply due 4/4/19. Ms. Sniegocki inquired as to the Motions that were pending before Judge Cory prior to his recusal and advised they needed hearing dates on this Court's calendar. This Court's Law Clerk suggested parties contact her with the names of the Motions they wished to have

heard and the Court would issue a minute order placing them on the calendar.

CONTINUED TO: 4/16/19 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 26, 2019

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

March 26, 2019	3:00 AM	Minute Order
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HEARD BY: Bare, Rob	COURTROOM: RJC Courtroom 03C
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COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the request of the Court, the Motion for Reconsideration currently scheduled for March 28, 2019, and all pending motions including Plaintiffs' Motion to Distribute Funds Held by Class Counsel, Plaintiffs' Motion to Amend the Court's Order Entered on December 18, 2018, Defendant's Motion to Pay Special Master on OST, 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 will be heard on April 16, 2019 at 10:30a.m.

CLERK'S NOTE: A copy of the above Minute Order was distributed to the following: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //3/27/19 lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 16, 2019

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

**April 16, 2019 10:30 AM Motion For
Reconsideration**

HEARD BY: Bare, Rob

COURTROOM: RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Dubowsky, Peter	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Court reviewed the procedural history of the case. Mr. Shafer argued the Court did not have jurisdiction because the bankruptcy Stay that was in place applied to Mr. Nandy and A Cab. Court inquired what parties believed he should do about the dispute as to whether or not the Stay involved Mr. Nandy. Mr. Sniegocki suggested the motion be continued to 4/30/19 with the matter's other pending motions. Arguments by counsel regarding this Court's jurisdiction over Defendant Nandy. Court advised parties to file supplemental briefing and responses. COURT ORDERED, motion CONTINUED. Briefing schedule SET: Defendant's supplemental briefs due 5/2/19; Plaintiff's response due 5/10/19; Hearing regarding this Court's jurisdiction over Defendant Nandy SET for 5/21/19.

5/21/19 10:30 AM HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 21, 2019

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

May 21, 2019 10:30 AM All Pending Motions

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Dubowsky, Peter Attorney
Nady, Creighton J Defendant
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- HEARING RE: JURISDICTION DEFENDANT'S MOTION TO PAY SPECIAL MASTER ON ORDER
SHORTENING TIME...PLAINTIFF'S MOTION TO DISTRIBUTE FUNDS HELD BY CLASS
COUNSEL...DEFENDANT'S MOTION TO QUASH SUBPOENA ISSUED TO CURB MOBILITY LLC

Defense counsel confirmed bankruptcy was filed. Defense advised it was there position that the
bankruptcy Stay applied to A-Cab and to Defendant Nady. Colloquy regarding the timeline of Judge
Cory's recusal and the filing of a Motion for Reconsideration. Court advised EDCR 7.12 issue may
apply. Arguments by counsel regarding jurisdiction. COURT ORDERED, matter taken UNDER
ADVISEMENT. Court to issue a decision within a few weeks. Status Check SET in Chambers.

6/5/19 STATUS CHECK: DECISION (CHAMBERS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 21, 2019

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

June 21, 2019 3:00 AM Minute Order

HEARD BY: Bare, Rob

COURTROOM: RJC Courtroom 03C

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came before this Court on May 21, 2019 for Defendant's Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master s Fees and Order of Contempt. After hearing oral argument and carefully considering the briefs and evidence, the Court finds as follows.

Defendants' basis for this Motion to Reconsider is that Judge Cory's ruling is clearly erroneous because Judge Cory found Defendants A Cab Taxi Service LLC, A Cab, and Creighton J. Nady individually guilty of contempt of Court for disobedience and/or resistance to the Court s lawful Orders to pay the Special Master s compensation.

At the May 21, 2019 hearing, Defendants argued that Defendant Nady, individually was not required to pay in accordance with the Department 1 Court Order and as such, could not be held in contempt for failure to do so. In response, this Court took the matter under advisement and to fully consider all former findings.

EDCR 2.24 (a) states, No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties. A district court may reconsider

previously decided issue if substantially different evidence is subsequently introduced or decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976).

