

Case No. 85850

In the Supreme Court of Nevada

A CAB SERIES LLC, f/k/a A CAB, LLC,

Appellant,

vs.

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

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable MARIA GALL, District Judge
District Court Case No. A-12-669926-C

APPELLANT'S APPENDIX

VOLUME 7

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ESTHER C. RODRIGUEZ (SBN 6473)
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 302-8400

DANIEL F. POLSENBERG (SBN 2376)
ABRAHAM G. SMITH (SBN 13,250)
LAUREN D. WIGGINTON (SBN 15,835)
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Appellant

CHRONOLOGICAL TABLE OF CONTENTS TO APPENDIX

Tab	Document	Date	Vol.	Pages
1.	Complaint	10/08/12	1	1–8
2.	Transcript re Defendant’s Motion to Dismiss Complaint	01/17/13	1	9–31
3.	First Amended Complaint	01/30/13	1	32–38
4.	Notice of Entry of Decision and Order	02/13/13	1	39–47
5.	Defendant A Cab, LLC’s Answer to Complaint	04/22/13	1	48–52
6.	Notice of Entry of Order	05/06/13	1	53–56
7.	Defendant A Cab, LLC’s Answer to First Amended Complaint	05/23/13	1	57–61
8.	Joint Case Conference Report	05/28/13	1	62–69
9.	Notice of Entry of Order Denying Plaintiffs’ Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)	05/29/13	1	70–73
10.	Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) days	01/29/14	1	74–78
11.	Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) days (Second Request)	04/23/14	1	79–83
12.	Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Sixty (60) days (Third Request)	07/28/14	1	84–87
13.	Recorder’s Transcript of Proceedings Notice of Plaintiffs’ Motion to Compel the Production of Documents	03/18/15	1	88–107

14.	Transcript re Plaintiffs' Motion to Certify This Case as a Class Action Pursuant to NCRP Rule 23 and Appoint a Special Master Pursuant to NRCF Rule 53	08/11/15	1	108–140
15.	Notice of Entry of Order Granting Motion to Serve and File a Second Amended and Supplemental Complaint	08/17/15	1	141–144
16.	Second Amended Complaint and Supplemental Complaint	08/19/15	1	145–162
17.	Defendant A Cab, LLC's Answer to Second Amended Complaint	09/14/15	1	163–169
18.	Defendant Creighton J. Nady's Answer to Second Amended Complaint	10/06/15	1	170–176
19.	Transcript of Proceedings of All Pending Motions	11/03/15	1 2	177–250 251–345
20.	Recorder's Transcript of Proceedings for All Pending Motions	11/18/15	2	346–377
21.	Joint Case Conference Report	11/25/15	2	378–386
22.	Notice of Entry of Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statute of Limitations	12/22/15	2	387–391
23.	Recorder's Transcript of Proceedings for Discovery Production/Deferred Ruling – Defendant's Rule 37 Sanctions	01/13/16	2	392–412
24.	Notice of Entry of Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCF Rule 23 (b)(2) and NRCF Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCF Rule 53	02/10/16	2	413–430
25.	Notice of Entry of Order Denying Defendant's Motion to Dismiss and for	02/18/16	2	431–434

	Summary Judgment Against Michael Murray			
26.	Notice of Entry of Order Denying Defendant's Motion to Dismiss and for Summary Judgment Against Michael Reno	02/18/16	2	435–438
27.	Notice of Entry of Order of Discovery Commissioner's Report and Recommendation	03/04/16	2	439–446
28.	Notice of Entry of Order of Discovery Commissioner's Report and Recommendation	03/04/16	2	447–460
29.	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; and Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs	03/16/16	2	461–476
30.	Notice of Entry of Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants	04/07/16	2	477–480
31.	Notice of Entry of Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order	04/07/16	2	481–484
32.	Recorder's Transcript of Proceedings for Further Proceedings on Discovery Production/Deferred Ruling	04/08/16	2 3	485–500 501–520
33.	Notice of Entry of Order on Defendants' Motion for Reconsideration	04/28/16	3	521–524
34.	Notice of Entry of Order Denying Defendants' Motion for Reconsideration	05/27/16	3	525–528

	of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations			
35.	Notice of Entry of 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 and Amended by this Court in Response to Defendant's Motion for Reconsideration Heard in Chambers on March 28,2016	06/07/16	3	529–546
36.	Notice of Entry of Discovery Commissioner's Report and Recommendations	07/13/16	3	547–553
37.	Transcript of Proceedings re Plaintiff's Motion to Compel the Production of Documents and Interrogatory Responses - Status Check on Status of Case	09/07/16	3	554–596
38.	Transcript of Proceedings re Motions Status Check, Compliance Status Check, and Production Status Check	10/12/16	3	597–646
39.	Recorder's Transcript of Proceedings re Status Check Compliance	11/18/16	3	647–671
40.	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief	11/23/16	3	672–677
41.	Transcript of Proceedings re Motion to Compel Interrogatory Responses on Status Check Compliance - Report and Recommendation	12/09/16	3	678–741

42.	Recorder's Transcript of Proceedings re Plaintiffs' Motion to Compel the Production of Documents	01/25/17	3 4	742–750 751–787
43.	Recorder's Transcript of Proceedings re Plaintiffs' Motion to Compel Compliance with Subpoena	02/08/17	4	788–806
44.	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	4	807–826
45.	Notice of Entry of Order Granting Certain Relief on Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief	02/16/17	4	827–830
46.	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP 16.1(f)	02/21/17	4	831–834
47.	Notice of Entry of Order of Stipulation and Order	03/09/17	4	835–838
48.	Notice of Entry of Order of Discovery Commissioners Report and Recommendations	03/13/17	4	839–847
49.	Notice of Entry of Order of Discovery Commissioners Report and Recommendations	03/13/17	4	848–855

50.	Notice of Appeal	03/20/17	4	856–857
51.	Defendants’ Case Appeal Statement	03/20/17	4	858–862
52.	Notice of Entry of Order of Discovery Commissioner’s Report and Recommendations	03/31/17	4	863–871
53.	Notice of Entry of Discovery Commissioner’s Report & Recommendations	05/18/17	4	872–880
54.	Transcript re All Pending Motions	05/18/17	4 5	881–1000 1001–1011
55.	Transcript re Plaintiff’s Re-Notice of Motion for Partial Summary Judgment	05/25/17	5	1012–1032
56.	Notice of Entry of Decision and Order	06/07/17	5	1033–1050
57.	Transcript re Plaintiff’s Motion on Order Shortening Time and Extend Damages Class Certification and for Other Relief	06/13/17	5	1051–1072
58.	Stipulation and Order	07/11/17	5	1073–1078
59.	Notice of Entry of Order Denying Plaintiffs’ Motion for Partial Summary Judgment	07/17/17	5	1079–1084
60.	Order	07/17/17	5	1085–1086
61.	Order	07/17/17	5	1087–1088
62.	Notice of Entry of Order Denying Plaintiffs’ Counter-Motion for Sanctions and Attorneys’ Fees and Order Denying Plaintiffs’ Anti-SLAPP Motion	07/31/17	5	1089–1092
63.	Recorder’s Transcript of Proceeding re Discovery Conference	08/08/17	5	1093–1110
64.	Recorder’s Transcript of Proceeding re Discovery Conference – Referred by Judge	10/04/17	5	1111–1123

65.	Notice of Entry of Discovery Commissioner's Report & Recommendations	10/24/17	5	1124–1131
66.	Notice of Entry of Order	12/12/17	5	1132–1135
67.	Notice of Entry of Order	12/12/17	5	1136–1139
68.	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	5	1140–1198
69.	Transcript re Defendant's Motion for Summary Judgment	01/02/18	5 6	1199–1250 1251–1261
70.	Notice of Entry of Order of Appointment of Co-Class Counsel Christian Gabroy	01/04/18	6	1262–1265
71.	Notice of Entry of Order Stipulation and Order	01/16/18	6	1266–1269
72.	Notice of Entry of Order	01/22/18	6	1270–1275
73.	Transcript re Plaintiffs' Omnibus Motion in Limine 1-25, Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts	01/25/18	6	1276–1311
74.	Transcript re Status Check on Appointment of Special Master	02/02/18	6	1312–1332
75.	Notice of Entry of Order Denying Plaintiffs' Motion for Bifurcation and/or to Limit Issues for Trial per NRCP 42(B)	02/02/18	6	1333–1337
76.	Notice of Entry of Order Granting Plaintiffs' Motion to Appoint a Special Master	02/08/18	6	1338–1345
77.	Transcript re Appointment of Special Master	02/15/18	6	1346–1376

78.	Notice of Entry of Order Modifying Court's Previous Order of February 7, 2018 Appointing a Special Master	02/16/18	6	1377–1380
79.	Clerk's Certificate Judgment	05/07/18	6	1381–1386
80.	Transcript re Plaintiffs' Motion for Miscellaneous Relief	05/23/18	6	1387–1463
81.	Transcript re Plaintiffs' Motion to Hold Defendants in Contempt; Strike Their Answer	06/01/18	6 7	1464–1500 1501–1508
82.	Transcript re Plaintiff's Motion for Partial Summary Judgment	06/05/18	7	1509–1580
83.	Notice of Entry of Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment	08/22/18	7	1581–1646
84.	Motion to Amend Judgment	08/22/18	7	1647–1655
85.	Opposition to Plaintiffs' Motion to Amend Judgment	09/10/18	7	1656–1680
86.	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Amend Judgment	09/20/18	7	1681–1737
87.	Notice of Appeal	09/21/18	7	1738–1739
88.	Defendants' Case Appeal Statement	09/21/18	7	1740–1744
89.	Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening	09/21/18	7 8	1745–1750 1751–1769
90.	Plaintiffs' Response and Counter-motion to Defendants Motion on OST to Quash	09/24/18	8	1770–1845
91.	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	09/26/18	8	1846–1913

92.	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, and 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	8	1914–1980
93.	Claim of Exemption from Execution – A Cab Series, LLC, Maintenance Company	10/04/18	8	1981–1986
94.	Claim of Exemption from Execution – A Cab Series, LLC, CCards Company	10/04/18	8	1987–1992
95.	Claim of Exemption from Execution – A Cab Series, LLC, Administration Company	10/04/18	8	1993–1998
96.	Claim of Exemption from Execution – A Cab Series, LLC, Taxi Leasing Company	10/04/18	8 9	1999–2000 2001–2004
97.	Claim of Exemption from Execution – A Cab Series, LLC, Employee Leasing Company Two	10/04/18	9	2005–2010
98.	Claim of Exemption from Execution – A Cab Series, LLC, Medallion Company	10/04/18	9	2011–2016
99.	Plaintiffs' Motion for an Award of Attorneys Fees and Costs as per NRCF Rule 54 and the Nevada Constitution	10/12/18	9	2017–2041
100.	Notice of Entry of Order	10/22/18	9	2042–2045
101.	Transcript Re All Pending Motions	10/22/18	9	2046–2142
102.	Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCF Rule 54 and the Nevada Constitution	10/29/18	9	2143–2155

103.	Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution	11/01/18	9 10	2156–2250 2251–2294
104.	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution	11/08/18	10	2295–2303
105.	Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution	11/16/18	10	2304–2316
106.	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution	11/28/18	10	2317–2323
107.	Recorder's Transcript of Hearing on All Pending Motions	12/04/18	10	2324–2405
108.	Transcript Re Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt	12/11/18	10	2406–2423
109.	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	10	2424–2475
110.	Notice of Entry of Order Denying Defendants' Motion to Quash Writ of Execution	12/18/18	10	2476–2498

111.	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Objections to Defendants' Claims of Exemption from Execution	12/18/18	10 11	2499–2500 2501–2502
112.	Notice of Entry of Order Granting Plaintiffs' Counter Motion for Judgment Enforcement Relief	01/02/19	11	2503–2510
113.	Amended Notice of Appeal	01/15/19	11	2511–2513
114.	Defendants' Amended Case Appeal Statement	01/15/19	11	2514–2518
115.	Notice of Entry of Order on Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt	02/05/19	11	2519–2528
116.	Notice of Entry of Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs Pursuant to NRCP 54 and the Nevada Constitution	02/07/19	11	2529–2539
117.	Notice of Entry of Order Denying in Part and Continuing in Part Plaintiffs' Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct A Prove Up Hearing, and Coordinate Cases	03/05/19	11	2540–2543
118.	Notice of Entry of Order on Defendants' Motion for Reconsideration	03/05/19	11	2544–2549
119.	Second Amended Notice of Appeal	03/06/19	11	2550–2553
120.	Defendant's Second Amended Case Appeal Statement	03/06/19	11	2554–2558
121.	Notice of Entry of Order on Special Master Resolution Economics' Ex Parte Motion for Order Shortening Time on the Motion to Strike Defendants' Motion for	03/15/19	11	2559–2563

	Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Masters Fees and Oder of Contempt			
122.	Stipulation and Order to Continue Hearings	05/17/19	11	2564–2566
123.	Stipulation and Order to Continue Hearings	05/20/19	11	2567–2569
124.	Recorder’s Transcript of Hearing re All Pending Motions	05/21/19	11	2570–2617
125.	Notice of Entry of Order Denying Defendants’ Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master’s Fees and Order of Contempt	08/08/19	11	2618–2623
126.	Recorder’s Transcript of Hearing re All Pending Motions	12/03/19	11	2624–2675
127.	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	07/17/20	11	2676–2682
128.	Notice of Appeal	08/12/20	11	2683–2684
129.	Case Appeal Statement	08/12/20	11	2685–2688
130.	Amended Case Appeal Statement	08/20/20	11	2689–2693
131.	Clerk’s Certificate Judgment	12/15/20	11	2694–2702

132.	Notice of Entry of Order on Plaintiff's Motion for Appointment of Receiver to Aid Judgment Enforcement of Alternative Relief	02/22/21	11	2703–2708
133.	Notice of Appeal	02/23/21	11	2709–2710
134.	Case Appeal Statement	02/23/21	11	2711–2716
135.	Defendants' Motion for Costs	01/13/22	11 12	2717–2750 2751–2810
136.	Plaintiffs' Response to Defendants' Motion for Costs & Counter Motion to Offset Costs Against Judgment	02/03/22	12	2811–2825
137.	Reply in Support of Defendants' Motion for Costs and Opposition to Countermotion	02/09/22	12	2826–2846
138.	Supplement to Plaintiffs' Response to Defendants' Motion for Costs	02/10/22	12	2847–2850
139.	Defendants' Supplement to Response and Opposition to Plaintiffs' Rogue Supplement	02/10/22	12	2851–2853
140.	Defendants' Motion for Declaratory Order	02/11/22	12 13	2854–3000 3001–3064
141.	Plaintiffs' Motion for Entry of a Modified Judgment as Provided for by Remittitur	02/14/22	13	3065–3221
142.	Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	02/16/22	13 14	3222–3250 3251–3272
143.	Recorder's Transcript of Hearing re All Pending Motions	02/16/22	14	3273–3301
144.	Plaintiffs' Motion for an Award of Attorney's Fees on Appeal	02/17/22	14	3302–3316
145.	Plaintiffs' Motion for an Award of Attorney's Fees on Appeal of Order Denying Receiver, Opposing Mooted	02/22/22	14	3317–3332

	Motion for Attorney's Fees, and for Costs on Appeal			
146.	Errata to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	02/23/22	14	3333–3336
147.	Plaintiffs' Response to Defendants' Motion for Declaratory Order & Counter-Motion for Award of Attorney's Fees	02/25/22	14	3337–3384
148.	Defendants' Motion to Stay on Order Shortening Time	02/28/22	14 15	3385–3500 3501–3512
149.	Opposition to Plaintiffs' Motion for Entry of a Modified Judgment as Provided for by Remittitur	02/28/22	15 16	3513–3750 3751–3786
150.	Opposition to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees and as Provided for by Remittitur	03/02/22	16	3787–3796
151.	Opposition to Plaintiffs' Motion for an Award of Attorney's Fees on Appeal	03/03/22	16	3797–3817
152.	Plaintiffs' Response to Defendants' Motion for Stay on Order Shortening Time and Counter-Motion for Award of Attorney's Fees	03/04/22	16	3818–3859
153.	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	03/08/22	16	3860–3886
154.	Reply in Support of Defendants' Motion to Stay on Order Shortening Time	03/08/22	16	3887–3901
155.	Recorder's Transcript of Hearing re Defendant's Motion to Stay on OST	03/09/22	16	3902–3916

156.	Notice of Entry of Order Granting Defendants' Motion to Stay	05/03/22	16	3917–3921
157.	Notice of Entry of Order Granting Defendants' Motion for Costs	05/17/22	16	3922–3927
158.	Notice of Entry of Order Granting Defendants' Motion for Release of Cost Bonds	05/20/22	16	3928–3933
159.	Plaintiffs' Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs	05/31/22	16 17	3934–4000 4001–4089
160.	Notice of Entry of Order Granting Defendants' Motion for Costs	06/03/22	17	4090–4093
161.	Opposition to Plaintiffs' Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs and Countermotion for Attorney's Fees	06/14/22	17	4094–4193
162.	Notice of Appeal	06/14/22	17	4194–4195
163.	Case Appeal Statement	06/14/22	17	4196–4201
164.	Plaintiffs' Motion to Reconsider Award of Costs	06/16/22	17 18	4202–4250 4251–4356
165.	Transcript of Proceedings re Plaintiffs' Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief	06/29/22	18	4357–4379
166.	Opposition to Plaintiffs' Motion to Reconsider Award of Costs and Countermotion to Strike Duplicative Order	06/30/22	18	4380–4487
167.	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs	07/01/22	18 19	4488–4500 4501–4666

168.	Order Denying Motion Without Prejudice and with Leave to Renew	07/08/22	19	4667–4670
169.	Notice of Entry of Order Denying Plaintiffs’ Motion for Turnover of Property Pursuant to NRS 21.230 or Alternative Relief Without Prejudice	07/08/22	19	4671–4676
170.	Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion to Reconsider Award of Costs and Response to Defendants’ Counter-Motion	07/21/22	19	4677–4716
171.	Transcript of Proceedings re Case Management Conference	07/25/22	19 20	4717–4750 4751–4766
172.	Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion for Entry of Modified Judgment as Provided for by Remittitur	08/12/22	20	4767–4835
173.	Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion for Entry of Modified Award of Pre-Judgment Attorney’s Fees and Provided for by Remittitur	08/12/22	20	4836–4840
174.	Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal	08/12/22	20	4841–4845
175.	Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion for an Award of Attorneys’ Fees on Appeal of Order Denying Receiver, Opposing Mooted Motion for Attorney’s Fees, and for Costs on Appeal	08/12/22	20	4846–4867
176.	Plaintiffs’ Motion to Lift Stay and Have Pending Motions Decided	08/12/22	20	4868–4882
177.	Response to Plaintiffs’ Motion to Lift Stay and Have Pending Motions Decided	08/26/22	20	4883–4936

178.	Supplement to Defendants' Response to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	08/29/22	20	4937–4961
179.	Second Supplement to Defendants' Response to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	09/09/22	20	4962–4966
180.	Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	09/13/22	20	4967–4983
181.	Order Granting Motion to Lift Stay and Regarding Additional Briefing and Motion Practice	09/19/22	20	4984–4989
182.	Defendants' Omnibus Brief Pursuant to Court Order	09/30/22	20 21	4990–5000 5001–5199
183.	Exhibits 6-14 to Defendants' Omnibus Brief Pursuant to Court Order	09/30/22	21 22	5200–5250 5251–5300
184.	Plaintiffs' Omnibus Brief Pursuant to the Court's Order of September 19, 2022	09/30/22	22	5301–5309
185.	Defendants' Motion for Costs	10/24/22	22	5310–5326
186.	Notice of Non-Opposition to Defendants' Motion for Costs	11/01/22	22	5327–5329
187.	Plaintiffs' Opposition to Defendants' Motion for Costs	11/04/22	22	5330–5333
188.	Reply in Support of Defendants' Motion for Costs	11/07/22	22	5334–5337
189.	Notice of Entry of Order Granting Plaintiff's Motion for Entry of a Modified Judgment as Provided for by Remittitur	11/14/22	22	5338–5344
190.	Notice of Entry of Order Granting Plaintiff's Motion for Entry of a Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	11/14/22	22	5345–5350
191.	Order Amending the Class	11/17/22	22	5351–5355

192.	Notice of Entry of Order Modifying Final Judgment Entered on August 21, 2018	11/17/22	22	5356–5376
193.	Notice of Entry of Order Granting Plaintiffs’ Motion for Award of Attorney’s Fees on Appeal	11/17/22	22	5377–5382
194.	Notice of Entry of Order Continuing Decision on 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 of Appeal	11/17/22	22	5383–5386
195.	Notice of Entry of Order Denying Defendants’ Motions for Sanctions	11/17/22	22	5387–5391
196.	Notice of Entry of Order Denying Defendants’ Motion for Costs	11/17/22	22	5392–5395
197.	Notice of Entry of Order on Motion for Costs	11/17/22	22	5396–5398
198.	Order Granting Motion to Stay, Offset, or Apportion Award of Cost	11/17/22	22	5399–5403
199.	Notice of Entry of Order Modifying Order on February 6, 2019 Granting Plaintiffs an Award of Attorney’s Fees and Costs	11/18/22	22	5404–5409
200.	Notice of Entry of Order on Motion to Distribute Funds Held by Class Counsel on and Order Shortening Time	11/21/22	22	5410–5421
201.	Notice of Entry of Order Denying Plaintiffs Motion to Reconsider Award of Costs and Striking June 3, 2022 Order	11/23/22	22	5422–5429
202.	Notice of Appeal	12/14/22	22 23	5430–5500 5501–5511
203.	Appellant’s Case Appeal Statement	12/14/22	23	5512–5516
204.	Notice of Removal	12/14/22	23	5517–5526

205.	Recorder's Transcript of Hearing on Argument re Post Judgment Receiver Motion to Distribute Funds Held by Class Counsel on an Order Shortening Time	12/15/22	23	5527–5530
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ALPHABETICAL TABLE OF CONTENTS TO APPENDIX

Tab	Document	Date	Vol.	Pages
130	Amended Case Appeal Statement	08/20/20	11	2689–2693
113	Amended Notice of Appeal	01/15/19	11	2511–2513
203	Appellant’s Case Appeal Statement	12/14/22	23	5512–5516
129	Case Appeal Statement	08/12/20	11	2685–2688
134	Case Appeal Statement	02/23/21	11	2711–2716
163	Case Appeal Statement	06/14/22	17	4196–4201
95	Claim of Exemption from Execution – A Cab Series, LLC, Administration Company	10/04/18	8	1993–1998
94	Claim of Exemption from Execution – A Cab Series, LLC, CCards Company	10/04/18	8	1987–1992
97	Claim of Exemption from Execution – A Cab Series, LLC, Employee Leasing Company Two	10/04/18	9	2005–2010
93	Claim of Exemption from Execution – A Cab Series, LLC, Maintenance Company	10/04/18	8	1981–1986
98	Claim of Exemption from Execution – A Cab Series, LLC, Medallion Company	10/04/18	9	2011–2016
96	Claim of Exemption from Execution – A Cab Series, LLC, Taxi Leasing Company	10/04/18	8 9	1999–2000 2001–2004
79	Clerk’s Certificate Judgment	05/07/18	6	1381–1386
131	Clerk’s Certificate Judgment	12/15/20	11	2694–2702
1	Complaint	10/08/12	1	1–8
5	Defendant A Cab, LLC’s Answer to Complaint	04/22/13	1	48–52
7	Defendant A Cab, LLC’s Answer to First Amended Complaint	05/23/13	1	57–61

17	Defendant A Cab, LLC's Answer to Second Amended Complaint	09/14/15	1	163–169
18	Defendant Creighton J. Nady's Answer to Second Amended Complaint	10/06/15	1	170–176
89	Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening	09/21/18	7 8	1745–1750 1751–1769
120	Defendant's Second Amended Case Appeal Statement	03/06/19	11	2554–2558
114	Defendants' Amended Case Appeal Statement	01/15/19	11	2514–2518
51	Defendants' Case Appeal Statement	03/20/17	4	858–862
88	Defendants' Case Appeal Statement	09/21/18	7	1740–1744
135	Defendants' Motion for Costs	01/13/22	11 12	2717–2750 2751–2810
185	Defendants' Motion for Costs	10/24/22	22	5310–5326
140	Defendants' Motion for Declaratory Order	02/11/22	12 13	2854–3000 3001–3064
148	Defendants' Motion to Stay on Order Shortening Time	02/28/22	14 15	3385–3500 3501–3512
182	Defendants' Omnibus Brief Pursuant to Court Order	09/30/22	20 21	4990–5000 5001–5199
139	Defendants' Supplement to Response and Opposition to Plaintiffs' Rogue Supplement	02/10/22	12	2851–2853
146	Errata to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	02/23/22	14	3333–3336
183	Exhibits 6-14 to Defendants' Omnibus Brief Pursuant to Court Order	09/30/22	21 22	5200–5250 5251–5300

3	First Amended Complaint	01/30/13	1	32–38
8	Joint Case Conference Report	05/28/13	1	62–69
21	Joint Case Conference Report	11/25/15	2	378–386
84	Motion to Amend Judgment	08/22/18	7	1647–1655
50	Notice of Appeal	03/20/17	4	856–857
87	Notice of Appeal	09/21/18	7	1738–1739
128	Notice of Appeal	08/12/20	11	2683–2684
133	Notice of Appeal	02/23/21	11	2709–2710
162	Notice of Appeal	06/14/22	17	4194–4195
202	Notice of Appeal	12/14/22	22 23	5430–5500 5501–5511
4	Notice of Entry of Decision and Order	02/13/13	1	39–47
56	Notice of Entry of Decision and Order	06/07/17	5	1033–1050
53	Notice of Entry of Discovery Commissioner’s Report & Recommendations	05/18/17	4	872–880
65	Notice of Entry of Discovery Commissioner’s Report & Recommendations	10/24/17	5	1124–1131
36	Notice of Entry of Discovery Commissioner’s Report and Recommendations	07/13/16	3	547–553
6	Notice of Entry of Order	05/06/13	1	53–56
66	Notice of Entry of Order	12/12/17	5	1132–1135
67	Notice of Entry of Order	12/12/17	5	1136–1139
72	Notice of Entry of Order	01/22/18	6	1270–1275
100	Notice of Entry of Order	10/22/18	9	2042–2045
194	Notice of Entry of Order Continuing Decision on Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal of	11/17/22	22	5383–5386

	Order Denying Receiver, Opposing Mooted Motion for Attorney's Fees, and for Costs of Appeal			
25	Notice of Entry of Order Denying Defendant's Motion to Dismiss and for Summary Judgment Against Michael Murray	02/18/16	2	431–434
26	Notice of Entry of Order Denying Defendant's Motion to Dismiss and for Summary Judgment Against Michael Reno	02/18/16	2	435–438
196	Notice of Entry of Order Denying Defendants' Motion for Costs	11/17/22	22	5392–5395
34	Notice of Entry of Order Denying Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations	05/27/16	3	525–528
125	Notice of Entry of Order Denying Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt	08/08/19	11	2618–2623
110	Notice of Entry of Order Denying Defendants' Motion to Quash Writ of Execution	12/18/18	10	2476–2498
195	Notice of Entry of Order Denying Defendants' Motions for Sanctions	11/17/22	22	5387–5391
117	Notice of Entry of Order Denying in Part and Continuing in Part Plaintiffs' Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant	03/05/19	11	2540–2543

	Partial Summary Judgment, Direct A Prove Up Hearing, and Coordinate Cases			
201	Notice of Entry of Order Denying Plaintiffs Motion to Reconsider Award of Costs and Striking June 3, 2022 Order	11/23/22	22	5422–5429
9	Notice of Entry of Order Denying Plaintiffs’ Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)	05/29/13	1	70–73
62	Notice of Entry of Order Denying Plaintiffs’ Counter-Motion for Sanctions and Attorneys’ Fees and Order Denying Plaintiffs’ Anti-SLAPP Motion	07/31/17	5	1089–1092
75	Notice of Entry of Order Denying Plaintiffs’ Motion for Bifurcation and/or to Limit Issues for Trial per NRCP 42(B)	02/02/18	6	1333–1337
59	Notice of Entry of Order Denying Plaintiffs’ Motion for Partial Summary Judgment	07/17/17	5	1079–1084
169	Notice of Entry of Order Denying Plaintiffs’ Motion for Turnover of Property Pursuant to NRS 21.230 or Alternative Relief Without Prejudice	07/08/22	19	4671–4676
127	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	07/17/20	11	2676–2682

30	Notice of Entry of Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants	04/07/16	2	477–480
45	Notice of Entry of Order Granting Certain Relief on Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief	02/16/17	4	827–830
157	Notice of Entry of Order Granting Defendants' Motion for Costs	05/17/22	16	3922–3927
160	Notice of Entry of Order Granting Defendants' Motion for Costs	06/03/22	17	4090–4093
158	Notice of Entry of Order Granting Defendants' Motion for Release of Cost Bonds	05/20/22	16	3928–3933
31	Notice of Entry of Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order	04/07/16	2	481–484
156	Notice of Entry of Order Granting Defendants' Motion to Stay	05/03/22	16	3917–3921
22	Notice of Entry of Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statute of Limitations	12/22/15	2	387–391
40	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief	11/23/16	3	672–677
46	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and	02/21/17	4	831–834

	Designated as Complex Litigation per NRCP 16.1(f)			
111	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Objections to Defendants' Claims of Exemption from Execution	12/18/18	10 11	2499–2500 2501–2502
15	Notice of Entry of Order Granting Motion to Serve and File a Second Amended and Supplemental Complaint	08/17/15	1	141–144
189	Notice of Entry of Order Granting Plaintiff's Motion for Entry of a Modified Judgment as Provided for by Remittitur	11/14/22	22	5338–5344
190	Notice of Entry of Order Granting Plaintiff's Motion for Entry of a Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	11/14/22	22	5345–5350
112	Notice of Entry of Order Granting Plaintiffs' Counter Motion for Judgment Enforcement Relief	01/02/19	11	2503–2510
116	Notice of Entry of Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs Pursuant to NRCP 54 and the Nevada Constitution	02/07/19	11	2529–2539
193	Notice of Entry of Order Granting Plaintiffs' Motion for Award of Attorney's Fees on Appeal	11/17/22	22	5377–5382
76	Notice of Entry of Order Granting Plaintiffs' Motion to Appoint a Special Master	02/08/18	6	1338–1345
24	Notice of Entry of 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	02/10/16	2	413–430

	Appoint a Special Master Under NRCP Rule 53			
35	Notice of Entry of 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 and Amended by this Court in Response to Defendant's Motion for Reconsideration Heard in Chambers on March 28,2016	06/07/16	3	529–546
83	Notice of Entry of Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment	08/22/18	7	1581–1646
78	Notice of Entry of Order Modifying Court's Previous Order of February 7, 2018 Appointing a Special Master	02/16/18	6	1377–1380
192	Notice of Entry of Order Modifying Final Judgment Entered on August 21, 2018	11/17/22	22	5356–5376
199	Notice of Entry of Order Modifying Order on February 6, 2019 Granting Plaintiffs an Award of Attorney's Fees and Costs	11/18/22	22	5404–5409
70	Notice of Entry of Order of Appointment of Co-Class Counsel Christian Gabroy	01/04/18	6	1262–1265
27	Notice of Entry of Order of Discovery Commissioner's Report and Recommendation	03/04/16	2	439–446
28	Notice of Entry of Order of Discovery Commissioner's Report and Recommendation	03/04/16	2	447–460
52	Notice of Entry of Order of Discovery Commissioner's Report and Recommendations	03/31/17	4	863–871

48	Notice of Entry of Order of Discovery Commissioners Report and Recommendations	03/13/17	4	839–847
49	Notice of Entry of Order of Discovery Commissioners Report and Recommendations	03/13/17	4	848–855
47	Notice of Entry of Order of Stipulation and Order	03/09/17	4	835–838
33	Notice of Entry of Order on Defendants’ Motion for Reconsideration	04/28/16	3	521–524
118	Notice of Entry of Order on Defendants’ Motion for Reconsideration	03/05/19	11	2544–2549
115	Notice of Entry of Order on Judgment and Order Granting Resolution Economics’ Application for Order of Payment of Special Master’s Fees and Order of Contempt	02/05/19	11	2519–2528
197	Notice of Entry of Order on Motion for Costs	11/17/22	22	5396–5398
200	Notice of Entry of Order on Motion to Distribute Funds Held by Class Counsel on and Order Shortening Time	11/21/22	22	5410–5421
132	Notice of Entry of Order on Plaintiff’s Motion for Appointment of Receiver to Aid Judgment Enforcement of Alternative Relief	02/22/21	11	2703–2708
121	Notice of Entry of Order on 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	03/15/19	11	2559–2563

	Special Masters Fees and Oder of Contempt			
71	Notice of Entry of Order Stipulation and Order	01/16/18	6	1266–1269
10	Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) days	01/29/14	1	74–78
11	Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) days (Second Request)	04/23/14	1	79–83
12	Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Sixty (60) days (Third Request)	07/28/14	1	84–87
186	Notice of Non-Opposition to Defendants’ Motion for Costs	11/01/22	22	5327–5329
204	Notice of Removal	12/14/22	23	5517–5526
151	Opposition to Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal	03/03/22	16	3797–3817
153	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	03/08/22	16	3860–3886
103	Opposition to Plaintiffs’ Motion for an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution	11/01/18	9 10	2156–2250 2251–2294
149	Opposition to Plaintiffs’ Motion for Entry of a Modified Judgment as Provided for by Remittitur	02/28/22	15 16	3513–3750 3751–3786
150	Opposition to Plaintiffs’ Motion for Entry of Modified Award of Pre-Judgment	03/02/22	16	3787–3796

	Attorney's Fees and as Provided for by Remittitur			
85	Opposition to Plaintiffs' Motion to Amend Judgment	09/10/18	7	1656–1680
105	Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution	11/16/18	10	2304–2316
166	Opposition to Plaintiffs' Motion to Reconsider Award of Costs and Countermotion to Strike Duplicative Order	06/30/22	18	4380–4487
161	Opposition to Plaintiffs' Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs and Countermotion for Attorney's Fees	06/14/22	17	4094–4193
60	Order	07/17/17	5	1085–1086
61	Order	07/17/17	5	1087–1088
191	Order Amending the Class	11/17/22	22	5351–5355
168	Order Denying Motion Without Prejudice and with Leave to Renew	07/08/22	19	4667–4670
181	Order Granting Motion to Lift Stay and Regarding Additional Briefing and Motion Practice	09/19/22	20	4984–4989
198	Order Granting Motion to Stay, Offset, or Apportion Award of Cost	11/17/22	22	5399–5403
144	Plaintiffs' Motion for an Award of Attorney's Fees on Appeal	02/17/22	14	3302–3316
145	Plaintiffs' Motion for an Award of Attorney's Fees on Appeal of Order Denying Receiver, Opposing Mooted Motion for Attorney's Fees, and for Costs on Appeal	02/22/22	14	3317–3332

99	Plaintiffs' Motion for an Award of Attorneys Fees and Costs as per NRCF Rule 54 and the Nevada Constitution	10/12/18	9	2017–2041
141	Plaintiffs' Motion for Entry of a Modified Judgment as Provided for by Remittitur	02/14/22	13	3065–3221
142	Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	02/16/22	13 14	3222–3250 3251–3272
102	Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCF Rule 54 and the Nevada Constitution	10/29/18	9	2143–2155
176	Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	08/12/22	20	4868–4882
164	Plaintiffs' Motion to Reconsider Award of Costs	06/16/22	17 18	4202–4250 4251–4356
159	Plaintiffs' Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs	05/31/22	16 17	3934–4000 4001–4089
184	Plaintiffs' Omnibus Brief Pursuant to the Court's Order of September 19, 2022	09/30/22	22	5301–5309
187	Plaintiffs' Opposition to Defendants' Motion for Costs	11/04/22	22	5330–5333
180	Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	09/13/22	20	4967–4983
86	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Amend Judgment	09/20/18	7	1681–1737
104	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs as	11/08/18	10	2295–2303

	Per NRCP Rule 54 and the Nevada Constitution			
106	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution	11/28/18	10	2317–2323
167	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Stay, Offset, or Apportion Award of Costs and/or Reconsider Award of Costs	07/01/22	18 19	4488–4500 4501–4666
170	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Reconsider Award of Costs and Response to Defendants' Counter-Motion	07/21/22	19	4677–4716
172	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Entry of Modified Judgment as Provided for by Remittitur	08/12/22	20	4767–4835
173	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees and Provided for by Remittitur	08/12/22	20	4836–4840
174	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for an Award of Attorney's Fees on Appeal	08/12/22	20	4841–4845
175	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for an Award of Attorneys' Fees on Appeal of Order Denying Receiver, Opposing Mooted Motion for Attorney's Fees, and for Costs on Appeal	08/12/22	20	4846–4867

90	Plaintiffs' Response and Counter-motion to Defendants Motion on OST to Quash	09/24/18	8	1770–1845
136	Plaintiffs' Response to Defendants' Motion for Costs & Counter Motion to Offset Costs Against Judgment	02/03/22	12	2811–2825
147	Plaintiffs' Response to Defendants' Motion for Declaratory Order & Counter-Motion for Award of Attorney's Fees	02/25/22	14	3337–3384
152	Plaintiffs' Response to Defendants' Motion for Stay on Order Shortening Time and Counter-Motion for Award of Attorney's Fees	03/04/22	16	3818–3859
107	Recorder's Transcript of Hearing on All Pending Motions	12/04/18	10	2324–2405
205	Recorder's Transcript of Hearing on Argument re Post Judgment Receiver Motion to Distribute Funds Held by Class Counsel on an Order Shortening Time	12/15/22	23	5527–5530
124	Recorder's Transcript of Hearing re All Pending Motions	05/21/19	11	2570–2617
126	Recorder's Transcript of Hearing re All Pending Motions	12/03/19	11	2624–2675
143	Recorder's Transcript of Hearing re All Pending Motions	02/16/22	14	3273–3301
155	Recorder's Transcript of Hearing re Defendant's Motion to Stay on OST	03/09/22	16	3902–3916
63	Recorder's Transcript of Proceeding re Discovery Conference	08/08/17	5	1093–1110
64	Recorder's Transcript of Proceeding re Discovery Conference – Referred by Judge	10/04/17	5	1111–1123

20	Recorder's Transcript of Proceedings for All Pending Motions	11/18/15	2	346–377
23	Recorder's Transcript of Proceedings for Discovery Production/Deferred Ruling – Defendant's Rule 37 Sanctions	01/13/16	2	392–412
32	Recorder's Transcript of Proceedings for Further Proceedings on Discovery Production/Deferred Ruling	04/08/16	2 3	485–500 501–520
13	Recorder's Transcript of Proceedings Notice of Plaintiffs' Motion to Compel the Production of Documents	03/18/15	1	88–107
42	Recorder's Transcript of Proceedings re Plaintiffs' Motion to Compel the Production of Documents	01/25/17	3 4	742–750 751–787
43	Recorder's Transcript of Proceedings re Plaintiffs' Motion to Compel Compliance with Subpoena	02/08/17	4	788–806
39	Recorder's Transcript of Proceedings re Status Check Compliance	11/18/16	3	647–671
188	Reply in Support of Defendants' Motion for Costs	11/07/22	22	5334–5337
137	Reply in Support of Defendants' Motion for Costs and Opposition to Countermotion	02/09/22	12	2826–2846
154	Reply in Support of Defendants' Motion to Stay on Order Shortening Time	03/08/22	16	3887–3901
177	Response to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	08/26/22	20	4883–4936
16	Second Amended Complaint and Supplemental Complaint	08/19/15	1	145–162
119	Second Amended Notice of Appeal	03/06/19	11	2550–2553

179	Second Supplement to Defendants' Response to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	09/09/22	20	4962–4966
58	Stipulation and Order	07/11/17	5	1073–1078
122	Stipulation and Order to Continue Hearings	05/17/19	11	2564–2566
123	Stipulation and Order to Continue Hearings	05/20/19	11	2567–2569
178	Supplement to Defendants' Response to Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided	08/29/22	20	4937–4961
138	Supplement to Plaintiffs' Response to Defendants' Motion for Costs	02/10/22	12	2847–2850
19	Transcript of Proceedings of All Pending Motions	11/03/15	1 2	177–250 251–345
171	Transcript of Proceedings re Case Management Conference	07/25/22	19 20	4717–4750 4751–4766
41	Transcript of Proceedings re Motion to Compel Interrogatory Responses on Status Check Compliance - Report and Recommendation	12/09/16	3	678–741
38	Transcript of Proceedings re Motions Status Check, Compliance Status Check, and Production Status Check	10/12/16	3	597–646
37	Transcript of Proceedings re Plaintiff's Motion to Compel the Production of Documents and Interrogatory Responses - Status Check on Status of Case	09/07/16	3	554–596
165	Transcript of Proceedings re Plaintiffs' Motion for Turnover of Property Pursuant to NRS 21.320 or Alternative Relief	06/29/22	18	4357–4379

54	Transcript re All Pending Motions	05/18/17	4 5	881–1000 1001–1011
101	Transcript Re All Pending Motions	10/22/18	9	2046–2142
77	Transcript re Appointment of Special Master	02/15/18	6	1346–1376
91	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	09/26/18	8	1846–1913
92	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, and 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	8	1914–1980
69	Transcript re Defendant’s Motion for Summary Judgment	01/02/18	5 6	1199–1250 1251–1261
2	Transcript re Defendant’s Motion to Dismiss Complaint	01/17/13	1	9–31
82	Transcript re Plaintiff’s Motion for Partial Summary Judgment	06/05/18	7	1509–1580
57	Transcript re Plaintiff’s Motion on Order Shortening Time and Extend Damages Class Certification and for Other Relief	06/13/17	5	1051–1072
55	Transcript re Plaintiff’s Re-Notice of Motion for Partial Summary Judgment	05/25/17	5	1012–1032
109	Transcript re Plaintiffs Ex Parte Motion for a Temporary Restraining Order and Motion on an Order Requiring the Turnover of Certain Property of the	12/13/18	10	2424–2475

	Judgment Debtor Pursuant to NRS 21.320			
80	Transcript re Plaintiffs' Motion for Miscellaneous Relief	05/23/18	6	1387–1463
44	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	4	807–826
14	Transcript re Plaintiffs' Motion to Certify This Case as a Class Action Pursuant to NCRP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53	08/11/15	1	108–140
81	Transcript re Plaintiffs' Motion to Hold Defendants in Contempt; Strike Their Answer	06/01/18	6 7	1464–1500 1501–1508
73	Transcript re Plaintiffs' Omnibus Motion in Limine 1-25, Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts	01/25/18	6	1276–1311
108	Transcript Re Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt	12/11/18	10	2406–2423
74	Transcript re Status Check on Appointment of Special Master	02/02/18	6	1312–1332
68	Transcript Re: Plaintiff's Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier	12/14/17	5	1140–1198

	Minimum Wage and Declare NAC 608.102(2)(b) Invalid			
29	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; and Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs	03/16/16	2	461–476

CERTIFICATE OF SERVICE

I certify that on the 26th day of January, 2024, I submitted the foregoing “Appellant’s Appendix” for e- filing and service via the Court’s eFlex electronic filing system. Electronic service of the forgoing documents shall be made upon all parties listed on the Master Service List.

LEON GREENBERG
RUTHANN DEVEREAUX-GONZALEZ
LEON GREENBERG
PROFESSIONAL CORPORATION
2965 South Jones Blvd., Suite E3
Las Vegas, Nevada 89146

CHRISTIAN GABROY
GABROY LAW OFFICES
170 S. Green Valley Parkway, Suite 280
Henderson, Nevada 89012

Attorneys for Respondents

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

1 process to make a finding in respect to damages and enter an appropriate final
2 judgment for the class, as I have proposed in my motion. I know you don't want
3 to address those processes or proceedings right now, but I would hope we would
4 formulate them very soon and have a date by which very quickly they will be
5 concluded.

6 At this point this is Your Honor's courtroom, it's Your Honor's case.
7 Your Honor could completely reverse course, simply wipe out its prior direction
8 issued in January and set this case for trial in a full-blown capacity I suppose in July
9 or very quickly, depending on Your Honor's schedule. I don't believe that would be
10 fair to the class. I don't believe that's the right way to proceed, given what Your
11 Honor directed in January and defendants' contempt of the Court's order, but that
12 would bring finality.

13 THE COURT: So you don't believe that's the way to proceed. You think
14 the Court should hold the defendant in contempt --

15 MR. GREENBERG: Absolutely, Your Honor.

16 THE COURT: -- and strike the answer.

17 MR. GREENBERG: And strike the answer. And then --

18 THE COURT: And then hold a default prove-up.

19 MR. GREENBERG: And we will have a prove-up and --

20 THE COURT: At which the plaintiffs would present what evidence to the
21 Court to establish all of the claims? Remind me, if you would, what years the
22 lawsuit claims cover.

23 MR. GREENBERG: The lawsuit involves the claims of a limited group of
24 drivers from 2007 through October of 2010 under a statute of limitations toll order

1 that Your Honor issued, okay. That's not all of the drivers for that period, but a
2 limited group of drivers. The rest of the class is from October of 2010 through
3 December 31st, 2015.

4 THE COURT: Right.

5 MR. GREENBERG: For the period 2013 through 2015, for those three
6 years we would propose to simply have a judgment entered in the form proposed
7 by the partial summary judgment motion based on the records the defendants
8 produced. And to the extent that any class member asserts they're owed something
9 additional for that period because their hours of work were in fact in excess of what's
10 shown by those records, they would be free to litigate that claim individually if they
11 chose to. I doubt anybody would, but the Court wouldn't have to preclude those
12 claims from being pursued individually. But those claims are extremely ripe and
13 appropriate for that sort of disposition because, again, they are based on these
14 records. I know we're not arguing the partial summary judgment again now, so I
15 don't want to go down that too far, Your Honor.

16 In respect to the time before 2013, it would be my proposal that the
17 Court simply adopt the average shift length shown by the 2013 through 2015
18 records. That average shift length is 9.21 hours. We would then apply that average
19 shift length to the spreadsheets that were constructed from defendants' records.
20 Again, we know how many shifts everybody worked each pay period. We know
21 what they were paid each pay period. So if we multiply the shifts by that 9.21 hours,
22 we get the total of the hours for the pay period. We can then divide that into the
23 gross wages for the pay period -- again, from defendants' records -- and then we
24 know if there was a deficiency and we can calculate it.

1 THE COURT: Is that a form of statistical sampling?

2 MR. GREENBERG: It's not statistical sampling, Your Honor, it's just what
3 we're essentially doing is supplying the Anderson-Mt. Clemens protocol on a mass
4 basis --

5 THE COURT: Uh-huh.

6 MR. GREENBERG: -- to the existing information. What the Court will be
7 saying is that --

8 THE COURT: By shifting the burden.

9 MR. GREENBERG: Well, the defendants didn't keep the records they were
10 required under statute, which was the issue in Mt. Clemens and the reason why an
11 average or approximation approach was adopted.

12 THE COURT: Right.

13 MR. GREENBERG: Yes.

14 THE COURT: I'm just -- you do mean by shifting the burden, that part of
15 the Mt. Clemens --

16 MR. GREENBERG: Well, that is correct, Your Honor. Well, I don't know
17 that Mt. Clemens necessarily used that exact language, but I would agree it
18 amounts to that and I think Your Honor's characterization is appropriate. We would
19 use the 9.21 hours, the average shift length, based on the fact that it's corroborated
20 for the three year period, 2013 through 2015, so presumably it's accurate. In fact,
21 if I was to bring in --

22 THE COURT: Okay. Let's hold off until we get to that motion.

23 MR. GREENBERG: Yeah. Okay. Your Honor, again, I was trying to sum
24 up here. Your Honor has given us a lot of your time. My point is we really need to

1 get progress to a final judgment and disposition in this case as swiftly and justly
2 as possible, and I urge Your Honor to chart a path along those lines.

3 THE COURT: My question really was about if the Court does hold
4 defendants in contempt, strikes the answer, sets a default prove-up hearing, are
5 you satisfied that you would have the evidence necessary to calculate the default
6 judgment here? But not of damages.

7 MR. GREENBERG: In the fashion I just outlined, Your Honor, absolutely.
8 And I would -- honestly, Your Honor, I would present it on papers to the Court. If
9 the Court believed that an in person hearing should be held, I could have Mr. Bass
10 come in or Dr. Clauretie as well. I would prefer not to do that because that is an
11 added expense, but if necessary we would arrange that and they can go over the
12 fact, they can affirm under oath. I mean, it's in a declaration as well that, look,
13 these are the records they got from the defendants, this is where they put them in
14 the spreadsheet, this is, you know, the multiplication or the division of the hours
15 and, you know, the taking of the 9.21 shift average. This is how it was done. This
16 is already in the record on the partial summary judgment motion, Your Honor. It's
17 in Dr. Clauretie's report.

18 I would propose -- and I will put into the record of this case the
19 calculations for every single pay period from defendants' records. There's
20 approximately 29,000 individual pay periods. We will analyze every single one,
21 applying that 9.21 average shift length, and the defendants will have that. If they
22 say the math is wrong or that we took incorrect information from their records, they
23 can be, if Your Honor believes they should be, I'm not sure they should be, I would
24 actually oppose that, but that's Your Honor's discretion in terms of what opportunity

1 Your Honor is going to give the defendants to present evidence, they can come in
2 and say the math is wrong, we didn't multiply these numbers right, or this amount
3 that appears as this person's wages paid or shifts worked for a particular period in
4 fact doesn't match the records the defendants turned over. I don't see that they're
5 going to be able to do that because it is defendants' information. They gave it all to
6 us. But presumably they could be given an opportunity to contest that. But they
7 won't be able to contest the methodology, the fact that the Court is going to assess
8 damages based upon that 9.21 hours of work assumption per shift based on
9 defendants' records and then calculate the deficiency accordingly.