Judge Cory's Orders for payment were directed to the Defendants in the plural. For instance, the February 7, 2018 Order states, The Court also finds a compelling imperative to appoint in so appointing a Special Master, at defendants expense . . . On March 6, 2018, Judge Cory entered a Minute Order further ordering the Defendants to pay the initial \$25,000 to the Special Master, stating the Defendants should well be able to set aside the initial \$25,000 deposit, and are ordered to do so. Judge Cory's payment orders go back to March 2018, with warnings of contempt as far back as August 2018. In the August 2018 Judgment Order, the Court found that the Defendants were in contempt: [T]he Court finds that Defendants' persistent failure to comply with Court orders . . . warrants holding defendants in contempt . . . Further on December 11, 2018, Judge Cory stated, I do find that Mr. Nady and the corporate defendants have willfully violated Court orders

Courts have inherent power to enforce their decrees through civil contempt proceedings *Matter of Water Rights of Humboldt River*, 118 Nev. 901 (2002), thus, even if Mr. Nady was severed out, the Court had inherit power to order contempt on him as a named Defendant in this case. Therefore, this Court finds that the Defendants have failed to establish that this Court's decision was clearly erroneous. As such, Defendants Motion to Reconsider is hereby DENIED.

Counsel for Special Master Resolution Economics is directed to submit a proposed Order consistent with this Minute Order, the submitted briefing, and oral argument. Counsel may add language to or further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Counsel is directed to have the proposed Order submitted to chambers within 10 days.

CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve. /lg 6.21.19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 12, 2019

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

November 12, 2019 9:30 AM All Pending Motions

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Michaela Tapia

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL

Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision.

PLAINTIFF'S MOTION REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE
JUDGMENT DEBTOR PURSUANT TO NRS 21.320

Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision.

PLAINTIFF'S MOTION TO ALLOW JUDGMENT ENFORCEMENT

Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision.

**OPPOSITION TO MOTION TO ALLOW JUDGMENT ENFORCEMENT AND COUNTERMOTION
FOR STAY OF COLLECTION ACTIVITIES**

Following arguments by counsel, COURT ORDERED, matter CONTINUED for chambers decision.

11/27/19 CHAMBERS ALL PENDING MOTIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 25, 2019

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

November 25, 2019 3:00 AM Minute Order

HEARD BY: Bare, Rob **COURTROOM:** Chambers

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the request of Court, for judicial economy, the following matters: (1) Plaintiffs' Motion to Distribute Funds Held by Class Counsel, (2) Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, (3) Plaintiff's Motion to Allow Judgment Enforcement and (4) Defendants' opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities, currently scheduled for November 27, 2019, is RESCHEDULED to December 3, 2019 at 10:30 a.m.

CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 11/25/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 03, 2019

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

December 03, 2019 10:30 AM All Pending Motions

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Michaela Tapia

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Parsons, Steven J. Attorney
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO RESUME COURT HEARINGS ON ORDER SHORTENING TIME

Matter heard.

PLAINTIFF'S MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL

Following arguments by counsel, COURT ORDERED, motion DENIED.

PLAINTIFFS' MOTION REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE
JUDGMENT DEBTOR PURSUANT TO NRS 21.320

Following arguments by counsel, COURT ORDERED, motion DENIED as premature.

PLAINTIFF'S MOTION TO ALLOW JUDGMENT ENFORCEMENT

Following arguments by counsel, COURT ORDERED, \$100,000.00 offered to be given to Mr. Greenberg and placed in the trust account to go towards the potentiality of prevailing at the end of the day. Upon Court's inquiry, Mr. Wall requested 10 days to provide the amount; due by close of business on 12/13/19.

OPPOSITION TO MOTION TO ALLOW JUDGMENT ENFORCEMENT AND COUNTERMOTION FOR STAY OF COLLECTION ACTIVITIES

Following arguments by counsel, COURT ORDERED, \$100,000.00 offered to be given to Mr. Greenberg and placed in the trust account to go towards the potentiality of prevailing at the end of the day. Upon Court's inquiry, Mr. Wall requested 10 days to provide the amount; due by close of business on 12/13/19.

ADDITIONALLY, George Swarts will be reactivated, remotivated, reinstalled under the moniker of receiver not in possession of A Cab. FURTHER, Mr. Swarts to file supplemental report due to the Court and the parties by end of business on 3/3/20. Colloquy regarding Mr. Parsons working without compensation since approximately April. Upon Court's inquiry, Mr. Parsons indicated he charges \$300.00 per hour and both parties are responsible for his compensation. Argument by Mr. Greenberg. Argument by Ms. Rodriguez. COURT ORDERED, parties to submit supplemental filings: supplement by Mr. Greenberg due by 12/17/19; response by Ms. Rodriguez due by 12/31/19. Colloquy regarding the Order the Judgment Debtor Examination. FURTHER, minute order to issue regarding the Scope issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 06, 2019

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

**December 06, 2019 3:00 AM Minute Order Miunte Order - RE:
12/03/19 All Pending
Motions**

HEARD BY: Bare, Rob

COURTROOM: Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This matter came before the Court on December 3, 2019 for a hearing on Plaintiff's Motion to Distribute Funds Held by Class Counsel, Plaintiff's Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, Plaintiff Motion to Allow Judgment Enforcement, Defendants' Opposition to Motion to Allow Judgment Enforcement and Countermotion for Stay of Collection Activities, and Defendants' Motion to Resume Court Hearings on Order Shortening Time.