10 I mean, this will all be specified on paper. There actually wouldn't
11 be a need for a prove-up hearing before Your Honor based on testimony because,
12 candidly, there would be no credibility issues to determine. There would be no
13 disputed issues of fact unless defendants are going to come in and say, oh, you see
14 this line here, you didn't multiply the number right, or you see this number you put
15 in on this line, this in fact doesn't match up with the information we gave you from
16 the QuickBooks records, it's not the actual information we produced to you, okay.
17 I don't think we're going to have an issue with either of those things.

18 THE COURT: And my last -- well, I don't think this is in the form of a
19 question, it's really more a comment, and that is if the -- going back to the issue of
20 whether or not the defendants are insolvent, whether or not instead of appointing
21 a receiver the Court could simply accomplish a similar goal of determining the truth
22 or falsity of that allegation, expand the duties of the special master.

23 MR. GREENBERG: I am sure the special master's firm will be well suited
24 to take on those responsibilities, Your Honor, but they're already owed \$41,000.

1 They're not going to do anything until they're paid.

2 THE COURT: Okay.

3 MR. GREENBERG: Thank you, Your Honor.

4 THE COURT: All right. The plaintiffs want the Court to hold the defendants
5 in contempt of Court based upon their failure to pay the \$41,000 which is already
6 owed to the special master. This Court is hesitant to do so in the face of the
7 protest, buttressed by an affidavit and some financial documents put forward by the
8 defendants because the Court is not sufficiently sure that a court can do that and
9 hold one in contempt and proceed ahead. I have indicated here the desire to see
10 some sort of authority, case authority, I presume, that -- not necessarily in Nevada
11 but some sort of case authority that courts have done that, but I don't have that
12 authority.

13 What I'm going to do is this. We're going to meet again on
14 Wednesday. I will give both sides until five o'clock on Tuesday. What's the date
15 next Tuesday?

16 THE CLERK: June 5th.

17 THE COURT: 5th?

18 THE CLERK: Yes.

19 THE COURT: The 5th of June to provide any list of authorities which they
20 think bear upon this issue. No briefing, no argument, just a list of any authorities.
21 Most particularly any authority of any case where a court has proceeded to hold
22 a defendant in contempt of court for failure to make certain payments where the
23 defendant claims that it's not contemptuous but rather that it does not have the
24 money and doesn't expect to have the money.

1 Then on Wednesday we will revisit the issue. I don't really anticipate
2 any further argument. I should be ready to simply announce whether or not I'm
3 going to grant the motion to hold the defendants in contempt and if I do so what sort
4 of sanction the Court may impose. The range, of course, includes incarceration,
5 essentially taking -- as well as essentially taking control of the business away from
6 the person and imposing a receiver or a special master to determine if it's really
7 true or not.

8 And then if that does not resolve these issues, then the Court will
9 proceed to hear the motion for partial summary judgment, the arguments on it. We
10 have all kinds of submissions, written submissions on the issues. We've attempted
11 to go back and review all of them. And so that's what we'll do.

12 Those are the three matters which are pending before the Court at
13 this time. Are there any other matters pending before the Court at this time?

14 MS. RODRIGUEZ: Your Honor, I'm sorry, but I fly out Wednesday morning
15 to Reno. I have an arbitration, but I also am taking my mother and my family to
16 Lake Tahoe, so I already have plane tickets for everyone. I can meet the Tuesday
17 five o'clock deadline and I can be here Monday or Tuesday and then I'm only gone
18 Wednesday, Thursday and Friday, so I will be back the following week as well,
19 Your Honor.

20 THE COURT: We're not going to wait. We will hold the hearing then on
21 Tuesday at three o'clock.

22 MS. RODRIGUEZ: Thank you, Your Honor.

23 THE COURT: And that means that any authorities must be transmitted to
24 me by the close of business on Monday. Okay?

1 MR. GREENBERG: Yes, Your Honor.

2 THE COURT: Are there any other matters that are pending or open before
3 the Court?

4 MR. GREENBERG: I appreciate Your Honor's attention to all of this and
5 I would just urge Your Honor to also, regardless of whatever decision you advise us
6 of on Tuesday, to please have I hope a good vision and view as to how we're going
7 to proceed to bring this matter to a conclusion. I would urge that upon the Court.

8 Thank you.

9 THE COURT: All right. We'll see you Tuesday at 3:00.

10 MS. RODRIGUEZ: Thank you.

11 MR. GABROY: Thank you, Your Honor.

12 (PROCEEDINGS CONCLUDED AT 11:25 A.M.)

13 * * * * *

14

15 ATTEST: I do hereby certify that I have truly and correctly transcribed the
16 audio/video proceedings in the above-entitled case to the best of my ability.

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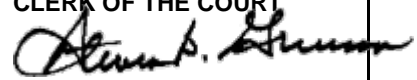
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Liz Garcia, Transcriber
LGM Transcription Service

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1 **TRAN**

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **CIVIL/CRIMINAL DIVISION**
5 **CLARK COUNTY, NEVADA**

6 MICHAEL MURRAY, et al,) CASE NO. A-12-669926
7 Plaintiffs,) DEPT. NO. I
8 vs.)
9 A CAB TAXI SERVICE, LLC, et al,)
10 Defendants.)

11
12 BEFORE THE HONORABLE KENNETH CORY, DISTRICT COURT JUDGE
13 TUESDAY, JUNE 5, 2018

14 ***TRANSCRIPT RE:***
15 **PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

16 **APPEARANCES:**

17 For the Plaintiffs: LEON GREENBERG, ESQ.
18 CHRISTIAN GABROY, ESQ.
KAINE MESSER, ESQ.

19 For the Defendants: ESTHER C. RODRIGUEZ, ESQ.
20 MICHAEL K. WALL, ESQ.

21 **ALSO PRESENT:** CREIGHTON J. NADY

22
23
24 **RECORDED BY:** Lisa Lizotte, Court Recorder

001509

001509

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 5, 2018, 3:14 P.M.

2 * * * * *

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

5 THE COURT: Good afternoon. I received the list of cases with a fair amount
6 of verbiage from both sides; authorities, additional authorities that were provided.
7 And I propose that we hear the argument first on the motion for partial summary
8 judgment and then decide where that leads us in this case.

9 Is there additional argument that the plaintiff wants to put forward
10 on the motion for partial summary judgment?

11 MR. GREENBERG: Your Honor --

12 THE COURT: One of the things that I'm interested in is the basis for
13 calculation. I know it's set forth in your written materials. You ask for partial
14 summary judgment as to the -- and this is only as to the seven dollars and a
15 quarter --

16 MR. GREENBERG: Yes, Your Honor.

17 THE COURT: -- amount from 2013 to 2015 in the amount of a hundred
18 and seventy-four and some odd thousand.

19 MR. GREENBERG: Yes, Your Honor.

20 THE COURT: And then using that as a basis of the 9.21 hours per shift for
21 the 2007 to 2012 period of \$804,000.

22 MR. GREENBERG: Well, I would propose that that 9.21 standard be applied
23 if Your Honor grants the request to strike the answer and so forth. That's actually
24 sort of a separate piece of what I'm presenting to the Court. The partial summary

1 judgment motion does not depend on any striking of defendants' answer or any
2 of these issues --

3 THE COURT: Correct.

4 MR. GREENBERG: -- regarding the special master default, okay. But Your
5 Honor did recite correctly my position. Candidly, Your Honor, I have nothing new
6 that I would present to the Court on this, okay. I tried --

7 THE COURT: At last.

8 MR. GREENBERG: Well --

9 THE COURT: At last we have stumped the attorneys.

10 MR. GREENBERG: Your Honor, we did file the supplement on January 9th
11 to try to distill in a somewhat more precise and pointed form what was concerning
12 the Court and what the Court was trying to get clear on in respect to the partial
13 summary judgment for the 2013 to 2015 period, based on our argument on January
14 2nd. And that partial summary judgment is based upon there being no disputed
15 issue of fact in respect to the QuickBooks records, which for every pay period have
16 a gross wage amount and an hours worked amount. And if we divide the hours
17 worked into the gross wage for the pay period, we get an hourly rate. If that rate
18 is less than \$7.25 an hour, there is a deficiency and there is money owed.

19 Now, the reason why I say there is no disputed issue of material fact
20 in respect to that calculation for that period, which involves about 14,000 separate
21 pay periods, which we've got something like four or five hundred pages that have
22 been introduced into the record here line by line, is that defendants at their
23 deposition swore under oath that those hours worked entered in the QuickBooks
24 records every pay period were in fact accurate. They in fact testified they were

1 more accurate than the trip sheets and they were based upon a meticulous review
2 of the trip sheets and the actual hours worked by each person each pay period.
3 There is no dispute that the gross wage amount for every pay period is in fact the
4 gross wage amount. Nobody has alleged that the plaintiffs were paid something
5 different by the company in each of those pay periods.

6 So therefore there is no contested material issue of fact regarding the
7 record itself. In regard to the math, we've just discussed that. You divide the hours
8 into the gross wages. It's either equal to \$7.25 or it's less. I mean, that's an issue
9 of law. The math itself is not disputed. They have the 14,000 lines. If we made
10 an error in the multiplication or division calculation of one of those lines, they were
11 free to contest it. They have not. To the extent that their -- and this was provided
12 many months ago, that spreadsheet. Their expert reviewed it. He testified at his
13 deposition that he had examined the math. The math looked correct. He didn't
14 opine on the source materials because he said that wasn't what he was in fact
15 retained to do.

16 So the only issue that's been raised in contention against the request
17 for the partial summary judgment, it isn't a question of the math in those 14,000 or
18 so lines, there's simply an argument being made by defendants that, well, we don't
19 know if those 14,000 lines actually contain the true information from the QuickBooks
20 records. We don't know if Mr. Greenberg somehow manipulated that information.
21 And this was discussed on January 2nd. And again, that information was produced
22 to me in computer files pursuant to a court order of the Discovery Commissioner,
23 which Your Honor signed over objections of the defendants. It was an original file.
24 We have a declaration in the record from Mr. Bass, who actually took that file and

1 assembled the spreadsheet and the spreadsheet then being examined by Mr.
2 Claurette, Dr. Claurette in terms of -- he opined on its proper functioning.

3 The defendants haven't pointed out a single error in consistency,
4 conflict between any of the information in those 14,000 lines and the information
5 they produced in discovery. Defendants say, well, we never knew how to produce
6 this QuickBooks and Mr. Greenberg had to give us this way to do it, and therefore
7 we followed what he did but we don't really know if that's accurate. And, Your
8 Honor, this was the subject of a very contentious 15-month process with the
9 Discovery Commissioner getting the electronic production in this case. Defendants
10 didn't want to simply turn over the entirety of the QuickBooks records. They only
11 wanted to turn over the payroll records. They said they didn't know how to do it.
12 I hired a QuickBooks expert who actually gave instructions, which are in the record,
13 a protocol to do this. I gave it to them. They followed those instructions. They
14 were free to follow different instructions. They were free to get another expert to
15 go through this production.

16 All they've been raising in opposition to the foundation of the partial
17 summary judgment motion, which is, again, their records, Your Honor, is this
18 supposition that somehow they don't know if this is accurate. They need to do
19 more, Your Honor, given the context of this case. I mean, they were ordered to
20 produce this. They do admit they used the QuickBooks for this purpose.

21 THE COURT: Need to do more in order to present an issue of --

22 MR. GREENBERG: Of material fact.

23 THE COURT: -- triable fact.

24 MR. GREENBERG: To prevent the partial summary judgment to the extent

1 that those records show a deficiency at \$7.25 an hour for those pay periods based
2 on the hours that are present for each pay period in those records as defendants
3 have testified to.

4 THE COURT: Go ahead.

5 MR. GREENBERG: And again, Your Honor, in the supplement that I filed
6 you have the relevant deposition testimony that confirms that the QuickBooks
7 records do contain the hours worked. I mean, Mr. Nady was the 30(b)(6) witness on
8 this. He did testify under oath that the accurate hours were put in the QuickBooks
9 records. And defendants were subject to this court order to produce that information
10 and they testified also under oath that the QuickBooks was used to make the payroll
11 and did contain a record of the payroll paid. So there's no question that the source
12 of the information, which is the QuickBooks records here, from defendants' own
13 admissions and contentions is in fact reliable. It's reliable, it's not disputed. The
14 calculations made thereon on those 14,000 pay periods is also not disputed. It's
15 a question of simple arithmetic.

16 Therefore, 174,000 -- those are amounts that's in excess of ten dollars
17 owed to something like 340 identified persons out of 500 examined. I mean, this is
18 all itemized precisely in the submissions to the record and an order can be entered
19 accordingly to grant an individual judgment to each one of those people for those
20 specified amounts. Again, it's a matter of law. It's all in the records, Your Honor.

21 THE COURT: Okay.

22 MR. GREENBERG: Thank you.

23 THE COURT: All right. Ms. Rodriguez.

24 MS. RODRIGUEZ: Thank you, Your Honor. Good afternoon.

1 THE COURT: Good afternoon.

2 MS. RODRIGUEZ: As I've said on our most recent hearings, we've been
3 here several times on this motion for partial summary judgment and I'm not really
4 clear as to why the Court is even entertaining it again on rehearing or on oral motion
5 because I went back and I would just like to briefly refresh the Court's recollection
6 of what has occurred.

7 There has been nothing new presented by the plaintiffs since the last
8 hearing on this matter. I pulled this Court's order of July 14th of 2017, and this was
9 the most recent time that the Court denied plaintiffs' motion for partial summary
10 judgment when Mr. Greenberg came in here with the same set of figures, the same
11 spreadsheets, the same time period, asking the Court for partial summary judgment.
12 And in the order drafted and signed by Your Honor, on page 3 the Court said:
13 "Having reviewed the materials presented, including the sample figures provided
14 by plaintiffs' counsel alleging showing how the damages can be calculated as a
15 matter of mathematics, the Court concludes that it cannot grant the motion for partial
16 summary judgment." Paragraph 5: "The Court concludes that there are genuine
17 issues of fact remaining for trial to a trier of fact. Among other things, to determine
18 what the correct calculation would be under any of the scenarios that have been put
19 forth by the plaintiffs." And paragraph number 6: "The Court concludes that getting
20 to a final calculation takes more in the form of an evidentiary nature, more of an
21 evidentiary presentation than simply taking numbers off of the column and that
22 column and performing simple arithmetic."

23 The same thing that Mr. Greenberg is advocating for today, the Court
24 already denied that motion, reopened discovery, allowed him to -- well, reopened it

1 in terms of allowing him to retain experts to see if they could further convince the
2 Court based on their opinions whether those spreadsheets had any validity or not.
3 Mr. Greenberg then went and hired not experts, because throughout my motions on
4 this issue they have not been designated as technically experts. There's been this
5 game playing as to whether Mr. Bass is an expert or not, so I filed a motion on these
6 experts. Mr. Bass was actually a cab driver. He's a litigant in another class action
7 matter and he is far from meeting the standard under NRS 50.275 in terms of
8 admission of an expert. Dr. Clauretie, the second alleged expert hired by the
9 plaintiffs, said he did nothing but review Mr. Bass' spreadsheets and figured out
10 that the math seemed to add up.

11 These are not expert opinions. They are ripe for exclusion and for
12 striking. That motion to exclude those experts was set for January 25th, 2018
13 of this year. At that time is when the Court did not rule upon that motion to strike
14 the experts. We didn't even get to that. I pulled the transcript from that hearing
15 and at that time the Court indicated -- I think this is when the Court went back
16 and reviewed a number of records, reviewed everything that had happened at the
17 Discovery Commissioner, and indicated -- this is in the transcript of January 25th,
18 2018, starting at page 4: "The entirety of the litigation process since that time to
19 the present convinces the Court that that indeed is not only an appropriate way to
20 resolve this issue, but is perhaps the only way to accurately -- with any accuracy
21 resolve this issue and for that reason if that motion is renewed at this time, I'm going
22 to grant it." And the Court was speaking in reference to a special master actually
23 reviewing the source documents. The Court again concluded that the Court could
24 not grant the same motion for partial summary judgment based on summaries and

1 charts, the same Excel spreadsheets that had been before the Court a year earlier;
2 that the only way to find an accurate measure of any underpayment would be the
3 appointment of a special master.

4 So here we are not only with that transcript, but I would -- one last thing
5 I'd like to cite to Your Honor was the order drafted by Mr. Greenberg appointing the
6 special master. This is on page 2, if there's any clarity that is further needed on that.
7 "The Court finds that the appointment of a special master is the appropriate solution
8 to determine the hours worked each pay period by each member and the amount of
9 minimum wages, if any, that each is owed based upon A Cab's records. The special
10 master is being appointed to report on the hours worked and the wages paid, as
11 documented in A Cab's admittedly accurate records, to what extent the information
12 of those records demonstrates wages of less than minimum wage and the amounts
13 of any minimum wage deficiency."

14 So the Court already made that determination that that is the only
15 accurate way to come to an analysis of any underpayment. Mr. Greenberg is back
16 before the Court probably for the fifth time asking for partial summary judgment,
17 without offering the Court anything further to allow a rehearing. The Court has
18 already made the determination that there are genuine issues of material fact.
19 We've presented our expert that disputes the methodology, disputes the calculations,
20 has shown the discrepancies, has testified under oath as to why they're unreliable.
21 There are genuine issues of material fact, which the Court has already determined.
22 So I would ask the Court once and for all to again --

23 THE COURT: Remind me, if you would, where this -- the testimony that
24 you're speaking of.

1 MS. RODRIGUEZ: From our expert is -- I'm blank on his name. What's our
2 expert's name?

3 MR. WALL: I don't know, but -- (inaudible).

4 THE COURT: Just -- but I'm saying, the testimony itself, was this in a hearing
5 before the Court?

6 MS. RODRIGUEZ: Has it been supplied? Yes, it has been supplied. I just --
7 I'm sorry, I'm blanking on his name.

8 THE COURT: Yeah, I don't recall it, either. But I was more interested in --

9 MR. GREENBERG: That's -- excuse me, that's Mr. Leslie.

10 MS. RODRIGUEZ: Thank you. Scott Leslie. Scott Leslie. I could picture
11 his face, I just couldn't think of his name.

12 THE COURT: And that was in a hearing before the Court where he testified?

13 MS. RODRIGUEZ: No, Your Honor. We've submitted his deposition
14 transcripts.

15 THE COURT: Deposition. All right. Okay.

16 MS. RODRIGUEZ: Right. So at this time I would ask the Court to again deny
17 the motion for partial summary judgment for the time period that Mr. Greenberg is
18 asking, relying upon the Court's prior orders of July 14, 2017 and the Court's order
19 appointing the special master where the determination has already been made as
20 to the necessity of a source document rather than charts and summaries. For a
21 summary judgment to go forward with the Court it has to be based on admissible
22 and reliable documentation. Mr. Greenberg is relying on expert reports to ask the
23 Court for summary judgment, and those are subject to being excluded according to
24 the Hallmark case and according to the NRS statutes. Thank you, Your Honor.

1 THE COURT: Uh-huh. Mr. Greenberg, are you relying on expert reports
2 or are you relying on a calculation based off of the QuickBooks and the 9.21 hours
3 per shift? In other words, in order to prevail on your motion for partial summary
4 judgment, do you have to have an expert report or are you relying on --

5 MR. GREENBERG: Your Honor --

6 THE COURT: -- mathematical calculations using those documents?

7 MR. GREENBERG: Just to clarify, the 9.21 hours you mentioned is an
8 average.

9 THE COURT: Right.

10 MR. GREENBERG: That has nothing to do with the partial summary
11 judgment motion. The partial summary judgment motion is based on the actual
12 recorded hours for every pay period, not an average of 9.21 or anything else.

13 THE COURT: Well, but the rest of your -- and correct me if I'm wrong, the
14 rest of your summary judgment motion asks for some 804,000 for the years 2007
15 through 2012. I thought it was based on the 9.21. Is is not?

16 MR. GREENBERG: Your Honor, when we start talking about anything prior
17 to 2013, we're getting the cart before the horse.

18 THE COURT: Okay.

19 MR. GREENBERG: The Court could only venture to consider that if it's going
20 to strike defendants' answer in response to their failure to pay the special master.
21 Otherwise there's no request that the Court grant summary judgment based on an
22 average for the period (sic) of 9.21 from 2007 through 2013 in the current posture
23 of this case. The Court has not stricken the defendants' answer. It has not granted
24 a default. If the Court ventures there, I would --

1 THE COURT: Why would it be admissible if the Court struck the answer
2 but not for purposes of a partial summary judgment motion?

3 MR. GREENBERG: Your Honor, I'm not submitting it wouldn't be, that it
4 wouldn't be appropriate. I'm just saying that's not the nature of the request that's
5 in the record before the Court by plaintiffs. Plaintiffs moved for partial summary
6 judgment and filed an initial motion and supplement specifically addressing the
7 2013 to 2015 period where the QuickBooks records --

8 THE COURT: Okay, then let's deal with that time period.

9 MR. GREENBERG: Yes, Your Honor.

10 THE COURT: Does that calculation require in order to prevail that the Court
11 rely upon an expert opinion, or is it a --

12 MR. GREENBERG: Your Honor, I don't believe it does, but we were before
13 Your Honor last year and I presented to Your Honor the summary that was prepared
14 by Mr. Bass, along with his detailed declaration. Your Honor felt that that was not
15 sufficiently developed in the record that Your Honor felt comfortable relying on that
16 in resolving partial summary judgment as requested at that time.

17 THE COURT: Well, let me tell you why, then, because also since that time
18 when the Court denied your motion for summary judgment originally, the Court's
19 view was that under the prevailing authority in order to arrive at an accurate
20 determination that there would need to be the tried and true assemblage of massive
21 documents by both sides, expert opinions interpreting it and arriving at an opinion
22 that would tell the Court whether it was accurate or not, and then only then could
23 the Court proceed ahead. Since that time what has become apparent -- well, it was
24 apparent before then but the complication to this process, the trial process, that it

1 has caused has become even more apparent and that is, A) that the defendant did
2 not maintain those records which are typically contemplated by the minimum wage
3 act and therefore it was not a simple calculation, and the other thing that's become
4 apparent is that the methodology which the Court belatedly agreed with you on,
5 which is a special master, is frustrated because the defendant claims that he cannot
6 pay that money.

7 MR. GREENBERG: That is --

8 THE COURT: So --

9 MR. GREENBERG: Yes, Your Honor.

10 THE COURT: So I have to go back and review what else has happened
11 in the record. One of the things that has happened during this last year is that
12 on December 7th the Court granted a motion to allow the statistical sampling as
13 evidence. In other words, that the basis that was suggested to the Court previously
14 may not be -- how can I put this -- a statistical sampling of evidence does not give
15 you that warm and fuzzy feeling that you've gotten right down to the exact numbers
16 and that without any discrepancy you've arrived at what a calculation would be.

17 But that does not always mean that -- as you are well aware because
18 you argued the motion -- that does not mean that the Court can never rely upon it.
19 In fact, one of the cases which was cited by the plaintiff in connection with the
20 granting of that motion on December 7th and which the Court cited in its order was
21 the Anderson v. Mt. Clemens Pottery Company at 328 U.S. 680, a 1946 case which
22 is still good law on this proposition that the Court may allow statistical sampling and
23 that under the right circumstances the onus may be placed upon a defendant to
24 come up with evidence rather than the plaintiff.

1 Now, what I'm saying is that the Court is looking at the potential ways
2 to resolve this lawsuit with finality, with justice to both sides as those terms are
3 delineated and defined by our case law. It seems to me that arriving at a statistical
4 accuracy -- I'm sorry, at an absolute accurate number for these things has been
5 made impossible by the defendants. The defendants have failed to keep the
6 records they were supposed to keep under the law in the first instance and they
7 have stymied the Court in trying to get a special master to get down with the records
8 that the defendants have claimed all along are the most accurate and come up
9 with something that's more than a morass of documents but constitutes admissible
10 evidence of the numbers involved. It's not enough to say, look, we've got a whole
11 bunch of time sheets and those are the real evidence, but we can't tell you what the
12 number is based on those. That won't work. And you can't just -- you can't blame
13 the law or blame the other side if you've made it impossible to render an absolute --
14 absolutely accurate number for what the damages are in this matter.

15 And I find that I'm having to re-examine the available law and
16 authorities that have been given to the Court by both sides previously, and I find
17 that in a proper case not only can the Court allow the admission of the statistical
18 sampling, which I generally speaking tend to believe is what the 2013 to 2015
19 calculation brought to the Court in the plaintiff's motion for partial summary
20 judgment, but to the extent or in the event that that is able to be used to arrive at
21 an approximation of the accurate number, as that is discussed and defined in the
22 Anderson v. Mt. Clemens Pottery Company case, that at the very least the onus
23 then would fall to the defendant to show -- to put forward not a bunch of time sheets
24 but evidence in the form of a calculation of what the correct number would be.

1 I ruled long ago that the liability is proven in this case. I'm satisfied
2 that it has been shown. It is a question of what the appropriate amount of the
3 damages would be. So my question to you is, you contend that your partial
4 summary judgment only extends to the 2013 to 2015 time period and that is
5 because you could not rely on that sampling and make a calculation for the 2007
6 to 2012 period?

7 MR. GREENBERG: That is not how I would put it to the Court, Your Honor.
8 I simply have not presented the 2007 to 2013 period for presentation to the Court
9 for partial summary judgment consideration. I was dealing with the 2013 to 2015
10 period because --

11 THE COURT: And so that's why I'm curious about why that won't work.
12 And I don't --

13 MR. GREENBERG: Well, I didn't say it won't work. I think it would work
14 just fine.

15 THE COURT: Well, I assume there must be a weakness to it or you would
16 have offered that in the first place.

17 MR. GREENBERG: Your Honor, this case has been so involved. There
18 have been so many steps. We've been trying to digest so much. I'm trying to take
19 small steps here, Your Honor. And just to review in respect to the prior history of the
20 partial summary judgment request for 2013 to 2015, the order that defense counsel
21 was reading from July, she didn't recite to Your Honor that the partial summary
22 judgment was denied without prejudice. And the essence of your opinion, the
23 crux of your view at that time was that you were concerned that the evidentiary
24 presentation being made to the Court really should be supported and subject to

1 expert testimony and review --

2 THE COURT: Uh-huh.

3 MR. GREENBERG: -- rather than simply a summary of the 14,000 payroll
4 periods that was presented at that time. And we proceeded to do so. We had
5 Dr. Clauretie review Charles Bass' work. He furnished a report. Dr. Clauretie
6 was examined and he attested both in his report and in his examination that the
7 spreadsheets that were presented and prepared by Charles Bass from defendants'
8 records were in fact accurate.

9 And in fact, Mr. Leslie, defendants' expert, also concurred that the
10 spreadsheets, the 14,000 pay period analysis of the QuickBooks records upon
11 which I've presented to the Court for partial summary judgment do accurately do
12 what they purport to do. And this testimony is recited at pages 10 to 11 of the
13 supplement. And I'm reading this to you verbatim: "So my question is, when the
14 A Cab spreadsheet accepts those hours and uses those hours recorded in the
15 payroll records to calculate minimum wages owed at either a constant \$7.25 rate
16 or the constant \$8.25 rate, using those hours from the payroll records" -- the
17 QuickBooks records and payroll records are synonymous, Your Honor -- "does it
18 do so correctly?" There were all sorts of objections made. Ultimately, Mr. Leslie
19 says, "The math foots through." "And by foot through you are confirming that it is
20 your understanding when the A Cab file uses the hours from the payroll records for
21 that 2013 to 2015 period and calculates amounts at minimum wages they're owed
22 at \$7.25 and \$8.25 an hour constantly for all pay periods in each scenario, it is doing
23 so correctly?" Again, objections. "Answer: I think the math works."

24 THE COURT: So that's all well and good, but what I'm curious about is why

1 is that then -- why does it not work to calculate the 2007 to 2012?

2 MR. GREENBERG: Your Honor, I think given the circumstances that Your
3 Honor has outlined, the fact that defendants have not maintained the statutory
4 required records -- they haven't produced any substitute to evaluate what the hours
5 of work are. As in Mt. Clemens, to obtain some measure of appropriate justice
6 here, I don't think the Court has any alternative. I fully agree that the 9.21 hours
7 simply should be applied down the line here for every pay period for the earlier time.
8 For the 2013 --

9 THE COURT: What would be -- what's the evidentiary basis to apply 9.21
10 hours per shift?

11 MR. GREENBERG: Well, Your Honor, the evidentiary basis at this point
12 is the fact that Your Honor had directed the special master be tasked with actually
13 finding the true hours. I believe that the true hours would be more than 9.21 and
14 the damages would be larger.

15 THE COURT: Well, let me rephrase my question. Where do you get the
16 9.21 hours?

17 MR. GREENBERG: The 9.21 is the average of all of the shifts for those
18 14,000 analyzed pay periods.

19 THE COURT: For the two years?

20 MR. GREENBERG: For the 3-year period, 2013 through 2015.

21 THE COURT: Okay.

22 MR. GREENBERG: And Dr. Clauretie in his report -- I can cite you to the
23 page, I have it on my computer here -- confirms that he examined the spreadsheets
24 as assembled by Mr. Bass and that 9.21 average is calculated correctly based on

1 the information in the spreadsheets. And again, there is no dispute that the
2 information in those spreadsheets is in fact the same information the defendants
3 gave us. Defendants insist they don't know, but for them to say they don't know
4 or they're not sure or they suspect that it may be inaccurate is not sufficient, Your
5 Honor.

6 THE COURT: But you're not comfortable for purposes of a motion for
7 summary judgment with applying that 9.21 hours retroactively to cover 2007
8 through 2012?

9 MR. GREENBERG: Your Honor, I am more than comfortable in doing so,
10 and what I would say actually is -- what I would ask the Court to do is to simply
11 grant partial summary judgment on that -- actually, summary judgment in full on
12 that basis and simply at that point dissolve any class claims that may exist beyond
13 that for the individual class members to pursue. There is no doubt in my mind that
14 applying --

15 THE COURT: And that's because of the eight and a quarter claims?

16 MR. GREENBERG: Well, because we have an issue regarding health
17 insurance at eight and a quarter. And candidly, Your Honor, if I was to bring my
18 clients individually in here who I have talked to extensively and they testified at their
19 depositions, they would say on average their shift length is 11 hours, not 9.21 hours.
20 But nonetheless, as a measure of substantial justice that can be obtained in this
21 case and based as Your Honor was pointing out on essentially a massive statistical
22 sample from 2013 to 2015, we have a 3-year statistical sample of 14,000 pay
23 periods -- well, it's more than 14,000 pay periods, it's over 100,000 shifts actually
24 worked because in a pay period somebody typically works 10 shifts or more. So to

1 figure that 9.21 is a reasonable average to be applied for the entirety of the class
2 period is more than appropriate.

3 And in fact, Your Honor, it is our contention that that 9.21, which
4 comes from the recorded time from 2013 to 2015, is actually artificially reduced
5 because we don't in fact believe that defendants recorded all of the time on the trip
6 sheets into the QuickBooks. We believe they did on occasion reduce time that they
7 recorded for certain individuals and that belief, Your Honor, is actually confirmed
8 by their own expert who reviewed 77 or so pay periods. He actually pulled the trip
9 sheets, conducted his own review, and he came up with 9.6 or .61 average shift
10 length during that 2013 to 2015 period for when he actually went through the trip
11 sheets. So the 9.21 that I'm present -- proposing the Court use, based on the
12 QuickBooks records, is if anything too low in terms of the full measure of the class
13 members' true average. But it is an average. It is certainly a floor that would be
14 appropriate to use here based on what is available to the Court. And I would urge
15 the Court to apply it throughout the entire class period.

16 For the 2013 to 2015 period I was focusing on defendants' admissions.
17 Defendants have testified under oath and admitted that what's in those QuickBook
18 records is accurate. It's accurate as to the hours and it's accurate in terms of what
19 we paid these guys. So therefore they have no basis to object to a calculation using
20 those two pieces of information, the hours worked every pay period and what they
21 paid them every pay period at \$7.25 an hour doing the math. And the math foots
22 through, as their expert stated. They had been given the math. They haven't raised
23 any objections to the math.

24 So I would ask the Court to grant the partial summary judgment for

1 the 2013 to 2015 period in the form already presented, and in the record I have
2 individual notated amounts. In respect to granting partial summary judgment for
3 the remaining period or summary judgment for the remaining period in entirety at
4 9.21, Your Honor can make that finding now and I can direct the appropriate table to
5 the Court. There will be a submission of something like 20,000 lines of pay periods
6 showing the calculations and judgment can then be entered accordingly.

7 THE COURT: And you're confident that you could defend that on appeal?

8 MR. GREENBERG: I am absolutely confident I can, Your Honor, given the
9 posture of this case and for the reasons that Your Honor has spoken, which is
10 defendants have not maintained the records they were required to by statute.
11 They've also refused to cooperate with the Court's directions in respect to the
12 special master.

13 THE COURT: Well, that remains to be seen whether they've refused or
14 whether they really can't. If I understand what you're saying, it would -- if the
15 Court grants that motion then it would not be necessary to either, A) incarcerate
16 the defendant, Mr. Nady, until he pays the special master, or B) appoint a receiver
17 to take charge of the company to do -- to make a determination if the defendant
18 company is able to make the payment, and if so to make the payment for the
19 company, or to have a special master as part of his or her duties be given access
20 to the financial records of all three defendants and to determine whether there was
21 an ability to pay the special master. All of that would be unnecessary.

22 MR. GREENBERG: Unnecessary. Yes, Your Honor. And I think it would
23 be very desirable to render all of that unnecessary in the context of concluding this
24 case. I'm talking about a way for us to get this case to final judgment quite rapidly,

1 presumably within a week or two. It shouldn't take any longer than that. If Your
2 Honor is inclined to make the ruling I'm outlining, I can have the findings to Your
3 Honor by next week sometime, along with a detailed statement of judgment for
4 everybody. The only thing remaining would be post-judgment matters.

5 THE COURT: Well, what about, for example, you have a conspiracy claim
6 against Mr. Nady?

7 MR. GREENBERG: Well, Your Honor, what I would propose is that that
8 claim simply be severed from this case. We enter final judgment against the
9 corporate defendants, and if the company is willing to pay then there's no need to
10 pursue the claim against Mr. Nady personally.

11 THE COURT: Well, realistically let us suppose that the company would not
12 be willing to pay and you wanted to proceed on that claim. How would you be able
13 to do that, given the remaining time for this case under the five year rule?

14 MR. GREENBERG: I don't believe that that claim would be governed by the
15 five year rule from the commencement of this action. Mr. Nady's case would be
16 severed. In fact, Your Honor earlier severed the case against Mr. Nady, saying that
17 that would be determined after we make a determination regarding the responsibility
18 of the corporation. Your Honor had earlier entered an order of bifurcation. The
19 case needs --

20 THE COURT: So does the -- when it's severed, then, or bifurcated or
21 however we put it, does the five year rule cease to run?

22 MR. GREENBERG: Well, Your Honor, it's five years to trial. If we have
23 summary judgment, if we go to summary judgment within five years that's in lieu of
24 a trial, Your Honor. I mean, there is a disposition here.

1 THE COURT: Well, sure, but that gives you from -- unless the five year rule
2 is tolled as to Mr. Nady, that would give you between now and, what, October 20th,
3 something like that, to begin a trial on a conspiracy claim.

4 MR. GREENBERG: Your Honor, we would be prepared to proceed in that
5 fashion if the Court believes that that is necessary --

6 THE COURT: Well, I'm not saying --

7 MR. GREENBERG: -- in the event that the judgment is not satisfied.

8 THE COURT: I'm not saying I believe it. I'm just trying to test the waters
9 here to see how you would envision this thing playing out.

10 MR. GREENBERG: Well, Your Honor, it is -- I am not telling you I necessarily
11 have every possible authoritative answer to your questions. Your Honor is posing
12 important questions. Your Honor is trying to achieve the ends of justice here on all
13 the issues that are before the Court. I understand that; as I am doing my best to do.
14 What I'm trying to emphasize to the Court is that the circumstances of the corporate
15 defendant as the employer here as a responsible party are not disputed. They were
16 clearly the employer. Mr. Nady's liability is completely derivative and revolves around
17 his relationship with the corporate defendant. If the corporate defendant satisfies the
18 judgment, then there is no claim against Mr. Nady. If the corporate defendant --

19 THE COURT: Well, then let me ask you this while we're poking around at
20 these various matters. Assuming that the Court went some course other than that,
21 did not grant the motion for partial summary judgment or did not grant it to the extent
22 that you're proposing and still needed to try and see whether the special master
23 could be utilized, would you be asking the Court to have the special master make
24 a determination not only whether the corporation could make the payment but also

1 whether Mr. Nady personally could make it, or is that off bounds for some reason,
2 out of bounds?

3 MR. GREENBERG: If Your Honor was to go down that path in terms of
4 inquiring about ability to make the payment, I would say yes, certainly that inquiry
5 should be made in respect to Mr. Nady, given his relationship to the corporation.
6 I think that that is a completely sort of detour from the course of justice here to
7 inquire about whether they have the ability to make the payment. I mean, essentially
8 their latest submission to Your Honor repeats their earlier position, which is that,
9 look, stay this case, it is more just to await the disposition in Dubric and that will
10 narrow the claims and that's where the money should be going with the limited
11 resources we have. We don't have the money. It should go to fund the payments
12 to the class members in Dubric. This is in the interest of everyone, so forth and
13 so on.

14 If that is in fact correct and that assertion is to be objectively examined,
15 Your Honor should enter final judgment here and if defendants are true to that
16 assertion they will then go to the bankruptcy court, stay both of these proceedings.
17 The bankruptcy court judge will be empowered to take a measure of the assets,
18 to examine the transactions between Mr. Nady as an insider with the corporation,
19 the issues that you're talking about, and if in fact their assertions to the Court today
20 are true, that objectively it is in the best interest of the class for the settlement to
21 proceed as outlined in the Dubric proceedings, the bankruptcy court will do that.
22 What they're trying to do here, Your Honor --

23 THE COURT: Well, I can't guess at what a bankruptcy court is going to do
24 on a bankruptcy filing that's not been made, so.

1 MR. GREENBERG: Your Honor, my point isn't that the court, the bankruptcy
2 court would do that. My point is if defendants are truly posturing before the Court
3 the accurate scenario that entering final judgment here and proceeding in this case
4 is not going to make sense, they can't pay the special master, the interest of justice
5 would be served by the stay, by allowing the disposition to proceed in Dubric -- let's
6 assume all of that is true, Your Honor. They will have the opportunity to vet all of
7 that in front of the bankruptcy court.

8 THE COURT: Well, you keep talking about the bankruptcy court. I can't
9 even, as I interpret the ruling from the supreme court, I can't even take into account
10 what's happening in a similar case in a sister district court, let alone what's going to
11 happen if the defendant chooses -- defendants choose to file in bankruptcy court.
12 I can't speculate as to that.

13 MR. GREENBERG: I understand, Your Honor. And you're absolutely
14 correct and I don't think you should. And that gets to my original point, which is their
15 assertions that they can't pay the special master are worthless. They're not for the
16 Court's consideration. It's not about examination of their financial circumstances.
17 And if the Court is going to allow this sort of examination, they put in financial
18 statements when we were here before. I mentioned that I have other financial
19 statements that they gave me that were produced under seal and I didn't produce
20 them to Your Honor. Your Honor, if you're going to examine this issue, they should
21 be compelled to waive that objection and let me put these financial statements in
22 the record so Your Honor can consider them as well and get a full picture here,
23 as opposed to the incomplete and inaccurate depiction that they are trying to foist
24 on the Court regarding their financial infirmity.

1 If they're not going to waive their objection to my introduction of these
2 other financial materials, I don't see why the Court should consider any claims
3 they're making of poverty here in respect to inability to pay the special master. And
4 we discussed the financial submissions they made to Your Honor when we were
5 here before and as I pointed out to the Court, those financial submissions did show
6 that there was equity in the corporation of some significant measure, more than
7 enough to have paid the special master his fee.

8 But again, this is not what the Court should be inquiring about.
9 The ends of justice require that the law be enforced, as Your Honor has stated
10 repeatedly. This is a constitutional right. It commands vigorous respect and
11 enforcement by the Court. The fact that the defendants claim they do not have
12 at this point the funds to fulfill their statutory obligation to have kept those records
13 -- they wouldn't have to pay the special master, okay, to perform this \$180,000
14 estimate of work if they had done what they were supposed to do under the
15 statutory obligation in the first place, Your Honor. Given that they haven't -- that
16 they don't want to pay for the special master to get to the bottom of this, the default
17 is appropriate. We would proceed to use the averages we have been discussing
18 earlier today and have a judgment fashioned accordingly and that would be the
19 appropriate way to proceed, as Your Honor was talking about in Mt. Clemens as
20 well, the principle that we have to have some measure of appropriate enforcement
21 and relief rendered on these minimum wage rights.

22 THE COURT: Why would you have to strike an answer and hold them in
23 contempt in order to do that if you have a basis for a summary judgment?

24 MR. GREENBERG: Well, Your Honor, I'm not saying they're exclusive, but --

1 THE COURT: And particularly when, as I said, I don't know that I have
2 sufficient information before me to satisfy me that the defendants are capable of
3 paying and choose not to.

4 MR. GREENBERG: Your Honor, I think there needs to be a presumption
5 that they are refusing to comply with the Court's order.

6 THE COURT: Why would I do that?

7 MR. GREENBERG: Your Honor, if I'm a debtor and I owe the casino money
8 on my marker or I owe my mortgage or whatever it is, I pay it. If I don't pay it, a
9 judgment is entered against me. I mean, Your Honor made an order in this case
10 that they were to pay the special master. I had pointed out to you in my submission
11 that under statute the special master is entitled to an execution against the
12 defendants for failing to pay his \$41,000. I mean, and that's a specific statutory
13 conferral. As I've also pointed out to Your Honor, the supreme court has been very
14 clear that your inherent powers extend to granting the kind of relief that I'm asking
15 in respect to a default judgment for abusive litigation practices and failure to respect
16 and follow the Court's orders.

17 So, I mean, Your Honor, the defendants have no incentive to comply
18 with your order regarding the special master. What is the special master going to
19 do? The special master is going to establish the full scope of the liability, Your
20 Honor. Why would they want to have that happen? They have no incentive to have
21 that happen, Your Honor. So --

22 THE COURT: Remind me of what the financials put before the Court by the
23 defendants are.

24 MR. GREENBERG: Yes, Your Honor.

1 THE COURT: Did it deal with the corporate ability to pay?

2 MR. GREENBERG: What we have from the financial statements that were
3 put before the Court in their submission which came to the Court last week was
4 a statement from 2017 and the first quarter of this year. And what we have is a --
5 what we have is a balance sheet statement. I'm looking for it here in front of me.
6 It stated that the defendants at the end of 2017 had equity in the business in excess
7 of three hundred thousand, and at the end of the first quarter of 2018 there was
8 still equity of over a hundred thousand dollars in the business, meaning, you know,
9 equity over assets in advance of liabilities.

10 THE COURT: My question is more to the point of did it purport to tell the
11 Court that the individual defendant was also unable?

12 MR. GREENBERG: Oh, no. There was no disclosure as to the individual
13 defendant. And, Your Honor, in the materials that as I said were produced under
14 seal, I have some very relevant information I could provide to the Court about that,
15 but again, that's under seal and defendants have not consented to its introduction
16 in the record.

17 THE COURT: Okay. Ms. Rodriguez.

18 MS. RODRIGUEZ: Yes, Your Honor. Do you want me to speak to some
19 of this or --

20 THE COURT: Yeah.

21 MS. RODRIGUEZ: Well, I go back to how the Court can even grant or
22 consider summary judgment and I want to be clear on that because it seems to me
23 that the Court is considering liability based on a record-keeping statute. And I want
24 to be clear on the record the records have always been maintained. That's what

1 the special master is reviewing. There's always been trip sheets, there's always
2 been QuickBooks data, there's always been paystubs that have been available to
3 Mr. Greenberg.

4 THE COURT: And in your view that comports with Nevada's constitutional
5 minimum wage act?

6 MS. RODRIGUEZ: Absolutely, Your Honor. Every federal agency, every
7 state agency that has ever come into A Cab has found that the preservation of those
8 records is sufficient.

9 THE COURT: Okay.

10 MS. RODRIGUEZ: So I don't believe that the liability has necessarily been
11 found just with the Court relying on a violation of a record-keeping statute.

12 THE COURT: Okay.

13 MS. RODRIGUEZ: I believe that he still has to prove that there was some
14 underpayment somewhere. I don't think that he's ever done that.

15 THE COURT: Well, if the Court --

16 MS. RODRIGUEZ: That's why I moved for dismissal and for summary
17 judgment because I think he has all together failed to prove this case. And that's
18 why it has been sent off to the special master, and he's laughing on the record here
19 about the work of the special master and everything that the special master is doing
20 now at the expense of the defendant. That's what Mr. Greenberg should have
21 been doing for five years is preparing his case with everything that we gave him.
22 Statistical sampling or anything, he's never done it, Your Honor. And now the
23 special master is starting at square one.

24 THE COURT: Why is the motion for partial summary judgment not dependent

1 on just that statistical sampling?

2 MS. RODRIGUEZ: The motion for partial summary judgment is based on
3 the very same spreadsheets. It's not a statistical sampling. We appear to be calling
4 them something different today. They're the same spreadsheets that the Court
5 already found were not sufficient to support a partial summary judgment. That's
6 in the Court's order, that's in the Court's transcript, that those --

7 THE COURT: That was before the Court also then found that based on the
8 Mt. Clemens that it could do so on an even approximate statistical record.

9 MS. RODRIGUEZ: Your Honor then after that finding declared in the order
10 appointing the special master that that was not sufficient, that there had to be an
11 actual review of the source documents. So there are some contradictory --

12 THE COURT: That would be the ideal to the extent there is a conflict there,
13 I will grant you. I would much prefer to have been able to have this case come to a
14 conclusion, win, lose or draw, one way or the other based on a stronger evidentiary
15 basis than a statistical approximation.

16 MS. RODRIGUEZ: I understand that, Your Honor, and that's making sense
17 to me entirely. But we cannot just now change the label of the Excel spreadsheets
18 and call them a statistical sampling because that's not what they are. They have --
19 we have the testimony showing that they're unreliable. The Court has already
20 concluded that they're unreliable. And what the Court asked Mr. Greenberg to do
21 was to go back and get expert testimony or opinions to --

22 THE COURT: Hold on. I didn't say -- or if I did say, I didn't mean to say
23 that they were entirely unreliable. It's that we typically deal with something more
24 finite in these kinds of cases. We have more finite evidence. And absent the

1 finite evidence, it's much easier to make an argument that there at the very least
2 remains an issue of material fact for a jury.

3 MS. RODRIGUEZ: But my concern is, Your Honor, then -- that's why I was
4 asking for clarification on what the Court is finding liability on on the record-keeping
5 violation. But number two is, who is supporting the damages in this finding of partial
6 summary judgment? Because by the plaintiff's own submissions to the Court -- and
7 I quoted directly from their oppositions, they say that Mr. Bass, who prepared these
8 spreadsheets, says that "he will not offer testimony on the actual damages, if any,
9 owed to the class members, but only his work preparing that spreadsheet model
10 and how that model operates." And they also say again in their own opposition,
11 "The testimony of Charles Bass concerns not damages but data from A Cab's
12 records and calculations upon that data. A jury, after making a finding about the
13 class members' hours of work, may find that information useful in determining
14 damages."

15 THE COURT: Uh-huh.

16 MS. RODRIGUEZ: By their own admissions they're saying --

17 THE COURT: Sure, but you're still under the old evidentiary standard of what
18 this Court would require and every court would require if you had the capability of
19 arriving at a finite answer.

20 MS. RODRIGUEZ: But a summary judgment must be based on some type
21 of evidence, and what I am trying to bring to --

22 THE COURT: And Mt. Clemens says that it can be -- that judgment may be
23 rendered on an approximation through a statistical type of sampling.

24 MS. RODRIGUEZ: And who is offering that to the Court? Not his experts.

1 THE COURT: I think the plaintiff.

2 MS. RODRIGUEZ: His experts say they're not going to testify about that.

3 They say all they --

4 THE COURT: Well, that's what Bass says. What does Clauretie say?

5 MS. RODRIGUEZ: Clauretie says I looked at what Bass did and the math
6 looks right to me. The same quotes that he had about my expert --

7 THE COURT: Is Clauretie not an expert?

8 MS. RODRIGUEZ: Clauretie is an economist.

9 THE COURT: Okay.

10 MS. RODRIGUEZ: What they are wanting to support a summary judgment
11 is an Excel spreadsheet. Clauretie has no authority, no expert qualifications to
12 speak to an Excel spreadsheet and a tool and the calculations, the mathematics,
13 the arithmetic that goes into an Excel spreadsheet. And that's what they hired him
14 to talk about, to say Mr. Bass walked me through his calculations and they look
15 right to me. Yes, Dr. Clauretie is qualified to talk about economics and his area of
16 expertise. He's very qualified in that area. But this is not an economist type of
17 opinion that they're soliciting from Dr. Clauretie. That's why I've asked the Court to --

18 THE COURT: Why is it not an economist type opinion?

19 You're going to need to speak to that, too, when I come back to you.

20 MS. RODRIGUEZ: Well, Your Honor, I have extensively briefed this issue
21 why these two experts do not qualify under the statutes and under our case law.
22 And I can cite to the Court again the case law, but it's been briefed as to why the
23 opinions that they attempt to render are not expert opinions. I pulled things right
24 out of their depositions that say they're not offering opinions, they're not -- all they're

1 doing is rubber stamping what Mr. Greenberg brought to the Court the first time.

2 THE COURT: Okay.

3 MS. RODRIGUEZ: And the Court said you can't do this, you need an expert
4 to do it.

5 THE COURT: Okay.

6 MS. RODRIGUEZ: So then there was -- every one of these experts, when
7 I deposed them I said what kind of investigation did you do to acquire your opinions?
8 Did you talk to any of the plaintiffs? Did you look at any of the records? Did you
9 look at any of the data?