After hearing the oral arguments, the Court took the matter UNDER ADVISEMENT only on the issuance of the Order for Appearance of Judgment Debtor for Examination Pursuant to NRS 21.270. All other matters were decided at the hearing and Defendants counsel was directed to draft and circulate the proposed order.

After carefully considering the evidence and arguments submitted, COURT FINDS and ORDERS the following:

(1) The examination need not take place at the Court; it may take place at the Plaintiffs counsel s

office, or another place that parties may agree to.

(2) Per stipulation, Defendants shall deliver the copies of the documents as set forth in Exhibit 1 in the Plaintiff's proposed Order for Appearance of Judgment Debtor for Examination Pursuant to NRS 21.270 at least thirty (30) days prior to the examination date.

(3) Defendants raised objections as to the broadness of the documents to be furnished, including Exhibit 1, Paragraph Q, which seeks a copy of all materials furnished to George Swarts during the term of his appointment as Special Master in this case. Objections are denied without prejudice. The Court notes that during the hearing, it ordered that George Swarts was appointed as a "limited" receiver in the case and he was ordered to provide a brief to provide guidance to the Court in the matters before the Court.

The Court ORDERS that Plaintiff's counsel shall prepare and submit the proposed Order for Appearance of Judgment Debtor for Examination Pursuant to NRS 21.270 to chambers within ten (10) days, countersigned by Defendants' counsel.

CLERK'S NOTE: The above minute order has been electronically distributed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 01, 2021

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

**February 01, 2021 3:00 AM Motion for Appointment of
Receiver**

HEARD BY: Kierny, Carli

COURTROOM: Chambers

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Having considered Plaintiff's Motion for Appointment of a Receiver to Aid Judgment Enforcement and Defendant's Opposition to the same, the Court rules as follows: Plaintiff's motion is DENIED on several grounds.

First, EDCR 7.12 provides When an application or a petition for any writ or order shall have been made to a judge and is pending or has been denied by such judge, the same application, petition or motion may not again be made to the same or another district judge, except in accordance with any applicable statute and upon the consent in writing of the judge to whom the application, petition or motion was first made. In reviewing the lengthy history of this case, plaintiff has brought forth the same motion seeking the same relief multiple times before Judge Cory and Judge Bare, which were all denied as appointment of receiver was not deemed appropriate when considering the entire circumstances of the case. See Bowler v. Leonard, 269 P.2d 833 (1954) (The Court must consider the entire circumstances of the case when considering the appointment of a receiver.) The instant motion was first brought before Judge Cory on December 13, 2018. Judge Cory denied the request to appoint a receiver but granted to a limited extent in the form of an appointment of special master. The relief was brought forth again on January 30, 2019, which in the March 4, 2019 Order, the Court approved

the Special Master appointment, and endorsed the report as well as the ongoing service and reappointment of the special Master. The matter was stayed due to bankruptcy but once that was lifted, plaintiff brought the same request before Judge Bare, who reactivated the role of Special Master Swarts. Thus, plaintiff failed to comply with EDCR 7.12 as there is no indication written consent was sought before this duplicative and untimely motion was submitted.

Second, this is a motion for reconsideration and not a new motion. As noted above, it has been litigated numerous times. Thus, it is governed by EDCR 2.24. Under EDCR 2.24(a)-(b), there is no right to a rehearing or motion for reconsideration without leave of the Court. A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. Here, the issue on the ruling of the receiver must have been brought for reconsideration by March 17, 2019. The Supreme Court Nevada even noted this point in its recent order stating the district court's [July 17, 2020] post judgment order reactivated a special master pursuant to a prior order of the court. Thus reconsideration of the denial for a receiver must have been brought by January 2, 2019, or if by the March 3, 2019 order, by March 17, 2019.

Third, relief under NRCP 60(b) is time-barred. NRCP 60(b) allows relief from a final judgment, order, or proceeding for the following potential 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. Importantly, motions on grounds (1), (2), or (3) must be brought within 6 months. NRCP 60(c)(1) holds, the time for filing the motion cannot be extended under Rule 6(b). The other three reasons outside NRCP 60's 6-month limitation do not apply here nor has plaintiff argued they apply here. Absent good cause, an untimely motion for reconsideration will be denied. *Carmar Drive Tr. v. Bank of Am., N.A.*, 386 P.3d 988 (2016).