10 THE COURT: Is that required if you're doing an approximation of damages?

11 MS. RODRIGUEZ: Absolutely. You have to look at data. You have to do
12 some kind of independent research. You have to be helpful to the trier of fact.
13 There's a whole litany, as Your Honor I'm sure is aware, of everything that an
14 expert has to do to qualify. These guys did nothing but speak to Mr. Greenberg,
15 who explained items to Mr. Bass, Mr. Bass explained them to Dr. Clauretje, and
16 there they say voila, we have an expert report. But we're back to relying upon the
17 same original spreadsheets that basically Mr. Greenberg put together.

18 THE COURT: Do either of you know what the statistical sampling was in
19 the Mt. Clemens case? The Supreme Court, U.S. Supreme Court. I don't recall.

20 MR. GREENBERG: Your Honor, my recollection is it's discussed in the Court
21 of Appeals opinion. I believe there were several hundred employees there and they
22 took testimony from maybe two dozen to arrive at some inference as to what this
23 off-the-clock unrecorded time amounted to, Your Honor. And that's fairly typical in
24 these kind of cases.

1 THE COURT: And did it include expert opinions?

2 MR. GREENBERG: It did not, Your Honor. And in respect to answering
3 this question about expert opinion and testimony, the work done by Charles Bass,
4 Charles Bass is a database computer software technician or an expert. He's
5 certainly qualified in that area. So his job was to take the QuickBooks records
6 as produced by defendants and do the division, you know, the hours for every pay
7 period divided into the gross wages for every pay period, and then tell us does it
8 meet the \$7.25 or the \$8.25 amount. If it doesn't, tell us what the deficiency was
9 for the pay period. As was discussed with Mr. Scott (sic) at his deposition, as I was
10 reciting the testimony from their expert as well, he performed that job accurately.
11 There is no dispute he performed that job accurately.

12 THE COURT: Did Mr. Clauretie offer expert opinion?

13 MR. GREENBERG: He offered an expert opinion in respect to the work of
14 Charles Bass. His expert report indicates he reviewed --

15 THE COURT: And you're satisfied that's within the expertise of an
16 economist?

17 MR. GREENBERG: Yes, I am. And also he did offer an opinion on one
18 area, Your Honor, in his report, which is that he examined the -- what we would call
19 distortion that would come from using an average because we had certain what are
20 called cab manager in and out times, which we're not relying in respect to the partial
21 summary judgment, but he compared the cab manager in and out times, which were
22 about 11 hours on average. He compared the actual cab manager in and out times
23 to a uniform average applying the same 11 hours per shift to see if it would greatly
24 diverge in terms of the end results. What he found is that the end results in terms

1 of damage calculations came out within a few percentage points. And this is
2 discussed at I believe page 30 of his expert report. I have it here on my computer.

3 THE COURT: Okay.

4 MR. GREENBERG: So he did offer an expert opinion on something that is
5 a matter of expertise, but the issue of what information is in defendants' records in
6 terms of -- the QuickBooks records, I'm talking, in terms of how many hours did the
7 defendants record these people working every pay period and what did they pay
8 them. That's not an issue of expert opinion. I mean, Mr. Bass -- they took Mr. Bass'
9 deposition as well, Your Honor, he's not an expert on minimum wage. I mean, he
10 doesn't even necessarily know that \$7.25 or \$8.25 is the required minimum wage
11 or when the minimum wage should be paid. He's not presented as an expert in
12 that area. Nor is Dr. Clauretie for that matter, either. They were only brought to
13 give testimony, a report in this case in respect to their review of defendants' records
14 and that's it, Your Honor. And for that point, as I said, Dr. Clauretie did also offer
15 an opinion regarding the fact that the use of an average would not create any
16 significant distortion of damages, based on the information that was presented to
17 him. He did provide an opinion on that point, Your Honor.

18 THE COURT: So what's the comparison between this kind of evidence and
19 what they said was sufficient in the Mt. Clemens?

20 MR. GREENBERG: Your Honor, I would actually submit in respect to the
21 2013 to 2015 period we're discussing this evidence is far more compelling and
22 precise than what was submitted in Mt. Clemens. In Mt. Clemens essentially
23 you had individuals coming in making statements, testimony as to average
24 approximations of what these time periods were that people were working, and

1 then a finding being made by a finder of fact based upon accepting, you know,
2 those assertions and weighing the veracity, the strength of such testimonial
3 evidence.

4 Here we're not relying on testimonial evidence at all, or to the extent
5 we are it's defendants' testimony. Defendants' testimony. Again, it's in the
6 depositions, it's in the record in my supplement. These QuickBooks records
7 accurately set forth the amount of hours each of these guys worked every pay
8 period. And it also contains the amount they were paid every pay period. They
9 were ordered by the Court to produce it. They did produce it pursuant to the Court
10 order. They can't now say it's not accurate or they don't know if they produced
11 the right documents. They're bound by their own records, Your Honor. I mean,
12 I'm relying on defendants' business records, their own testimony, their own
13 authentication as to the accuracy of these materials, the QuickBooks records for
14 the 2013 to 2015 period. That is the basis for the partial summary judgment motion
15 that's been submitted, briefed, supplemented to the Court.

16 In respect to the broader issue of the average to be drawn from that
17 and applying the judgment throughout the case on that basis, we can discuss that
18 and I can address that further.

19 THE COURT: Okay.

20 MR. GREENBERG: But that's somewhat of a secondary issue, a different
21 issue.

22 THE COURT: All right, thank you.

23 Ms. Rodriguez.

24 MS. RODRIGUEZ: Your Honor, I just want to answer the Court's concern

1 because I did -- about Dr. Clauretie and what he purported to opine about, and
2 throughout his deposition basically all he's saying is he didn't do any independent
3 work. He is just rubber-stamping what Mr. Bass did.

4 THE COURT: Did he say he was rubber-stamping?

5 MS. RODRIGUEZ: I would like to read for you from the deposition of
6 Terrence Clauretie, page 36, starting at line 16. I asked him what his assignment
7 was and he said, "My assignment was not to opine on the relevance of the
8 scenarios themselves. For example, he, Bass, made once an area where he
9 assumed that everybody's minimum wage should have been \$7.25 an hour. Then
10 he made another calculation that everybody should have -- a minimum wage of
11 \$8.25 an hour. My assignment was not to consider the reasonableness of those
12 particular calculations, but were they done mathematically correct. That's about it,
13 were they mathematically correctly done."

14 THE COURT: Uh-huh.

15 MS. RODRIGUEZ: That's all he said he basically did.

16 THE COURT: Okay. And what more would he have to have said or what
17 more of an opinion would be necessary to make that -- the conclusions drawn, the
18 mathematical work done --

19 MS. RODRIGUEZ: That's not an expert opinion, Your Honor. I mean, that
20 falls way short of an expert opinion.

21 THE COURT: Okay.

22 MS. RODRIGUEZ: And he's not qualified. He says he's --

23 THE COURT: Let's assume for the moment that it does. So what?

24 MS. RODRIGUEZ: Okay. So if Clauretie --

1 THE COURT: What's wrong with relying on that?

2 MS. RODRIGUEZ: If Clauretie is not doing anything but just checking
3 Mr. Bass' math.

4 THE COURT: Uh-huh.

5 MS. RODRIGUEZ: And Mr. Greenberg continues to reference Mr. Scott's,
6 Leslie Scott's -- Scott Leslie's approval of the math -- and he kind of brushed over
7 my objections. My objections was that he had already asked the question five times
8 and Mr. Scott (sic) had said all of the problems that were wrong with the math, until
9 he finally said, well, if you add up A and B, does the math add up? And Mr. Scott
10 (sic) finally conceded and said, well, I guess if you do those factors, yeah, I guess
11 that would add up. So there's no expert that is needed to say one plus one is
12 equal to two, but the problem is the underlying sources that go into those particular
13 spreadsheets. So Dr. Clauretie said I didn't look at any of that, I didn't study any
14 of that.

15 THE COURT: And if the underlying sources include the QuickBooks provided
16 by the defendants --

17 MS. RODRIGUEZ: Right. I'm getting to that, Your Honor.

18 THE COURT: Oh, okay.

19 MS. RODRIGUEZ: Because Dr. Clauretie said I didn't do any evaluation,
20 I didn't look at anything. All I did was check what Mr. Bass did; rubber-stamped it.
21 It looks good to me, I'll --

22 THE COURT: He said he rubber-stamped it, huh?

23 MS. RODRIGUEZ: He probably didn't use those words, Your Honor.

24 THE COURT: Yeah. Okay.

1 MS. RODRIGUEZ: I'm not going to fib to the Court. I would love to find a
2 question where I said did you basically rubber-stamp it, so I'll do a search when
3 I go back to see if I asked that question.

4 Mr. Bass, though, if we go back to Mr. Bass, who prepared the Excel
5 spreadsheets, I walked him through twenty different things of what did you do
6 independently to put this spreadsheet together. What sources did you look at, what
7 independent investigation; anything to get him qualified for an expert. The final
8 question after he says, I did not, I did not, I did not, I didn't look at any of that: "So,
9 would it be fair to say that all of the sources, sources of information that you relied
10 upon in formulating your model were provided from Mr. Greenberg?" "Answer:
11 That's fair, yes." And that's basically what he said is that Mr. Greenberg told him
12 how to set up what he wanted, what to plug in. And that's been the problem with
13 the reliability. Mr. Greenberg --

14 THE COURT: And where did Mr. Greenberg get the information?

15 MS. RODRIGUEZ: I don't know, Your Honor. That's the million dollar
16 question. And that's --

17 THE COURT: Okay. So it's not obvious from looking at the document where
18 the -- what statistical source was used?

19 MS. RODRIGUEZ: That's why -- that's what we argued previously before the
20 Court because we argued there's no way to tell what portions Mr. Greenberg chose
21 to plug into these spreadsheets.

22 THE COURT: Uh-huh.

23 MS. RODRIGUEZ: He asserts it's portions of the QuickBooks data that is
24 given by the defendants. Short of going line by line, we don't know what he's using.

1 And the Court agreed a year ago that this was an issue --

2 THE COURT: I caution you against returning to that because I've already
3 given the explanation for the degree of accuracy that the Court was intent on
4 having these parties present to a jury on that, and that has proven to be impossible.
5 So the question becomes is that what's required?

6 MS. RODRIGUEZ: Well --

7 THE COURT: And as I read the law it apparently is not in all cases.

8 MS. RODRIGUEZ: I think at the end of the day what we've done, Your
9 Honor, is what we've been fighting all along, is the shifting of the burden to disprove
10 to the defendant.

11 THE COURT: Okay.

12 MS. RODRIGUEZ: From the commencement of the case the burden of proof
13 is upon the plaintiffs, and throughout this litigation they've attempted to shift the
14 burden of proof. At the end of the day the Court's reasoning is that now is going
15 to accept the statistical sampling and we as the defendants have to disprove any
16 errors in the sampling as to why it's wrong. So essentially we will end up with
17 shifting the burden of proof, which is what the plaintiffs have advocated all along.

18 I would assert to the Court that that is unjust and unfair at this point
19 because it's based on the plaintiffs' failure to properly prepare their case over five
20 years. They've had the records. They could have done their statistical sampling
21 even with their own experts. I think the Court even allowed them another
22 opportunity to go out and have the appropriate experts do what they needed to
23 do to say this is why this is valid data. They didn't do that. They failed to do that,
24 Your Honor.

1 THE COURT: Okay. Let me ask you a question, Mr. Greenberg.

2 MR. GREENBERG: Yes, Your Honor.

3 THE COURT: Is the document that contains the information, the numbers,
4 the statistical information which was given to Mr. Bass, does that -- are the sources
5 for that information self-evident from the document? And are they --

6 MR. GREENBERG: Your Honor, they are identified by Mr. Bass in a sworn
7 declaration which is included with Dr. Clauretie's report. This is in paragraph 3:
8 "The two Excel files provided to me by Leon Greenberg that I summarized" --
9 because his job was to summarize the information, produce that 14,000 line
10 analysis -- "are named." And he gives the name which was created on October
11 3rd, modified on that date, and is fourteen thousand -- fourteen million, six hundred
12 thirty-three thousand, zero hundred and thirty-nine bytes in size. He is identifying
13 the particular computer file that I gave him with the exact name, as given to me by
14 the defendants with its date of creation and its exact size. These are the files that
15 they gave me. I gave them to him.

16 THE COURT: Okay. So you're saying, if I'm understanding, that everything
17 that you gave to the -- that you gave to Mr. Bass or Mr. Clauretie was directly
18 obtained from the defense.

19 MR. GREENBERG: Yes, it was. And Mr. Bass identifies the two files that he
20 worked with, the QuickBooks files we've been discussing. They were in two Excel
21 files. He identifies them precisely by name, size, date, creation, as given to me by
22 defendants. I turned them over to him. Defendants have not disputed that those
23 are in fact the identification of those files. They haven't disputed that the results,
24 those 14,000 lines that Mr. Bass summarized, contain any information that is not

1 consistent with the information in those two files they gave me, which again were
2 produced pursuant to the order of this Court. So the evidentiary chain here, the
3 chain of custody if you wish to call it, is in the record. I made it a point to be sure
4 that this was here because I understand the Court needs to be concerned that this
5 is all documented. And I worked very hard to make sure it is in the record, Your
6 Honor.

7 THE COURT: Okay.

8 MR. GREENBERG: So this assertion that it's not by defendants just doesn't
9 have any basis.

10 THE COURT: Ms. Rodriguez, any rejoinder to that?

11 MS. RODRIGUEZ: Well, just that I hear a key word coming out of Mr.
12 Greenberg's mouth, and that is "summarized." This is not the actual data. He said
13 what Mr. Bass summarized. And that's been the dispute is we don't know what Mr.
14 Bass summarized. So then --

15 THE COURT: We don't know what he summarized? We don't know what --

16 MS. RODRIGUEZ: No, Your Honor. We've turned over several data blocks,
17 for lack of a better term, of QuickBooks data. We've turned over, as Your Honor
18 knows, lots of data.

19 THE COURT: Okay.

20 MS. RODRIGUEZ: So I don't know what Mr. Bass --

21 THE COURT: And they were not -- so I assumed that we were talking about
22 a spreadsheet with columns, if you will, of data points that were provided by the
23 defense to the plaintiff. Is that not the case, Mr. Greenberg?

24 MR. GREENBERG: Your Honor, the summarization -- again, we're talking

1 this 3-year period, 2013 through 2015, okay. Defendants produced a lot of
2 information --

3 THE COURT: Uh-huh.

4 MR. GREENBERG: -- okay, that Mr. Bass did summarize and assemble.
5 For example, a taxi driver in the same period, pay period got paid commissions.
6 He may have gotten paid a bonus. He may have gotten paid some other special
7 reward, okay. So all of those items of payment which are separately identified in
8 defendants' records have to be added together --

9 THE COURT: Okay.

10 MR. GREENBERG: -- to determine what his total compensation was for the
11 pay period. This is discussed in Dr. Clauretje's report. There is a long list of every
12 single item in the data that was compiled together to arrive at the total payment
13 received by the --

14 THE COURT: Compiled by whom?

15 MR. GREENBERG: By Charles Bass.

16 THE COURT: Does that involve anything more than adding them up?

17 MR. GREENBERG: It does not involve anything more than adding them up.

18 THE COURT: Okay.

19 MR. GREENBERG: Your Honor, the payroll data also included things such
20 as deductions, child support payments, tax payments. Mr. Bass didn't need to
21 consult or summarize any of that because it's not relevant to the issues in this case.
22 So, yes, there is a great deal of data that we received from defendants that aren't
23 in that 14,000 line summary which, you know, I can show Your Honor the output
24 here if you don't have it in front of you, that shows, you know, week by week again

1 this calculation, gross wages, hours, deficiency if any at the \$7.25 or \$8.25 an hour
2 rate, Your Honor. So defendants have not pointed to any error in any of those
3 14,000 lines. And again, this was --

4 THE COURT: Or anything which is not identified as to its source?

5 MR. GREENBERG: Well, the source is all -- the source for everything in that
6 final work by Mr. Bass is those two Excel files we were just discussing which are
7 identified in his declaration by date, size; it's specifically given title by the defendants.

8 THE COURT: All right. Okay, Ms. Rodriguez.

9 MS. RODRIGUEZ: Well, our expert did point out some errors by sampling
10 certain ones. And Mr. Greenberg even talked about that earlier to the Court, that
11 Mr. Leslie pulled out certain examples where the numbers did not add up. But I will
12 refresh the Court's recollection that Your Honor looked at those Excel spreadsheets,
13 what he's purporting to explain now. We took a break -- I think it was in that January
14 2017 where Your Honor went and looked at these things and just decided they
15 didn't make sense. They weren't adding up. And it's not a simple formula as Mr.
16 Greenberg has indicated.

17 THE COURT: That they didn't even add up? Is that what I indicated?

18 MS. RODRIGUEZ: That they didn't make sense.

19 THE COURT: They didn't make sense.

20 MR. WALL: Your Honor, may I just add, if you'd look at the transcript we had
21 a several day break and then you came back and you said specifically I'm trying to
22 make the numbers work and I can't do it. And you asked Mr. Greenberg, explain
23 the numbers to me so I can figure out how they work, and he wasn't able to do it.

24 THE COURT: Hmm. Mr. Greenberg.

1 MR. GREENBERG: Your Honor, again, they're referring to the background
2 of the compilation of the data. This is the spreadsheet. I mean, I guess I could put
3 it on the projector or I could show it to you. This is, you know, 300 pages here of
4 the 14,000 line-by-line.

5 THE COURT: Do you recall them -- what they're talking about where I took
6 a break and came back and said I can't make it work?

7 MR. GREENBERG: Yes, because there is in fact -- I referred to the
8 declaration of Mr. Bass where he talks about the origin of the source material in
9 paragraph 3, and then he goes on to explain the calculations that are made in
10 columns B through M or so on this, okay.

11 THE COURT: Uh-huh.

12 MR. GREENBERG: And he then explains how he sorted the data and how
13 he then arranged it and the information that he compiled, those various commissions,
14 bonuses, etcetera, to come up with the gross wage amounts. You found the
15 declaration and the detail provided in there to not be sufficiently clear to you at that
16 time and denied the partial summary judgment without prejudice --

17 THE COURT: Uh-huh.

18 MR. GREENBERG: -- again offering us the opinion that you thought that
19 this should be subject to further scrutiny, evidentiary review, expert testimony and
20 development, which it was, Your Honor. And Dr. -- the purpose of Dr. Clauretie's
21 report was to go through the methodology used by Charles Bass, furnish a formal
22 report, which was 30 pages, explaining that he examined the end product here,
23 what Charles Bass produced. He examined the source material, the Excel files.
24 He walked through the process with Charles Bass that Charles Bass used to get

1 from the source data to the end result. He found that it was mathematically correct
2 and made sense.

3 And their expert, Mr. Scott (sic), ultimately agrees that the numbers
4 add up and that it was done correctly. When defense counsel is saying that Mr.
5 Scott identified errors, he didn't identify any errors in Mr. Bass' work from the source
6 material to the summary. What she's talking about is again this issue of whether
7 the source material itself is accurate because we keep getting back to this insistence
8 by defendants that you can only rely on the trip sheets. And Mr. Scott -- all Mr.
9 Scott did, their expert, was just look at the trip sheets, and he did in fact come up
10 with instances where the trip sheets showed more time recorded. As I was saying,
11 he came up -- he studied 77 pay periods and came up with an average of 9.6,
12 and in those 77 pay periods most of them showed more time worked than in
13 the QuickBooks records, even though defendants testified under oath that the
14 QuickBooks records were accurate in respect to the hours worked. But that's
15 a completely different issue, Your Honor. Defendants should be bound by their
16 representations under oath as to the accuracy of these QuickBooks records. They
17 can't now say they're not accurate. And in terms of the --

18 THE COURT: I don't perceive them as trying to say that.

19 MR. GREENBERG: Well, okay, Your Honor. I understand Your Honor is
20 trying very hard -- would you like me to present to you this --

21 THE COURT: No. You've actually already explained.

22 MR. GREENBERG: There is no material issue of fact, Your Honor.

23 THE COURT: Now, let me ask this question, though.

24 MR. GREENBERG: Yes.

1 THE COURT: Does this last round of back and forth suggest to you that
2 there is any error or weakness in the Court applying the 9.21 hours per average
3 shift number for -- in other words, to arrive at the damages from 2007 to 2012?

4 MR. GREENBERG: There is not, Your Honor.

5 THE COURT: All right.

6 MR. GREENBERG: I would not hesitate for the Court to do that and I would
7 urge the Court to do so and simply limit the class judgment accordingly. And to the
8 extent that any class member wants to assert that they have a claim for something
9 based on something more than that because they claim their hours of work were
10 more or they claim that they were entitled to the \$8.25 an hour rate relating to their
11 health insurance status, that they simply be -- remain free to litigate those issues
12 individually, and we would enter judgment for the class accordingly and can bring
13 this case to final judgment. I had also requested an interim award of \$100,000 in
14 class counsel fees if partial summary judgment --

15 THE COURT: A hundred and thirty-five.

16 MR. GREENBERG: A hundred and thirty-five, Your Honor, is more attentive
17 than myself.

18 THE COURT: Well, for costs.

19 MR. GREENBERG: Well, I have \$50,000 in costs in this case, Your Honor,
20 as part of the immediate entry of the order for partial summary judgment. We get
21 to final judgment. There will then of course be a post-judgment request for
22 assessment of attorney's fees that Your Honor will hear --

23 THE COURT: Okay.

24 MR. GREENBERG: -- and I will submit documentation on.

1 THE COURT: All right. It's your motion, but I'll give them the last word.

2 MS. RODRIGUEZ: Thank you, Your Honor. I think it's clear --

3 THE COURT: If this whole process strikes you as being somewhat
4 disagreeable, I would echo that comment.

5 MS. RODRIGUEZ: I wouldn't say that, Your Honor.

6 THE COURT: I am very used to having cases that go to trial based upon
7 finite information, certainly more finite than what we have available to this point.
8 And the potential for the Court to now award a summary judgment lies in trying to
9 do essential justice and trying to assess what has and is frustrating that purpose.

10 MS. RODRIGUEZ: Well, I would just indicate to the Court that at the time
11 that this was set for trial the defendants were ready to proceed to trial. And based
12 on the evidence and the preparation of what was before the Court, it would have
13 been appropriate for the Court to strike the experts that plaintiff seeks to rely upon.
14 Without their experts they cannot prove any damages. It's always been our position
15 they cannot prove any liability. They've never proved it for one single driver. And
16 if the Court --

17 THE COURT: Do you recall the countermotions?

18 MS. RODRIGUEZ: Pardon me?

19 THE COURT: Do you recall the countermotions by the plaintiff to --

20 MS. RODRIGUEZ: There were 25 omnibus --

21 THE COURT: -- to strike the defendants' experts or a portion of their
22 testimony? I don't recall exactly which.

23 MS. RODRIGUEZ: I don't know that they took a shot at the expert.

24 THE COURT: What all of that motion work showed me was that this was

1 going to be nothing more than a giant battle of experts, not even on their testimony,
2 which we often have.

3 MS. RODRIGUEZ: But the problem has been that the Court didn't hear that
4 motion in January when it was set or -- and has skipped over that.

5 THE COURT: Do you think it would have become more clear to me by
6 hearing oral argument?

7 MS. RODRIGUEZ: Has it become more clear to you? I'm sorry?

8 THE COURT: No. I say do you think it would have been become more clear
9 to me that the purposes of the trial would be frustrated if it boiled down to the kind
10 of not just battle of the experts but battle over which experts could even testify and
11 which were --

12 MS. RODRIGUEZ: It's not so much that, Your Honor. What I'm complaining
13 about is the order in which the Court is addressing these issues because the
14 defendants' motion was on calendar, was briefed, was set for hearing --

15 THE COURT: Uh-huh.

16 MS. RODRIGUEZ: -- and was not heard.

17 THE COURT: Uh-huh.

18 MS. RODRIGUEZ: It was skipped over. So now we are --

19 THE COURT: Well, it wasn't exactly skipped over. Do you recall what the
20 Court said at the time?

21 MS. RODRIGUEZ: I do, Your Honor. Bad choice of word on my part.

22 THE COURT: And that was why I went to Plan B with a special master.

23 MS. RODRIGUEZ: But now we're here on summary judgment relying on
24 those same expert reports which we are now naming as statistical samplings, which

1 they are not. It's still unreliable data that should not be relied upon for summary
2 judgment and that's my frustration.

3 THE COURT: You're speaking of the data submitted by your clients.

4 MS. RODRIGUEZ: But it's not the data.

5 THE COURT: It's not?

6 MS. RODRIGUEZ: It's a summary prepared by an expert, Mr. Bass, and
7 Mr. Bass is not qualified to be an expert. And he --

8 THE COURT: Now, I'm going to ask one more time then. My understanding,
9 Mr. Greenberg, is that you submitted the information from the defendants to Mr.
10 Bass and that he simply did a mathematical calculation using the various numbers
11 that were contained in those files from the defense.

12 MR. GREENBERG: Two pieces of information, Your Honor, for each person.
13 The total amount they were paid every pay period; total amount of hours recorded
14 working per pay period. Those were the two essential pieces of information.
15 Everything else is just division. You divide the hours into the wages. It either met
16 the \$7.25 or it didn't, Your Honor. If it didn't, you know the deficiency. It's a very
17 simple formula. Getting the information together because it's voluminous --

18 THE COURT: Uh-huh.

19 MR. GREENBERG: -- you know, we're talking, as I said, 14,000 pay periods
20 for this 3-year period, you're dealing with a large database of information, two large
21 Excel files, many, many lines. More than 14,000 lines of Excel information because
22 each item of payment or deduction is a separate line, a separate entry for a pay
23 period. So one person's pay period in the original data has maybe 20 lines with
24 different entries in them, some are deductions, some are additions. Mr. Bass took

1 all of those --

2 THE COURT: And it's your contention that no expert or expertise, if you will,
3 or the sort that requires an expert opinion was either required or used in order to
4 assemble that and come up with the final numbers?

5 MR. GREENBERG: I would agree, Your Honor. This is not a question of
6 opinion, for example, where a medical expert will opine on the best way to treat
7 a certain condition based upon the prevalent belief in the medical community or
8 the field of experts who deal with that particular medical condition. This is not a
9 question of expert opinion in that context. This is a question simply of adding up
10 numbers. I mean, Your Honor, if this was -- if these were ledger sheets as opposed
11 to presumably a million lines of Excel data, a clerk would sit down with a calculator.
12 You understand, I mean, you know, you and I are old enough and perhaps defense
13 counsel as well to remember the old green ledger sheets and how people did
14 accounting in the old days, and in litigation matters they would have people come
15 in with summaries that were compiled by hand.

16 THE COURT: Guys with slide rules in a pocket protector.

17 MR. GREENBERG: Yes, Your Honor. And it would be the same thing, Your
18 Honor, except of course here we are dealing with a computer software, Excel, which
19 Mr. Bass used.

20 THE COURT: Yeah.

21 MR. GREENBERG: And again, the details in his declaration, the purpose
22 of Dr. Clauretie's examination of his work was to verify that it was correct. It was
23 the work -- the end product was produced to defendants. Defendants gave us
24 the source material. They've had every opportunity to examine the end product,

1 to compare it to the source material, to identify any errors in the end product, to
2 identify any inconsistencies in the end product from the source material. They
3 have identified none, Your Honor.

4 THE COURT: Okay. All right, go ahead, Ms. Rodriguez.

5 MS. RODRIGUEZ: Your Honor, as Mr. Greenberg was speaking, I can
6 remember him arguing to the Discovery Commissioner in his motions to compel the
7 cab manager data because he argued to the Discovery Commissioner that the cab
8 manager data was the only data that he needed to determine the hours for these
9 cab drivers, the actual hours worked or even a statistical sampling of the hours. We
10 turned over all that data. You'll see that in those Excel spreadsheets or in Mr. Bass'
11 testimony or in Mr. Bass' affidavits he never even looked at the cab manager data.
12 So now Mr. Greenberg is arguing to the Court we're just using this QuickBooks data
13 and that's all you need to grant summary judgment. So I would reiterate to the
14 Court that those are conflicting statements and that's a critical piece that is missing
15 to base summary judgment on. By his own arguments cab manager data is one
16 of the pieces that was never even considered in the calculation of the hours.

17 Your Honor's other question about the 9.21 hours, if the Court is
18 inclined to grant that across the board, I'm not even sure where that comes from
19 if no one has ever looked at the cab manager data. The other agencies that have
20 come in, like the Department of Labor that came in and did an audit, they reached
21 a different number after going through four years of spreadsheets.

22 THE COURT: The two million dollar number?

23 MS. RODRIGUEZ: Is it a million dollar number?

24 THE COURT: Two million.

1 MS. RODRIGUEZ: No, I'm talking about the number of -- the average hours.

2 THE COURT: Oh, okay.

3 MS. RODRIGUEZ: Right. Because I think the Court's question was did he
4 feel comfortable relying upon a 9.21 average.

5 THE COURT: Uh-huh. Right.

6 MS. RODRIGUEZ: Again, I don't know whose data we're relying upon to
7 support that because neither Clauretie or Bass --

8 THE COURT: Well, that's a good point. That's a good point. Let's ask.

9 MS. RODRIGUEZ: And the DOL has come up with a different figure. I
10 believe their number was closer to 8.5. And let me just add one thing about the
11 hours, Your Honor. If you're going to use averages for hours, those hours fluctuate
12 not only from year to year, obviously from driver to driver. There are a lot of drivers
13 that merely work part-time as opposed to full time. And they also greatly fluctuate
14 by the time of year. As you can imagine, there are very slow periods in the industry
15 and then there's peak periods in the spring. So I do not believe that that's an
16 appropriate representation, then, to apply for summary judgment. Again, 9.21
17 across the board for, what are we talking, like six years or so?

18 THE COURT: 2007 to 2012.

19 MS. RODRIGUEZ: 2007 to 2012?

20 THE COURT: Yeah.

21 MS. RODRIGUEZ: Five -- four years.

22 THE COURT: Wouldn't business have been better before Uber?

23 MS. RODRIGUEZ: Well, for everyone else but Mr. Nady. Mr. Nady is the
24 only -- A Cab is the only one who remained a restricted company until the end of

1 2011 -- 2012?

2 MR. NADY: When we were unrestricted?

3 MS. RODRIGUEZ: Yes.

4 MR. NADY: Last year.

5 MS. RODRIGUEZ: Sorry. No, not 2017.

6 MR. NADY: The year before last.

7 MS. RODRIGUEZ: 2016. I'm sorry, Your Honor; too many years flying.

8 THE COURT: Okay.

9 MS. RODRIGUEZ: But about the same time that Uber came into the industry
10 was exactly when Mr. Nady had his restrictions lifted. Otherwise he was restricted
11 to only serving residential areas, so he didn't get to serve the lucrative areas and
12 he's had the unfortunate luck that pretty much the same month that the Taxicab
13 Authority lifted his restrictions allowing him to service the airport and the Strip and
14 the more lucrative areas after ten years of being in business is the same time that
15 the Uber and Lyft people came into town, so.

16 THE COURT: Yeah. What about that -- what is the source again for 9.21?

17 MR. GREENBERG: The source is the QuickBooks records, Your Honor,
18 which they again have testified under oath were contained for every pay period,
19 the actual hours worked for the pay period by the drivers.

20 THE COURT: So that number was used to calculate the 174,000 for the
21 2013 to 2015?

22 MR. GREENBERG: Yes, it was, Your Honor.

23 THE COURT: Okay.

24 MR. GREENBERG: And let me explain. There was discussion of the cab

1 manager information. The cab manager information is used for one purpose, which
2 is to know the number of shifts the driver worked because the QuickBooks records
3 do not tell us how many shifts the driver worked. It only tells us he worked 65 hours,
4 83 hours, whatever it is in the pay period.

5 THE COURT: Uh-huh.

6 MR. GREENBERG: It doesn't tell us how many shifts.

7 THE COURT: Okay.

8 MR. GREENBERG: So for us to know how many shifts they worked, we
9 need to look at the cab manager record which shows the driver driving a cab on a
10 particular day. The cab manager records also have in and out times, which average
11 around 11 hours in length between in and out, but there can be a dispute as to
12 whether they were actually working that entire 11 hours. They could have been
13 on a break. We're not getting into that, Your Honor.

14 THE COURT: Understood.

15 MR. GREENBERG: We're not referring to the cab manager records for any
16 other purpose than just to show that the driver worked a shift on a particular date,
17 Your Honor.

18 THE COURT: Okay.

19 All right, anything else, Ms. Rodriguez?

20 MS. RODRIGUEZ: No, Your Honor.

21 THE COURT: I suppose I start and end with the notation that we are dealing
22 with important rights, important because the people of Nevada have said so by
23 virtue of inserting what would otherwise be a statutory provision into the Constitution
24 of the State of Nevada. I have great respect for constitutions and constitutional law.

1 I believe that they form the basic backbone of the laws and government enumerated
2 therein, both for the United States of America and for the State of Nevada. If the
3 people of this state have said that there is a minimum wage act which entitles
4 employees to be paid, you know, a certain amount, I believe it's incumbent upon
5 the Court to make sure that at the end of the day justice is done, even though the
6 justice that is done may turn out to be of a somewhat imprecise nature.

7 I'm satisfied that the rationale of the Mt. Clemens case not only
8 provides ample authority or justification, but provides an avenue for this Court to
9 attempt to do essential justice to the parties. In a case in which the attempt to go
10 the usual route has been frustrated, Ms. Rodriguez has argued that the Court
11 cannot keep pointing to what the Court claims is the failure to maintain appropriate
12 records. It seems to me that throughout the years that this case has been going
13 on that this Court has bent over backwards in an attempt to be fair not only to the
14 drivers who have this constitutional right to lay claim to certain monies, but to a
15 defendant who is just operating a business and who gets met with these kinds of
16 claims and who must then try and put up a defense as best they can. This Court
17 has attempted to be fair to both sides.

18 It is my determination that rather than provide any further risk to the
19 plaintiffs by requiring the sort of specificity, accuracy and what to lawyers is more
20 pure evidence as a basis for any decision, that the Court accept approximation as
21 countenanced by Mt. Clemens and a host of other cases. Whether or not you put
22 it on the basis that it can then shift the burden of proof to a defendant or you simply
23 say the motion has been put, notwithstanding the arguments of the defense, the
24 Court finds that no real basis has been put forward to put this into a triable issue

1 within the context of approximation-type evidence, statistical evidence which may
2 be subject to more -- or less precision than finite numbers contained in reports,
3 testified to by experts and receiving the gold star approval by a court.

4 I am not saying that I think that the evidence put forward by the
5 plaintiffs here is lacking or that it is inadmissible or that the Court cannot do
6 essential and fair justice between the parties by accepting it. I am satisfied that
7 essential justice is being done here. It's less than what the plaintiffs wanted and
8 claimed that they were legally entitled to and more than what the defense would
9 say has been proven.

10 In light of the frustration at attempting to provide the means for more
11 articulate, finite evidence that we would all like to be able to depend on more, the
12 Court finds that it is best to grant the motion for summary judgment, partial motion
13 for summary judgment in that it certainly does not grant all of the relief requested
14 by the plaintiffs, but it grants that it goes a long way towards satisfying the bulk of
15 the claims of these plaintiffs, of the plaintiff class.

16 The alternatives open to the Court involve -- some of the alternatives
17 open to the Court involve using this Court's power to really lean on one side either
18 by appointing a receiver or by appointing a separate special master that would be
19 locally based who would have the first duties of being given all of the financial
20 records of all defendants and determining whether or not these defendants truly
21 were -- are in a position that they cannot pay for a special master functioning. Or
22 of course more bizarre results, holding the defendant in contempt and placing Mr.
23 Nady in custody on a civil case, particularly unattractive to this Court, or anything
24 else.

1 I don't find that there is another reasonable way to do essential justice
2 in this case. And so, reluctantly, I grant the plaintiffs' motion for partial summary
3 judgment to the extent that not only is the time period of 2013 to 2015 granted, but
4 using the rationale and the evidence propounded by the plaintiffs, which they in turn
5 claim is based on the evidence propounded by the defendants, to grant the same
6 summary judgment for the period of 2007 through 2012. My understanding is that
7 that amounts to 174,000 and -- I don't have the precise amount. Do you have it?

8 MR. GREENBERG: Your Honor, for the 2013 to 2015 period it is itemized
9 in precise amounts to identified individuals. It does total approximately 174,000.
10 It is in the record. What I would --

11 THE COURT: You don't know the precise amount?

12 MR. GREENBERG: Well, it is actually discussed in the motion submission.
13 The precise amount is \$174,839.

14 THE COURT: That is the amount?

15 MR. GREENBERG: Well, excuse me, I -- Yes, Your Honor, that is the
16 amount that's actually requested. That's at least \$10 an hour -- at least \$10 owed
17 to each of these individuals. If it's below \$10, we're treating it as de minimis and
18 not bothering the Court with entry of a judgment.

19 THE COURT: And additionally in the amount of -- was the \$804,000 figure
20 precise?

21 MR. GREENBERG: Your Honor, I believe you can certainly recite it and
22 I would submit an order for Your Honor's approval. What I would like to do is to
23 submit the actual -- and I believe the Court should have entered in the record the
24 actual --

1 THE COURT: Calculations.

2 MR. GREENBERG: -- pay periods and calculations for each individual with
3 the documentation. As I inserted in the record about 400 pages with those 14,000
4 payroll periods analyzed --

5 THE COURT: Yeah.

6 MR. GREENBERG: -- I would submit that in conjunction with a final order
7 that Your Honor would then approve, and there would be an appendix listing the
8 judgment amounts for each individual.

9 THE COURT: All right. Now, as to interim fees, I don't -- am I incorrect, is
10 there any kind of evidence before the Court, any recitation, any numbers that would
11 show me even exactly how that was calculated? I know that you have indicated
12 there's about 50,000 in costs --

13 MR. GREENBERG: Yes.

14 THE COURT: -- and that I believe you argued that the hours for counsel
15 was calculated at something like \$85 an hour.

16 MR. GREENBERG: Well, Your Honor, I am looking at the submission I gave
17 the Court on November 2nd and I did submit a declaration. This is at page 9 of that
18 submission. This is the memorandum. At that time I had stated that I personally
19 expended over 850 hours and \$35,000 at that time in costs on this litigation.

20 THE COURT: So the fee amount is how much and based on what hourly
21 rate?

22 MR. GREENBERG: Well, Your Honor, if --

23 THE COURT: It is more complicated than that, isn't it?

24 MR. GREENBERG: If I was to be compensated for 500 hours, okay, of work,

1 not 850 hours but 500 hours of work at \$200 an hour, Your Honor, I believe that's
2 \$100,000.

3 THE COURT: I'll tell you what. I think that we had better have that be the
4 subject of a separate motion.

5 MR. GREENBERG: That is Your Honor's determination. I mean, my point
6 to Your Honor is that the --

7 THE COURT: I'm not saying I don't know whether interim fees should be
8 awarded because at this point I believe they should. But I have to have a coherent
9 at least, basis, a number, a calculation.

10 MR. GREENBERG: Well, Your Honor, I did submit, again, a declaration
11 in support of the fee request. It was at -- it was attached as an exhibit to the
12 memorandum filed on November 2nd. It begins at paragraph 13. It says, "I have
13 reviewed the contemporaneous attorney time records maintained. I have over 850
14 hours expended on the prosecution of this case; \$27,200 for expert witness and
15 technical consultant costs; \$6,200 for --

16 THE COURT: Can you just give me the total for the fees and the hours that
17 were used for that?

18 MR. GREENBERG: Well, the fee request is \$35,200.

19 THE COURT: Okay.

20 MR. GREENBERG: And this is itemized in paragraph 13 of my declaration --

21 THE COURT: All right.

22 MR. GREENBERG: -- that was submitted on November 2nd. I had simply
23 asked for a round award of \$100,000 in interim fees based on the fact that I had --
24 that at this time I had expended over 850 hours. My time expenditures, I just

1 checked my office the other day, are over 1,100 hours personally. Ms. Sniegocki,
2 who is my associate, has expended over 500 hours on this case. I understand
3 defendants --

4 THE COURT: Do you know what your costs are to date?

5 MR. GREENBERG: My costs are the \$35,200 -- well, they're more than the
6 \$35,200, but we have the itemization as of November 2nd of \$35,200. Those are
7 the costs.

8 THE COURT: For costs?

9 MR. GREENBERG: For costs. Expert -- \$27,200 for expert witness costs
10 and --

11 THE COURT: So you're asking for \$70,400?

12 MR. GREENBERG: I'm asking for -- I had requested \$135,000 in total,
13 Your Honor --

14 THE COURT: All right.

15 MR. GREENBERG: -- just as a round number for costs and interim class
16 counsel fees.

17 THE COURT: Yeah.

18 MR. GREENBERG: If Your Honor wishes to approach it differently, that's
19 fine. I was trying to just make this sort of simple and very minimal, Your Honor.
20 Can I include an interim award in the order that I will present to Your Honor?

21 THE COURT: Yes. Yes.

22 MR. GREENBERG: For the \$135,000?

23 THE COURT: Yes.

24 MR. GREENBERG: Okay.

1 THE COURT: I am satisfied that the -- now, this is based upon the -- a
2 provision in the minimum wage act itself?

3 MR. GREENBERG: Well, the minimum wage act empowers the Court
4 to award any relief that it is empowered to act to award in any civil action of an
5 equitable injunctive damages type nature. In respect to the award of interim counsel
6 fees, again, this is discussed at pages 9 and 10 and this has been approved of by
7 the United States Supreme Court. I quote this case, Texas State Teachers v.
8 Garland, 489 U.S. 782. That's from 1989; another decision I cited from the D.C.
9 Circuit. I mean, this is -- the Nevada Supreme Court has never addressed this issue.

10 THE COURT: Okay.

11 MR. GREENBERG: I want to be candid with the Court. But the judicial
12 doctrine that in these cases where there is some measure of success for a class
13 prior to entry of final judgment justifies an award of interim fees is well recognized,
14 Your Honor. There's no contrary view of that. So I think Your Honor is well within
15 your discretion to grant the award as I have requested as part of the immediate
16 judgment that will be entered. We will be before your court on a post-judgment
17 motion for a full fee award, at which time I will submit a detailed itemization of
18 all of the hours, justification for a lodestar fee in hourly rate. That will of course
19 be presented to defendants, who will have an opportunity to dispute the actual
20 calculation of all fees to be awarded.

21 THE COURT: All right, here's what we're going to do on that. I'm going
22 to review the authority that you gave me in your motion and I will make the
23 determination of whether and in what amount interim fees will be awarded.

24 MR. GREENBERG: I trust --

1 THE COURT: So I make no ruling from the bench on that today.

2 MR. GREENBERG: I trust Your Honor will issue a minute order --

3 THE COURT: Yes.

4 MR. GREENBERG: -- this week or soon on that.

5 THE COURT: Yes.

6 MR. GREENBERG: Okay, because I would like to obviously submit the final
7 order to Your Honor in accordance with the other rulings you've made today so we
8 can have a final judgment entered appropriately.

9 THE COURT: Uh-huh. Okay.

10 MR. GREENBERG: And again, it is my understanding that the directions
11 you're giving us today is to fashion an order that will constitute a final judgment in
12 this case pursuant to your rulings today.

13 THE COURT: Oh, thank you. That -- we need to make something more
14 finite then. You're saying that the Court could then simply dissolve the class and
15 allow those former class members who wish to to go forward on their own for any
16 higher amounts?

17 MR. GREENBERG: Your Honor, the judgment is going to be fashioned in
18 individual amounts for each individual class member pursuant to the approach --

19 THE COURT: Okay.

20 MR. GREENBERG: -- Your Honor has discussed with us here today. That
21 approach is partially documented already in the record on the 2013 to 2015 period
22 where we have the 14,000 pay periods and we also have a compilation of amounts
23 to each of about 350 people, you know, that are found from those 14,000 pay
24 periods that were analyzed. We will do the same thing for the other time period.

1 There will be individual judgments entered in individual amounts for each class
2 member pursuant to that approach, Your Honor, and that will be incorporated as
3 an appendix to the order Your Honor will sign. It will constitute a final judgment of
4 the Court. To the extent that any class member asserts they are owed amounts
5 under the minimum wage act or under 608.040, there were 608.040 claims that
6 were made, penalty claims in this case.

7 THE COURT: Uh-huh.

8 MR. GREENBERG: I believe it would be more efficient to simply allow those
9 claims to be dismissed without prejudice and if any class member wishes to pursue
10 those claims or pursue a claim that they are entitled to compensation in excess of
11 what the Court has determined here today, they will be --

12 THE COURT: And this would --

13 MR. GREENBERG: -- they would be free to do so.

14 THE COURT: And this would be a final judgment as to all defendants?

15 MR. GREENBERG: It would be a final judgment as to all defendants and
16 as to the class and as to the class representatives, Your Honor.

17 THE COURT: What happens to, for example, the conspiracy claim?

18 MR. GREENBERG: Your Honor, that would be dismissed without prejudice.

19 THE COURT: Okay.

20 MR. GREENBERG: If some individual wishes to assert that they were --
21 argued in respect to that -- when you're talking about the conspiracy claim --

22 THE COURT: Yeah.

23 MR. GREENBERG: -- let me withdraw -- let me backtrack a little bit because
24 there's really -- there's an alter ego claim, there's a question of misuse of the

1 corporate form --

2 THE COURT: Yeah.

3 MR. GREENBERG: -- which I guess is what you're referring to as the
4 conspiracy claim. As I stated, Your Honor, that claim, the claims against Mr. Nady
5 personally --

6 THE COURT: Uh-huh.

7 MR. GREENBERG: -- have previously been severed in this case.

8 THE COURT: Yeah.

9 MR. GREENBERG: So we enter final judgment in the form I'm proposing,
10 that is a final judgment in this case in respect to the corporate defendants.

11 THE COURT: Okay.

12 MR. GREENBERG: Mr. Nady is not subject to that judgment and there would
13 be no need for the claims against Mr. Nady to proceed. The Court could issue a
14 stay of those claims pending entry of the final judgment and we'll see whether the
15 final judgment is satisfied, if this is worked out between the parties. I think that
16 would be an appropriate approach and we'll take it from there, Your Honor. If for
17 some reason the final judgment is not satisfied, this isn't worked out, then the
18 claims against Mr. Nady will have to proceed separately with separate evidentiary
19 considerations and separate issues to be pursued, but that's a separate case,
20 Your Honor.

21 THE COURT: Okay.

22 MR. WALL: Severing claims doesn't make it a separate case, Your Honor,
23 and that would not be a final judgment under any interpretation under Nevada law
24 that I've been familiar with in my practice.

1 THE COURT: The part about the claims against Mr. Nady, or are you talking
2 about the whole thing?

3 MR. WALL: I'm talking about the whole thing. A final judgment is a judgment
4 that resolves all claims against all parties that were asserted. Severing claims is just
5 a matter of the method by which claims are decided. It doesn't change the matter of
6 whether or not you've got a final judgment. If you bifurcate the case, you don't get
7 a final judgment until you've done the second half of the bifurcated case. You don't
8 get multiple final judgments in Nevada. That's absolutely clear. Lee v. GNLV would
9 be the case to look up for that.

10 THE COURT: Impressive.

11 MR. GREENBERG: Your Honor, in the Valdez v. Cox case, which was
12 before Your Honor --

13 THE COURT: Oh, wow.

14 MR. GREENBERG: Your Honor may remember this, actually. I appealed
15 Your Honor's order because I disagreed with a certain portion of it. And Your Honor
16 had complied with my request for severance in that case and I had waited until the
17 claims against the last remaining defendants were resolved and then I tried to
18 appeal Your Honor's order in respect to the prior severed case --

19 THE COURT: Uh-huh.

20 MR. GREENBERG: -- and the supreme court said I was untimely. They said
21 that once the severance was effected by the district court in respect to that party
22 that was a final judgment and I had allowed my time to lapse. So I learned my
23 lesson there quite painfully in that case, Your Honor, and that is of course contrary
24 to the outcome that was just hypothesized by Mr. Wall.

1 MR. WALL: There's a difference between severing cases and making two
2 cases out of them when you've have cases that are consolidated and then you
3 sever them.

4 THE COURT: Uh-huh.

5 MR. WALL: Then once they're consolidated they're one case and when
6 they're severed they're separate cases. Here we've bifurcated. That's a completely
7 different thing. You can't make one case and sever it into two cases. So we have
8 bifurcated here the issues that have been resolved, and although the mistake that
9 Mr. Greenberg made in that case is unfortunate, it doesn't justify the argument he's
10 made in this case as to finality.

11 THE COURT: All right. Well, how do you propose that the Court resolve
12 this dispute?

13 MR. GREENBERG: Your Honor, I will proceed as I think it's best for the
14 class. I would ask that the Court enter the final judgment, sever -- the order that
15 I will present to the Court will enter final judgment in accordance with what we've
16 discussed.

17 THE COURT: Well, okay, but --

18 MR. GREENBERG: And we'll sever the claims against Mr. Nady and I would
19 propose that the Court also stay those claims for a period of time pending resolution
20 of the judgment. If the judgment is satisfied --

21 THE COURT: What I'm suggesting is I will need to see some authority from
22 both sides on the issue of whether or not there can be a final judgment at this
23 juncture in this case. That's the dispute, right?

24 MR. GREENBERG: Well, Your Honor, Mr. Wall is saying you can't enter a

1 final judgment. I mean, presumably he wouldn't take that position if we dismiss
2 the claims against Mr. Nady.

3 MR. WALL: I didn't say you couldn't enter a final judgment. I said the
4 judgment that he described wouldn't be -- in my opinion would not be a final
5 judgment.

6 THE COURT: Because it's only against some of the parties and not all of
7 them. Okay.

8 MR. WALL: You would have to do something to finalize, to make that
9 judgment final so that all claims against all parties in the action are resolved.