Additionally, in *Geller v. McCowan*, the NV Supreme Court held Re-hearings are not granted as a matter of right and are not allowed for the purpose of re-argument, unless there is a reasonable probability that the court may have arrived at an erroneous conclusion. 177 P.2d 461 (1947). Here, plaintiff stated Judge Bare's July 17, 2020 Order was clearly erroneous, however, plaintiff did not provide substantive argument to support this assertion. The record reflects Judge Bare was careful in his decision and he did factor in the Nelson factors before rendering a limited stay as defendant had posted a partial security of near \$300,000.

Finally, plaintiff has put forth no good cause argument to support its almost two year delay in bringing the instant motion. Thus, under EDCR 2.24 and NRCP 60, the instant motion is denied.

CLERK'S NOTE: A copy of the Minute Order was electronically served to all registered parties of

Odyssey File and Serve.// ke 02/01/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 09, 2021

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

June 09, 2021 9:30 AM All Pending Motions

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Alan Castle

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
 Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Defendant's Motion for Attorney's Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs ... Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter- Motion for Set Off Judgment Owed

Parties advised that this Court declines to rule on the Motion and Counter Motion at this time until the Nevada Supreme Court decision has been made as it may affect this Court's decision or authority to rule.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 16, 2022

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

February 16, 2022 9:30 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Quara Pyatt

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Arguments made by Counsel regarding cost.

Following argument and statements by counsel, COURT ORDERED, Objection to Request for Transcripts DENIED, COURT ADDITIONALLY ORDERED, request for fees GRANTED as requested minus \$500.00 for prior appeals on June 13, 2017 and June 23, 2017 plus related costs. COURT FURTHER ORDERED, Cost Bond released to the Defendant from the Recorder's Office.

Court noted, details are needed to release the Cost Bond with the Recorder's Office.

Ms. Rodriguez to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 09, 2022

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

March 09, 2022 9:30 AM Motion

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Jill Chambers

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Argument by counsel. COURT ORDERED, DEFT'S MOTION TO STAY, GRANTED. All future hearings VACATED. Defense to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 11, 2022

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

May 11, 2022 9:00 AM Status Check Status Check: Stay

HEARD BY: Gibbons, Mark **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Rodriguez, Esther C. Attorney
 Shafer, Jay A. Attorney

JOURNAL ENTRIES

- 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.

EXHIBIT(S) LIST

Case No.: A669926

Hearing:

9/28/18

+ 10/22/18

Dept. No.: 1

Judge: Kenneth Cory

Court Clerk: Michele Tucker

Plaintiff: MICHAEL MURRAY

Recorder:

Lisa Lizotte

Counsel for Plaintiff:

LEON GREENBERG / DANA
SNIEGOCKI

vs.

Defendant: A CAB TAXI SERVICE, LLC

Counsel for Defendant:

ESTHER RODRIQUEZ /
JAY SHAFER / MICHAEL
WALL

HEARING / TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A	Legal Order Processing Confirmation	9/28/18	YES	9/28/18
B	Declaration of Steve Beck	9/28/18	YES	
C	Selected Portions of NR 86	9/28/18	YES	
D	Amended & Restated Articles for A CAB	9/28/18	YES	
E	Operating Agreements for Series Entity	9/28/18	YES	
F	Amended Certificate of Public Convenience	9/28/18	YES	
G	NV Taxicab Authority Board Mtg 9/27/11	9/28/18	YES	
H	NV Taxicab " " 11/29/11	9/28/18	YES	
I	Att. of Writ from Plt's encl	9/28/18	YES	
J	Entity Actions	9/28/18	YES	9/28/18



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

LEON GREENBERG, ESQ.
2965 S. JONES BLVD., SUITE E3
LAS VEGAS, NV 89146

DATE: June 16, 2022
CASE: A-12-669926-C

RE CASE: MICHAEL MURRAY; MICHAEL RENO vs. A CAB TAXI SERVICE, LLC; A CAB, LLC; CREIGHTON J. NADY

NOTICE OF APPEAL FILED: June 14, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION FOR COSTS; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION FOR COSTS; ORDER GRANTING DEFENDANTS' MOTION FOR COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MICHAEL MURRAY; MICHAEL RENO,

Plaintiff(s),

vs.

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

Defendant(s),


Case No: A-12-669926-C

Dept No: IX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 16 day of June 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