10 THE COURT: So if he was willing to dismiss any other claims --

11 MR. WALL: Yes.

12 THE COURT: -- then it could be a final judgment.

13 MR. GREENBERG: I understand that is the construction the defendants
14 would prefer because that would mean my alternatives would be to get a final
15 judgment against A Cab, which I need, or I have to then dismiss the claims against
16 Mr. Nady. But again, Your Honor, Your Honor has the power to -- I mean, there's
17 also leave it to Rule 54. Your Honor is probably familiar with this where an
18 immediate appeal may be entered where summary judgment is granted against
19 some but not all parties. District court has the power to certify a final judgment
20 and then the supreme court will hear an appeal. It's the same type of thing that
21 I'm proposing here with the severance of the claim against Mr. Nady as occurred
22 in the Valdez case, as I was relating to Your Honor. So, Your Honor, we -- look.
23 Your Honor, we can submit the authorities on this --

24 THE COURT: Yeah.

1 MR. GREENBERG: -- in connection with the proposed order, okay.

2 THE COURT: Yep. All right, let's do that. You give me your authorities
3 with the proposed order and then defendants will have 10 days to submit any
4 countervailing authorities.

5 MS. RODRIGUEZ: Your Honor, what is the finding that pertains to the 2007
6 to 2012? Because it's my understanding the Court is entering summary judgment
7 on that period as well.

8 THE COURT: That's correct.

9 MS. RODRIGUEZ: And it's based on 9.21 average hours?

10 THE COURT: Yes. It's based on the argument put forward by the plaintiffs'
11 counsel that that number is accurate, and so that you wind up with not only resolving
12 the 2013 to 2015 claim, but also the 2007 to 2012.

13 MS. RODRIGUEZ: And do we know what that number is?

14 THE COURT: \$804,000 was the calculation that was just argued in the
15 briefing, but --

16 MR. GREENBERG: That is the approximate number based on the
17 calculations that I've run. I have to get them done precisely. We are not going to --
18 Your Honor, we're not going to request judgment in amounts of less than \$10 for
19 any individual because that would seem unduly burdensome and unnecessary.

20 THE COURT: Okay.

21 MR. GREENBERG: But we're going to specify amounts in total, which
22 would be that eight hundred or so thousand -- eight hundred thousand number you
23 mentioned for that period. But they're going to be itemized by individual, supported
24 by introduction into the record of the Court --

1 THE COURT: Of the evidence.

2 MR. GREENBERG: -- of the payroll records as we've discussed that have
3 been analyzed and so forth, Your Honor.

4 MS. RODRIGUEZ: I didn't hear that number earlier.

5 THE COURT: Oh.

6 MS. RODRIGUEZ: That's why -- I heard the Court indicating 174,000. So
7 it's eight hundred -- approximately eight hundred and four thousand, but we're going
8 to have Mr. Bass do further calculations to come up with a figure, is that what I'm
9 hearing?

10 MR. GREENBERG: There are no further calculations. The model was
11 already constructed. They have the spreadsheet, Your Honor. It's just a question of
12 putting in that 9.21 hours. The model, the Excel file is discussed in Dr. Clauretie's
13 report. I mean, he verified that it works correctly and that you can do this and that
14 you can do it accurately. You can put in that average of -- or a different average if
15 one wished and get the resulting approximation in compliance with --

16 THE COURT: With the briefing that you're going to include with your
17 proposed judgment, will you put your calculation basis on the other amount, the
18 2007 to 2012?

19 MR. GREENBERG: Absolutely, Your Honor.

20 THE COURT: And the defendants will have --

21 MR. GREENBERG: I will -- I mean, there's going to be a several hundred
22 page submission that I'm going to want to get in the record here of those pay
23 periods --

24 THE COURT: Okay.

1 MR. GREENBERG: -- and the compilation, as was done already in the
2 record on the other 3-year, the 2013 to 2015 period. I believe that should be in the
3 record of the case.

4 THE COURT: And then the defendants may have 10 days to submit any
5 countervailing authorities or argument if you say that it's improper.

6 MS. RODRIGUEZ: Well, that's why I was asking because what I heard him
7 say was that the calculations had to be performed. So I was asking who's going to
8 prepare these, is it Mr. Greenberg or is it Mr. Bass? Because, again, if the Court
9 is relying upon these to grant summary judgment --

10 THE COURT: Uh-huh.

11 MS. RODRIGUEZ: -- then he needs to attach some kind of declaration or
12 affidavit or something. If he's doing it himself, if he says it's already done, I'm just
13 plugging in the numbers, then we need to know that that's Mr. Greenberg's figures
14 that are going to be submitted to the Court.

15 THE COURT: So in your submission you will provide the methodology for
16 that calculation.

17 MR. GREENBERG: Yes, I will, Your Honor.

18 THE COURT: And the --

19 MR. GREENBERG: And defendants have the spreadsheet I am referring
20 to and they will be able to duplicate everything I do because they can put in that
21 number, they can see the data that's being processed and the calculations being
22 made. So they will have a full opportunity to review that and be sure the math is
23 done correctly and so forth.

24 THE COURT: All right. Anything else?

1 MR. GREENBERG: No, Your Honor. I'm looking forward to your minute
2 order clarifying the issue of the interim award so I can then proceed to get the
3 proposed final judgment and order and other supporting materials to Your Honor
4 for review and for defendants' input on that so Your Honor can then proceed, I hope
5 by the end of the month.

6 THE COURT: My minute order clarifying the interim award?

7 MR. GREENBERG: Yes. You wished to review that issue further --

8 THE COURT: Yeah.

9 MR. GREENBERG: -- so I'm not going to submit anything on that issue
10 without hearing from Your Honor, because Your Honor said you wanted to review
11 the submission and my motion on that.

12 THE COURT: Yeah.

13 MR. GREENBERG: Okay. So I would --

14 THE COURT: All right. Okay, you're right.

15 MR. GREENBERG: I will look forward to that soon, Your Honor, and I'm
16 hopeful that I will have this submission to Your Honor and sent to defendants'
17 counsel by the middle of next week, and I'm hopeful Your Honor will be able to
18 act and sign off on something by the end of this month of June. That is my hope,
19 Your Honor.

20 THE COURT: Okay.

21 MR. GREENBERG: Is there anything else I can do to assist the Court?

22 THE COURT: Oh, plenty, but we won't -- it's not within the confines of this
23 case.

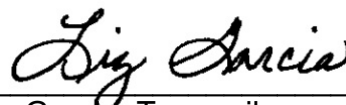
24 MR. GREENBERG: Oh. Well, some other time then, perhaps, Your Honor.

1 THE COURT: Yeah. All right, thank you all.
2 MR. GREENBERG: Thank you, Your Honor.
3 MS. RODRIGUEZ: Thank you, Judge.
4 MR. WALL: Thank you, Your Honor. Have a good evening.
5 THE COURT: Thank you.

6 (PROCEEDINGS CONCLUDED AT 5:17 P.M.)

7 * * * * *

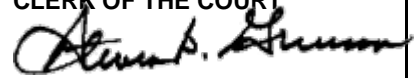
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9 ATTEST: I do hereby certify that I have truly and correctly transcribed the
10 audio/video proceedings in the above-entitled case to the best of my ability.

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12 Liz Garcia, Transcriber
13 LGM Transcription Service
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LEON GREENBERG, ESQ., SBN 8094
DANA SNIEGOCKI, ESQ., SBN 11715
Leon Greenberg Professional Corporation
2965 South Jones Blvd- Suite E3
Las Vegas, Nevada 89146
(702) 383-6085
(702) 385-1827(fax)
leongreenberg@overtimelaw.com
dana@overtimelaw.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, and A
CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

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

Dated: August 22, 2018

LEON GREENBERG PROFESSIONAL CORP.

/s/ Leon Greenberg

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

001582

/s/ Dana Sniegocki

Dana Sniegocki

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001582

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

Steven D. Grierson

ORDR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

DEPT.: I

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

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

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

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

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

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

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

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

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

6

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

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

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

- 6
- 7 4. Pursuant to NRS 608.115(1)(d), A Cab was required to maintain a record
8 of the total hours worked by each class member for both each day they
9 worked and for each pay period. NRS 608.115(2) required A Cab to
10 furnish to each employee the information required by that section within
11 10 days after the employee submits a request. A Cab had this obligation
12 throughout the entire period of July 1, 2007 through December 31, 2015
13 during which the class members' damages under the MWA are at issue
14 (the "Class Period").
- 15
- 16 5. Except for the period between January 1, 2013 and December 31, 2015, A
17 Cab has not produced any record of hours worked by the class members
18 that it can properly claim complies with any of the requirements of NRS
19 608.115(1)(d).
- 20
- 21 6. For the period between January 1, 2013 and December 31, 2015, the
22 Excel files produced by A Cab and discussed in ¶ 2 set forth an amount of
23 hours worked by each class member during each pay period. A Cab gave
24 testimony at an NRCP Rule 30(b)(6) deposition, the relevant excerpts
25 being placed in the record, that its Quickbooks records for that time
26 period contained an accurate statement of the total hours worked by each
27 class member during each pay period. Plaintiffs do not agree that such
28

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

8 7. Except for the Quickbooks records discussed in ¶ 6, the only information
9 that A Cab admits possessing on the hours worked by the class members
10 during the Class Period is information in paper "trip sheets" that its taxi
11 drivers are required to complete each work shift. Those trip sheets, when
12 properly completed and legible, will be time stamped with the taxi
13 driver's shift start time and shift end time for a workday and will also
14 indicate periods of time that the taxi driver recorded themselves as being
15 on a break and not working during that workday. A Cab has repeatedly
16 asserted that those trip sheets contain an accurate record of the hours
17 worked by every class member and can, and should, be relied upon to
18 determine their hours of work.
19

20 8. The trip sheets in the possession of A Cab, to the extent they contain
21 accurate information, do not meet the requirements of NRS 608.115(1)(d)
22 or NRS 608.115(2). They are not a record of a total amount of hours or
23 fractions thereof worked in a pay period or in a workday by an individual
24 taxi driver. They are, at most, a record from which such information
25 could be obtained by further examination and calculation, however such
26 examination and calculation could not, and was not, furnished within 10
27 days as required by NRS 608.115(2). Assuming a trip sheet is accurate,
28

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

- 6
7 9. The requirements of NRS 608.115(1)(d) are mandatory for employers and
8 compliance with those requirements are of critical importance to the
9 MWA.¹ Whether an employer has paid the minimum wage required by
10 the MWA during a particular pay period requires an examination of both
11 the wages paid to the employee and the hours they worked during the pay
12 period.² A Cab's failure to maintain the records required by NRS
13 608.115(1)(d) prior to 2013, unless remedied, would render a pay period
14 by pay period accounting of its MWA compliance, based upon an exact
15 record of the hours worked by and wages paid to each individual class
16 member, impossible for the period prior to 2013.

- 17
18 10. The MWA, being a provision of the Nevada Constitution, commands and
19 requires vigorous enforcement by this Court. By its express language it
20 confers upon employees a right to "...be entitled to all remedies available
21

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

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

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

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

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

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

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

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

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

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

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

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

- 17
18
19 18. In resolving MWA claims where no record of the total hours of work of
20 the employees per pay period exists as required by NRS 608.115(1)(d), or
21 such an amount cannot be precisely calculated in every instance (in this
22 case as a result of A Cab's failure to pay the Special Master), the Court
23 must adopt a reasonable approximation of those hours of work and
24 fashion an award of unpaid minimum wages based upon that
25 approximation even though the amount so awarded is not exact. *See,*
26 *Anderson v. Mt. Clemons Pottery Co.*, 328 U.S. 680, 685-88 (1946) ("The
27 employer cannot be heard to complain that the damages lack the
28 exactness of measurement that would be possible had he kept records....")

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

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

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

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

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

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

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

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

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

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

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

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

- 18
19 23. Plaintiffs have also furnished to defendants on September 29, 2017
20 an Excel File "Damages 2007-2010" with the Supplemental Expert
21 Report (Declaration) of Charles Bass of September 27, 2017.⁵
22 That "Damages 2007-2010" Excel file, as discussed in the
23 September 27, 2017 declaration of Charles Bass, performs
24 calculations in a fashion identical to the "A CAB ALL" file by
25 allowing the assignment of a uniform "shift length" to every shift
26

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

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

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

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

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

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

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

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

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

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

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

hours per shift is used to make those calculations;⁹

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

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

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

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

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

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

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

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

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

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

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

10 DISCUSSION OF RELIEF GRANTED

11 Plaintiffs' Motion for Summary Judgment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 Accordingly, the following alternative basis is offered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

- 17
- 18 E. The time for class counsel to apply for an award of fees and costs
19 pursuant to NRCP Rule 54 is extended to 60 days after the service of this
20 Order with Notice of Entry;
- 21
- 22 F. The court stays the severed case against defendant Nady for 60 days from
23 the date of entry of this Order. That case shall remain stayed after that
24 date until the Court issues an Order lifting such stay, the Court not
25 anticipating doing so, or receiving any request from the parties to do so,
26 until expiration of that 60 day period.
- 27

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

22 **IT IS SO ORDERED.**

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

Date 8-21-18

EXHIBIT "A"

	A	B	C	D	E	F	G
1	Totals for All Class Members			\$900,317.34	\$132,710.47	\$1,033,027.81	\$975,000.00
2	EE Number	Last Name	First Name	Total Lower Tier Minimum Wages Owed 7/1/2007 - 12/31/2015 After Set Off and Over \$10.00	Interest from 1/1 2016 through 6/30/2018	Total with Interest	Total 2016 Shortfall
3	3861	Abarca	Enrique	\$815.12	\$120.15	\$935.27	
4	3638	Abdella	Juhar	\$178.63	\$26.33	\$204.96	
5	3331	Abdulahi	Faud	\$286.07	\$42.17	\$328.23	
6	105408	Abdulle	Abdirashid	\$165.36	\$24.38	\$189.74	
7	3606	Abebe	Tamrat	\$3,010.66	\$443.78	\$3,454.44	\$
8	3302	Abraha	Tesfalem	\$669.17	\$98.64	\$767.81	
9	105813	Abt	Daniel	\$891.35	\$131.39	\$1,022.74	
10	2640	Abuel	Alan	\$148.52	\$21.89	\$170.41	
11	3513	Abuhay	Fasil	\$529.05	\$77.98	\$607.03	
12	100221	Ackman	Charles	\$385.21	\$56.78	\$441.99	
13	3853	Acosta	Lorrie	\$135.08	\$19.91	\$154.99	
14	3257	Adam	Elhadi	\$522.90	\$77.08	\$599.98	
15	3609	Adamian	Robert	\$794.61	\$117.13	\$911.74	
16	3896	Adams	Michael	\$193.46	\$28.52	\$221.98	
17	3641	Adamson	Nicole	\$1,012.32	\$149.22	\$1,161.54	\$
18	3035	Adem	Sued	\$731.28	\$107.79	\$839.07	
19	25411	Adhanom	Tewoldebrhan	\$124.16	\$18.30	\$142.46	
20	3846	Agacevic	Ibnel	\$299.99	\$44.22	\$344.21	
21	100821	Agostino	Nicholas	\$1,436.35	\$211.72	\$1,648.07	\$
22	3684	Ahmed	Ahmed	\$926.12	\$136.51	\$1,062.63	\$
23	3678	Alemayehu	Tewodros	\$42.09	\$6.20	\$48.30	
24	3692	Alessi	Anthony	\$13.62	\$2.01	\$15.63	
25	3712	Alexander	Darvious	\$63.13	\$9.30	\$72.43	
26	3869	Alfaro	Joe	\$300.71	\$44.33	\$345.03	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

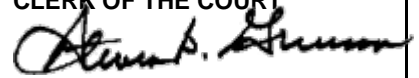
	A	B	C	D	E	F	G
819	103413	Tsegaye	Miheret	\$51.23	\$7.55	\$58.78	
820	3207	Tucker	Kenlon	\$2,873.20	\$423.52	\$3,296.72	\$
821	20386	Tucker	Carl	\$768.69	\$113.31	\$882.00	
822	3679	Tullao	Isaac	\$411.83	\$60.71	\$472.54	
823	3880	Turner	Michael	\$39.72	\$5.86	\$45.58	
824	3686	Tyler	Christopher	\$267.85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

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

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

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LEON GREENBERG, ESQ., SBN 8094
DANA SNIEGOCKI, ESQ., SBN 11715
Leon Greenberg Professional Corporation
2965 South Jones Blvd- Suite E3
Las Vegas, Nevada 89146
(702) 383-6085
(702) 385-1827(fax)
leongreenberg@overtimelaw.com
dana@overtimelaw.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,
LLC, and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**MOTION TO AMEND
JUDGMENT**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby move this Court pursuant to NRCP Rule 59(e) for an Order amending the Judgment entered by the Court on August 21, 2018 to add the name A CAB SERIES LLC as judgment debtor to that Judgment, as that is the current name of the defendant A CAB LLC originally sued in this case and against whom such Judgment was entered. This Motion is made and based on the following declaration of Leon Greenberg, attorney, the papers and pleadings on file herein, and any oral argument to be made before the court at the time of hearing on this motion.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

DECLARATION

Leon Greenberg, being duly sworn, hereby affirms, that:

1. I am an attorney licensed by the State of Nevada and am counsel for the plaintiff class members in this case. I present this declaration in support of plaintiffs' motion to amend the judgment pursuant to NRCP Rule 59(e).

2. On August 21, 2018 the Court entered a final money judgment in this case in favor of certain designated class members. As recited at section C on page 33 of that Judgment, the judgment debtors against whom such Judgment was entered are the defendants A CAB TAXI SERVICE LLC and A CAB, LLC.

3. The entity A CAB LLC, which has properly appeared in this action (Answer filed in April of 2013) and against whom Judgment was entered, changed its name to A CAB SERIES LLC via an amendment to its articles of incorporation that it filed with the Nevada Secretary of State on January 5, 2017, after the commencement of this lawsuit. Annexed as Ex. "A" is a certified copy of that document obtained by my office from the Nevada Secretary of State.

1 4. In light of the foregoing, the Court is asked to amend the Judgment in this
2 case and direct the Clerk of the Court to also enter it against judgment debtor A CAB
3 SERIES LLC, which is the same judgment debtor as A CAB LLC and the current
4 name of such entity. If the Court fails to do so, judgment collection efforts may be
5 frustrated if assets of that judgment debtor are held under the current A CAB SERIES
6 LLC name and not the prior A CAB LLC name. The issue raised by this motion is one
7 of simple clerical correction (or name update) and there is no basis for defendants to
8 oppose the relief requested. Accordingly, the Court is urged to grant this motion on an
9 expedited basis so judgment collection efforts for the class members can proceed
10 promptly and efficiently. It can do so without awaiting any hearing date per EDCR
11 2.23(c). A proposed Order is submitted with this motion at Ex. "B" and I am also
12 submitting a copy of that Order for the Court's signature with the Chambers copy of
13 this motion.

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

15 Affirmed this 22nd Day of August, 2018

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17 /s/ Leon Greenberg
18 Leon Greenberg
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CERTIFICATE OF SERVICE

The undersigned certifies that on August 22, 2018, she served the within:
Motion to Amend Judgment

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/ Dana Sniegocki

Dana Sniegocki

EXHIBIT "A"



BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov



091203

Amendment to Articles of Organization

(PURSUANT TO NRS 86.221)

Filed in the office of <i>Barbara K. Cegavske</i>	Document Number 20170006122-61
Barbara K. Cegavske Secretary of State State of Nevada	Filing Date and Time 01/05/2017 8:54 AM
	Entity Number LLC7610-2000

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

Certificate of Amendment to Articles of Organization For a Nevada Limited-Liability Company (Pursuant to NRS 86.221)

1. Name of limited-liability company:

A CAB, LLC

2. The company is managed by: ☒ Managers OR ☐ Members
(check only one box)

3. The articles have been amended as follows: (provide article numbers, if available)*

THE NAME IS NOW

A CAB, SERIES LLC.

4. Effective date and time of filing: (optional) Date: _____ Time: _____
(must not be later than 90 days after the certificate is filed)

5. Signature (must be signed by at least one manager or by a managing member):

X

Signature *1/5/2017*

* 1) If amending company name, it must contain the words "Limited-Liability Company," "Limited Company," or "Limited," or the abbreviations "Ltd.," "LLC.," or "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2) If adding managers, provide names and addresses.

FILING FEE: \$175.00

IMPORTANT: Failure to include any of the above information and submit with the proper fees may cause this filing to be rejected.
This form must be accompanied by appropriate fees.

Nevada Secretary of State 86.221 D.L.L.C. Amendment
Revised: 1-5-15

EXHIBIT "B"

ORDR

LEON GREENBERG, ESQ., SBN 8094
 DANA SNIEGOCKI, ESQ., SBN 11715
 Leon Greenberg Professional Corporation
 2965 South Jones Blvd- Suite E3
 Las Vegas, Nevada 89146
 (702) 383-6085
 (702) 385-1827(fax)
leongreenberg@overtimelaw.com
dana@overtimelaw.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, LLC,
 and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: I

ORDER

Pursuant to NRCP Rule 59(e), plaintiffs, on August 22, 2018, filed their Motion to amend the Judgment entered in this case on August 21, 2018. That motion sought to have such Judgment, originally entered against A CAB LLC, amended to be entered against A CAB SERIES LLC the current name of such entity. The motion is granted, the plaintiffs having sufficiently documented that A CAB LLC and A CAB SERIES LLC are one and the same and the Judgment should be corrected so enforcement can proceed unimpeded by the change in name of such defendant. The Clerk of the Court shall amend the Judgment entered on August 21, 2018 to have the monetary amounts recited by that Judgment in favor of the specified judgment creditors to also be entered against A CAB SERIES LLC as judgment debtor.

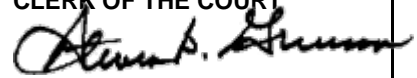
IT IS SO ORDERED.

HONORABLE JUDGE KENNETH CORY
 DISTRICT COURT, CLARK COUNTY

DATE

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OPPM

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com

Michael K. Wall, Esq.
Nevada Bar No. 2098
Hutchison & Steffen, LLC
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
702-385-2500
mwall@hutchlegal.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. I

Hearing: September 27, 2018
Chambers

OPPOSITION TO PLAINTIFFS' MOTION TO AMEND JUDGMENT

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record,
ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and MICHAEL K. WALL, ESQ., of
HUTCHISON & STEFFEN, LLC, hereby submit this Opposition to Plaintiffs' Motion to Amend
Judgment.

Five (5) hours after Notice of Entry of this Court's Order entering summary judgment against
Defendants on August 22, 2018, Plaintiffs immediately filed a motion to amend the judgment to add
a new Defendant to the case. As this Court is aware, the Court's entry of summary judgment

1 stemmed from a motion for various relief filed by Plaintiffs four months earlier on April 17, 2018.
2 Numerous supplemental pleadings and rogue “declarations” were submitted to the Court pertaining
3 to Plaintiffs’ motion, none of which ever mentioned or hinted to adding another party at this stage of
4 the litigation. Plaintiffs’ motion thereafter came before the Court for hearing on May 23, 2018; June
5 1, 2018; and June 5, 2018. At no time during the numerous briefings submitted to the Court, nor on
6 the multiple rehearings of the matter did Plaintiffs raise the issue of adding a new defendant to the
7 case. As this Court is keenly aware, Plaintiffs were in a race to acquire a judgment from this judicial
8 department in an attempt to trump the settlement already agreed upon and preliminarily approved in
9 the sister department of the Eighth Judicial District Court in the matter of *Jasminka Dubric v. A Cab,*
10 *LLC et.al.*, Case No. A-15-721063-C. Plaintiffs’ shortcuts in racing to judgment have resulted in a
11 judgment fraught with issues, which they clearly recognize but now seek to have the Court backtrack
12 to fix.

13 Plaintiffs are seeking to circumvent the basic rules of civil procedure by not amending their
14 complaint pursuant to Nevada Rules of Civil Procedure 15 nor in compliance with both this Court’s
15 Trial Setting Orders and the Discovery Scheduling Orders addressing the addition of parties. The
16 last date to amend parties was July 2, 2015. In over 5 years of litigation, Plaintiffs never sought to
17 amend the pleadings to add A Cab Series, LLC. Instead, Plaintiffs seek to add a different entity
18 *after* this Court’s summary conclusion. The corporate documentation pertaining to A Cab Series,
19 LLC has been available to Plaintiffs prior to the filing of their original complaint on October 12,
20 2012. *See* Restated Articles filed with the Nevada Secretary of State on **February 16, 2012**,
21 attached hereto as **Exhibit 1**.

22 “A Cab Series, LLC” is a different defendant than “A Cab Taxicab Service” and from “A
23 Cab, LLC.” It would be a procedural error to add an entirely new defendant after summary
24 judgment has been determined without allowing the new party to defend itself. Plaintiffs have been
25 advised repeatedly of the relationships of the corporate entities, and specifically which are
26 appropriate parties to a claim arising from employees. In fact, Plaintiffs took an extensive NRCP
27 30(b)(6) deposition on this topic well over a year ago in June 2017, in which the corporate structure
28 was painstakingly confirmed to Plaintiffs’ counsel, who already had knowledge of the entities, but

1 chose not to amend to include the appropriate corporate entity nor the corporate employer.
 2 Plaintiffs' counsel, Leon Greenberg, Esq., expressly stated his specific knowledge of the corporate
 3 entity well over a year ago during his questioning in the deposition, but chose not to amend to
 4 include the entity or was dilatory in not doing so. *See Stephens v. Southern Nev. Music Co.*, 89 Nev.
 5 104, 507 P.2d 138 (1973) finding the appellant's conduct was dilatory, and affirming the trial court's
 6 denial of a motion to amend.

7 **By Leon Greenberg:**

8 Q: A Cab Series LLC is the registered entity with the Nevada Secretary of State. Do you
 9 understand that?

10 A: I did it like I said earlier.

11 Q: Yes. That is the legal name of the entity that has paid a filing fee, corporation document...
 12 well, it's an LLC, so it's probably called something different on file with the Nevada
 13 Secretary of State. As part of its powers as an LLC, it can issue Series LLCs; meaning other
 14 legal entities, they would be similar in concept to a subsidiary of a parent corporation, Mr.
 15 Nady. You understand what a subsidiary is of a parent corporation?

16 A: I understand what subsidiary is, Mr. Greenberg.

17 **Exhibit 2**, Deposition of Creighton J. Nady, June 2017, pp. 39:23 - 40:13

18 Plaintiffs affirmatively stated this knowledge of the other corporate entities, but did not move
 19 to include any other defendant. In fact, Plaintiffs' counsel continued to state his understanding that a
 20 series LLC is to be treated as **separate entities**:

21 **By Leon Greenberg:**

22 Q: Mr. Nady, a Series LLC is an LLC that has the authority, the power, okay, to establish
 23 separate LLCs of a Series which can be treated as **separate entities**. Do you understand
 24 that?

25 A: I understand something similar to that or at least I think I do similar to that but not in the way
 26 you described it, but I don't want to tell you what my counselor said, so I'll - -

27 **Exhibit 2**, p. 39:7-14.

28 Mr. Nady also identified Attorney Steve Oshins as his business lawyer during his deposition.

1 **Exhibit 2**, p. 113:17-19. In June 2017, Defendants also identified Steven J. Oshins, Esq., of Oshins
 2 & Associates, as a witness to explain the corporate structure and relationship of the entities. **Exhibit**
 3 **3**, Defendants' Twentieth Supplement to NRCP 16.1 Disclosure Statement dated June 6, 2017.
 4 Plaintiffs chose not to depose this witness, nor to do anything further with this knowledge they
 5 already had regarding the other entities.

6 In support of their motion to amend the judgment, Plaintiffs simply indicate A Cab, LLC
 7 filed an answer to its original complaint. Yes, A Cab, LLC filed an answer on April 22, 2013, an
 8 answer to the first amended complaint on May 23, 2013, and again to the second amended complaint
 9 on September 14, 2015. In all responses, A Cab LLC has always denied it is the employer of these
 10 taxicab drivers, and denied these claims.

11 Because Plaintiffs' motion to amend a judgment is not supported, not compliant with NRCP
 12 15, not compliant with this Court's Orders, and is improper, it should be denied in its entirety.

13 DATED this 10th day of September, 2018.

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

15
 16 /s/ Esther C. Rodriguez, Esq.
 17 Esther C. Rodriguez, Esq.
 18 Nevada State Bar No. 006473
 19 10161 Park Run Drive, Suite 150
 20 Las Vegas, Nevada 89145
 21 *Attorneys for Defendants*
 22
 23
 24
 25
 26
 27
 28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 10th day of September, 2018, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

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

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

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

EXHIBIT 1

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EXHIBIT 1



ROSS MILLER
Secretary of State
204 North Carson Street, Suite 1
Carson City, Nevada 89701-4520
(775) 684-5708
Website: www.nvsos.gov



090501

**Certificate to Accompany
Restated Articles or
Amended and Restated Articles
(PURSUANT TO NRS)**

Filed in the office of Ross Miller Secretary of State State of Nevada	Document Number
	20120111194-52
	Filing Date and Time
	02/16/2012 1:38 PM
	Entity Number
	LLC7610-2000

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

This Form is to Accompany Restated Articles or Amended and Restated Articles of Incorporation

(Pursuant to NRS 78.403, 82.371, 86.221, 87A, 88.355 or 88A.250)

(This form is also to be used to accompany Restated Articles or Amended and Restated Articles for Limited-Liability Companies, Certificates of Limited Partnership, Limited-Liability Limited Partnerships and Business Trusts)

1. Name of Nevada entity as last recorded in this office:

A CAB, LLC

2. The articles are: (mark only one box) ☐ Restated ☒ Amended and Restated
Please entitle your attached articles "Restated" or "Amended and Restated," accordingly.

3. Indicate what changes have been made by checking the appropriate box:*

- ☐ No amendments; articles are restated only and are signed by an officer of the corporation who has been authorized to execute the certificate by resolution of the board of directors adopted on: _____
The certificate correctly sets forth the text of the articles or certificate as amended to the date of the certificate.
- ☐ The entity name has been amended.
- ☐ The registered agent has been changed. (attach Certificate of Acceptance from new registered agent)
- ☐ The purpose of the entity has been amended.
- ☐ The authorized shares have been amended.
- ☐ The directors, managers or general partners have been amended.
- ☐ IRS tax language has been added.
- ☒ Articles have been added.
- ☐ Articles have been deleted.
- ☐ Other. The articles or certificate have been amended as follows: (provide article numbers, if available)

4. Effective date and time of filing: (optional)

Date:

Time:

(must not be later than 90 days after the certificate is filed)

* This form is to accompany Restated Articles or Amended and Restated Articles which contain newly altered or amended articles. The Restated Articles must contain all of the requirements as set forth in the statutes for amending or altering the articles for certificates.

IMPORTANT: Failure to include any of the above information and submit with the proper fees may cause this filing to be rejected. This form must be accompanied by appropriate fees.

Nevada Secretary of State Restated Articles
Revised: 8-31-11

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**AMENDED AND RESTATED
ARTICLES OF ORGANIZATION
OF
A CAB, LLC**

The Member of A CAB, LLC, a Nevada limited liability company (the "Company"), hereby certifies:

That the Company's Articles of Organization were filed with the Secretary of State on August 10, 2000.

That pursuant to the execution of these Amended and Restated Articles of Organization of the Company, the Members consent to the adoption of the following amendments to and restatement of the Company's Articles of Organization, which shall now read as follows:

ARTICLE 1. NAME OF LIMITED LIABILITY COMPANY: The name of this limited liability company (the "Company") is:

A CAB, LLC

ARTICLE 2. SERIES LLC: This is a Series Limited Liability Company that may establish designated series of members, managers, company interests having separate rights, powers or duties with respect to specified property or obligations of the Company or profits and losses associated with specified property or obligations, and, to the extent provided in the Operating Agreement of the Company, any such series may have a separate business purpose or investment objective and/or limitation on liabilities of such series in accordance with the provisions of Section 86.161(e) of the Nevada Revised Statutes.

ARTICLE 3. REGISTERED AGENT FOR SERVICE OF PROCESS:

Creighton J. Nady
3730 Palma Lane
Las Vegas, Nevada 89120

ARTICLE 4. DISSOLUTION DATE: The Company shall have perpetual existence unless dissolved pursuant to the Company's Operating Agreement or applicable law.

ARTICLE 5. MANAGEMENT: The Company and each series shall be managed by the Manager designated in Article 5 until such time as said Manager fails to qualify or ceases to serve as Manager pursuant to the Operating Agreement of the Company. When the Manager fails to qualify or ceases to serve as Manager for any reason, one or more Managers shall then serve as provided in the Operating Agreement of the Company. The Operating Agreement may contain any provision for the management of the affairs of the Company not inconsistent with applicable laws or these Articles of Organization.

ARTICLE 6. MEMBERS: Except when these Articles of Organization or applicable law requires the unanimous vote of the Members, the right of any Member to vote shall be as provided in the Operating Agreement of the Company. No Member who is not also a Manager shall have the right to contract debts or incur liability on behalf of the Company except as authorized by the Managers under Article 3 above.


ARTICLE 7. AMENDMENTS: The Articles of Organization of the Company may from time to time be restated, amended or altered in the manner set forth in the Company's Operating Agreement or, if none or if such agreement fails to set forth such a provision, by the consent of a majority of the Members of the Company.

ARTICLE 8. LIABILITY: Unless otherwise provided in an agreement signed by the Member or Manager to be charged, the Members and Managers of the Company are not liable for a debt, obligation or liability of the Company. The Company may indemnify any Member, Manager, employee or agent of the Company to the fullest extent permitted by law.

ARTICLE 9. DISTRIBUTIONS: Subject to the terms of these Articles of Organization and to the fullest extent permitted by the Nevada Revised Statutes, the Company shall be expressly permitted to make distributions, with respect to its Members' interests in all circumstances other than where doing so would cause the Company to be unable to pay its debts as they become due in the usual course of business.

The foregoing Amended and Restated Articles of Organization of A CAB, LLC are hereby duly adopted and approved by the Company's Member in accordance with the applicable provisions of Chapter 86 of the Nevada Revised Statutes.

Dated this 15th day of February, 2012


By Christopher J. Nagy
Its: Manager

STATE OF NEVADA

ROSS MILLER
Secretary of State



SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

OFFICE OF THE
SECRETARY OF STATE

Certified Copy

February 16, 2012

Job Number: C20120216-2346
Reference Number:
Expedite:
Through Date:

The undersigned filing officer hereby certifies that the attached copies are true and exact copies of all requested statements and related subsequent documentation filed with the Secretary of State's Office, Commercial Recordings Division listed on the attached report.

Document Number(s)	Description	Number of Pages
20120111194-52	Amended & Restated Articles	3 Pages/1 Copies



Respectfully,

A handwritten signature of Ross Miller in black ink.

ROSS MILLER
Secretary of State

Certified By: Richard Sifuentes
Certificate Number: C20120216-2346
You may verify this certificate
online at <http://www.nvsos.gov/>

Commercial Recording Division
202 N. Carson Street
Carson City, Nevada 89701-4069
Telephone (775) 684-5708
Fax (775) 684-7138

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EXHIBIT 2

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EXHIBIT 2

1 DISTRICT COURT
 2 CLARK COUNTY, NEVADA
 3
 4

5 MICHAEL MURRAY, and MICHAEL) Case No.: A-12-669926-C
 6 RENO, individually and on) Dept. No.: I
 7 Behalf of others similarly)
 8 Situated,)
 9 Plaintiffs,)
 10 vs)
 11 A CAB TAXI SERVICE LLC, A CAB,)
 12 LLC and CREIGHTON J. NADY,)
 13 Defendants.)
 14 _____)
 15
 16
 17

18 RECORDED DEPOSITION OF CREIGHTON J. NADY

19 Taken on June 16, 2017

20 At 1:10 p.m.

21 Evolve Downtown

22 400 South 4th Street, 3rd Floor

23 Las Vegas, Nevada 89101
 24
 25

Evolve Deposition and Trial Services

7473 West Lake Mead Blvd, Suite 100
 Las Vegas, Nevada 89128
 (Main) 702-421-DEPO (3376)



1 through a single entity or is it conducted through a
2 series of LLC entities?

3 A: It's a single company, a Series
4 LLC.

5 Q: Okay. Then, what is a Series LLC?

6 A: That's definitely a legal question.

7 Q: Mr. Nady, a Series LLC is an LLC
8 that has the authority, the power, okay, to establish
9 separate LLCs of a Series which can be treated as
10 separate entities. Do you understand that?

11 A: I understand something similar to
12 that or at least I think I do similar to that but not
13 in the way you described it, but I don't want to tell
14 you what my counselor said, so I'll --

15 Q: Mr. Nady, I'm not asking you to
16 tell me what your counselor told you. I'm asking you
17 to tell me what you're understanding is.

18 A: Then I disagree with you. I
19 disagree with you, Mr. Greenberg.

20 Q: Okay. What series LLCs has A Cab
21 Series LLC established?

22 A: What?

23 Q: A Cab Series LLC is the registered
24 entity with the Nevada Secretary of State. Do you
25 understand that?

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1 A: I did it like I said earlier.

2 Q: Yes. That is the legal name of the
3 entity that has paid a filing fee, corporation
4 document... well, it`s an LLC, so it`s probably
5 called something different on file with the Nevada
6 Secretary of State. As part of its powers as an LLC,
7 it can issue Series LLCs; meaning other legal
8 entities, they would be similar in concept to a
9 subsidiary of a parent corporation, Mr. Nady. You
10 understand what a subsidiary is of a parent
11 corporation?

12 A: I understand what subsidiary is,
13 Mr. Greenberg.

14 Q: It`s a similar concept, Mr. Nady.

15 A: No, it`s not.

16 Q: Okay. Well, then tell me how it`s
17 not.

18 MS. RODRIGUEZ: Well, no. I`m going to
19 object. Hold on, hold on --

20 A: It`s not. There`s no such thing.
21 I don`t want to give you legal advice, Mr. Greenberg.

22 MS. RODRIGUEZ: Let me make my
23 objection, okay, because I think you`re just asking
24 for the same issue that we`ve asserted the attorney-
25 client privilege on. You`re just coming at it from a

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1 Taxi. The time is 3:25 p.m. We're going back on the
2 record in the matter of Michael Murray versus A Cab
3 Taxi. The time is 3:27. Just a point of
4 clarification, we went off the record at 3:21 p.m.,
5 not 3:25. Please proceed.

6 Q: Mr. Nady, who is your business
7 lawyer?

8 A: For what type of advice?

9 Q: For advices to how you should
10 organize your businesses. I'm not talking about
11 anyone who represents you in an actual court case,
12 sir. I'm talking about people you would consult
13 about something for your business, not litigation.

14 A: I suppose I have four or five other
15 lawyers that I pay.

16 Q: Can you identify them?

17 A: Bill Crane, Gretchen Jacobs, Dan
18 Migliore, Steve Oshins, probably a couple others that
19 I can't recall at the time.

20 Q: And you do not have to answer this
21 question if you do not wish to, I understand, but I'm
22 not going to ask it anyway. You tell me that you're
23 refusing based on privilege, that's fine. Did you
24 seek advice from any of those lawyers about how A
25 Cab's business should be changed in terms of its

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1 CERTIFICATE OF RECORDER

2 STATE OF NEVADA)

3 COUNTY OF CLARK)

4 NAME OF CASE: MICHAEL MURRAY vs A CAB TAXI SERVICE LL

5I, Peter Hellman, a duly commissioned

6 Notary Public, Clark County, State of Nevada, do hereby

7 certify: That I recorded the taking of the

8 deposition of the witness, Creighton Nday,

9 commencing on 06/16/2017.

10That prior to being examined the witness was

11 duly sworn to testify to the truth. That I thereafter

12 transcribed or supervised transcription from Recorded

13 Audio-and-Visual Record and said deposition is a complete,

14 true and accurate transcription.

15I further certify that I am not a relative or

16 employee of an attorney or counsel of any of the

17 parties, nor a relative or employee of an attorney or

18 counsel involved in said action, nor a person

19 financially interested in the action.

20IN WITNESS WHEREOF, I have hereunto set my

21 hand in my office in the County of Clark, State of

22 Nevada, this 06/16/2017.

23

24 _____

25Peter J. Hellman Notary (12-9031-1)

EXHIBIT 3

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EXHIBIT 3

Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Tel (702) 320-8400
Fax (702) 320-8401

SUPP

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com

Michael K. Wall, Esq.
Nevada Bar No. 2098
Hutchinson & Steffen, LLC
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
702-385-2500
mwall@hutchlegal.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. I

DEFENDANTS' TWENTIETH SUPPLEMENT TO

NRCP 16.1 DISCLOSURE STATEMENT

Defendants A Cab, LLC and CREIGHTON J. NADY, by and through their attorney of
record, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and pursuant to NRCP
16.1, hereby supplements its list of documents and persons who may be used at trial as follows
(additions are in bold):

A. LIST OF WITNESSES

1. Michael Murray
c/o Leon Greenberg, Esq.
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146

1 Mr. Murray is expected to testify as to the facts and circumstances regarding this matter.

- 2 2. Michael Reno
3 c/o Leon Greenberg, Esq.
4 2965 South Jones Boulevard, Suite E4
5 Las Vegas, Nevada 89146

6 Mr. Reno is expected to testify as to the facts and circumstances regarding this matter.

- 7 3. Person Most Knowledgeable
8 A Cab, LLC
9 c/o Rodriguez Law Offices, P.C.
10 10161 Park Run Drive, Suite 150
11 Las Vegas, Nevada 89145

12 This person is expected to testify as to the facts and circumstances surrounding this matter.

- 13 4. Creighton J. Nady
14 c/o Esther C. Rodriguez, Esq.
15 Rodriguez Law Offices, P.C.
16 10161 Park Run Drive, Suite 150
17 Las Vegas, Nevada 89145

18 Mr. Nady is the owner of A Cab, LLC and is expected to testify as to the facts and
19 circumstances surrounding this matter and as alleged in the complaint.

- 20 5. Jon Gathright
21 c/o Esther C. Rodriguez, Esq.
22 Rodriguez Law Offices, P.C.
23 10161 Park Run Drive, Suite 150
24 Las Vegas, Nevada 89145

25 Mr. Gathright is the general manager of A Cab, LLC and is expected to testify as to the facts
26 and circumstances surrounding this matter and as alleged in the complaint.

- 27 6. Scott Dorsch
28 c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Mr. Dorsch is an employee of A Cab, LLC and is expected to testify as to the facts and
circumstances surrounding this matter and as alleged in the complaint.

7. Robert McCullough
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Mr. McCullough is an employee of A Cab, LLC and is expected to testify as to the facts and

1 circumstances surrounding this matter and as alleged in the complaint. Such testimony is expected
2 to include, but is not limited to, the checking in and checking out procedure for A Cab's taxi drivers.

3 8. Edwin Borowski
4 c/o Esther C. Rodriguez, Esq.
5 Rodriguez Law Offices, P.C.
6 10161 Park Run Drive, Suite 150
7 Las Vegas, Nevada 89145

8 Mr. Borowski is an employee of A Cab, LLC and is expected to testify as to the facts and
9 circumstances surrounding this matter and as alleged in the complaint. Such testimony is expected
10 to include, but is not limited to, the checking in and checking out procedure for A Cab's taxi drivers.

11 9. Person(s) Most Knowledgeable
12 Nevada Office of Labor Commissioner
13 555 E. Washington Avenue, Suite 4100
14 Las Vegas, Nevada 89101

15 This person is expected to testify as to the facts and circumstances surrounding this matter
16 and as alleged in the complaint, as well as guidance and feedback provided to Defendants pertaining
17 to payments of minimum wage to its taxicab drivers.

18 10. Keith Sakelhide
19 Nevada Transportation Authority
20 2290 South Jones Boulevard, Suite #110
21 Las Vegas, NV 89146

22 Mr. Sakelhide is expected to testify as to the facts and circumstances surrounding this matter
23 and as alleged in the complaint, as well as the contents of his affidavit, as well as guidance and
24 feedback provided to Defendants pertaining to payments of minimum wage to its taxicab drivers.

25 11. Melvin DeLaCruz, Investigator
26 or PMK, U.S. Department of Labor
27 600 Las Vegas Blvd. South #750
28 Las Vegas, NV 89101-6654

Mr. DeLaCruz is expected to testify as to the facts and circumstances surrounding this matter
and as alleged in the complaint, including but not limited to the DOL audit conducted and results
thereof, as well as guidance and feedback provided to Defendants.

...

...

12. Nicole S. Omps, CPA, CGMA
BETA Consultants LLC
3722 Las Vegas Blvd S #711e
Las Vegas, NV 89158

Ms. Omps is an independent CPA retained by Plaintiff and Defendant in the matter of *Dubric v. A Cab, LLC*, District Court Case No. A-15-721063-C. She is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint and defenses, including but not limited to her findings pertaining to any alleged under payments of minimum wage.

13. Michael Sargeant
c/o Leon Greenberg, Esq.
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146

Mr. Sargeant is expected to testify as to the facts and circumstances regarding this matter.

14. Michael Malloy
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Mr. Malloy is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

15. Donna Burleson
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Ms. Burleson is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

16. Nancy Davis
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Ms. Davis is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

17. Jessica Stewart
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Ms. Stewart is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

18. Steven J. Oshins, Esq.
1645 Village Center Circle, Suite 170
Las Vegas, Nevada 89134

Mr. Oshins is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

Defendant A Cab reserves the right to call any witness identified by any other party, and the right to supplement this list to add names of persons who may have relevant information, including expert witnesses, if subsequent information and investigation so warrant.

Defendant A Cab further reserves the right to call rebuttal witnesses to the testimony of those witnesses called by any other party.

B. LIST OF DOCUMENTS

A Cab's documents numbered as follows:

1. Pay stubs from October 8, 2010, A Cab 0001 - A Cab 0081;
2. W2's, A Cab 0082 - A Cab 0086;
3. Insurance information - A Cab 0087 - A Cab 0089;
4. Statewide Ballot Information - A Cab 0090 - A Cab 0098;
5. Nevada Federal & State Authority addressing the minimum wage issue - A Cab 0099 - A Cab 00165;
6. Personnel file of Michael Murray, A Cab 00166 - A Cab 00327;
7. Personnel file of Michael Reno, A Cab 00328 - A Cab 00426;
8. Insurance denial of coverage, A Cab 00427 - A Cab 00433;
9. Michael Murray tripsheets, A Cab 00434 - A Cab 00567;
10. A Cab New Hire Checklist, A Cab 00568 - A Cab 00580;
11. A Cab Employee Handbook, A Cab 00581 - A Cab 00652;
12. Taxi Drivers Benefits Policy, A Cab 00653;
13. Michael Reno tripsheets, A Cab 00568a - A Cab 00653a;
14. Michael Reno tripsheets continued, A Cab 00654 - A Cab 01439;

- 1 15. Michael Murray Insurance and payroll information, A Cab 01440 - A Cab 01446;
- 2 16. Michael Reno Insurance and payroll information, A Cab 01447 - A Cab 01468;
- 3 17. A Cab Insurance Notice, A Cab 01469;
- 4 18. Michael Reno tripsheets, A Cab 01470 - A Cab 01587;
- 5 19. Michael Murray tripsheets, A Cab 01588 - A Cab 01715;
- 6 20. Cash Drop information, A Cab 01716 - A Cab 01718;
- 7 21. Nevada State Labor Commissioner Rules to Be Observed by Employers, A Cab 01719;
- 8 22. Certificate of Appreciation from the DOL to Jay Nady, A Cab 01720;
- 9 23. Summary of unpaid wages from Department of Labor, A Cab 01721 - A Cab 01722;
- 10 24. Information from Nevada Office of the Labor Commissioner website as of October 1, 2015,
- 11 A Cab 01723 - A Cab 01729 ;
- 12 25. NRS Chapter 608 as of October 1, 2015, A Cab 01730 - A Cab 01741;
- 13 26. Documents received from subpoena issued to State Labor Commissioner, A Cab 01742 - A
- 14 Cab 01836;
- 15 27. Michael P. Murray court documents, A Cab 01837 - A Cab 01839;
- 16 28. Wendy A. Gagliano court documents, A Cab 01840 - A Cab 01843; and
- 17 29. Affidavit of Keith Sakelhide, Esq.
- 18 30. Communications to drivers regarding benefits, previously produced in Defendants' Response
- 19 to Plaintiffs' Seventh Request for Production of Documents, and attached hereto as A Cab
- 20 01844 - A Cab 01859;
- 21 31. Photographs of Federal and State Notices, A Cab 01860 - A Cab 01866;
- 22 32. A Cab Employee Contact List, A Cab 01867 - A Cab 01913;
- 23 33. A Cab Employee Benefits Summaries, A Cab 01914 - A Cab 01916;
- 24 34. Health Insurance cost to employees;
- 25 35. Log of Privileged Documents in response to Plaintiffs' Motion to Compel Compliance with
- 26 Subpoena, A Cab 01918;
- 27 36. "Def Priv 1, Doc 169754" produced in compliance with Discovery Commissioner's Report
- 28 & Recommendations of hearing date February 8, 2017, consisting of 28 pages.

37. Report of Nicole S. Omps, CPA, CGMA, A Cab 01919 - A Cab 01921.
 38. CD of electronic version of previously produced "Def Priv 1, Doc 169754", A Cab 01922.
 39. "Header List" prepared by Jim Morgan, A Cab 01923.
 40. Documents from U.S. Department of Labor, A Cab 01924 - A Cab 01932.
 41. Notice of Termination of Michael Sargeant, A Cab 01933-01934.
 42. Notice of Infraction of Company Policy, A Cab 01935.
 43. Michael Sargeant tripsheet dated July 16, 2014, A Cab 01936-01937.
 44. Confidential W-4 forms for active A Cab employees, CONFIDENTIAL Pursuant to NRCP 26(c) and the Order of the Discovery Commissioner, Pages 1-225.
 45. Confidential W-4 forms for inactive A Cab employees, CONFIDENTIAL Pursuant to NRCP 26(c) and the Order of the Discovery Commissioner, Pages 226-842.
 46. Redacted Personnel file of Michael Sargeant, A Cab 01938 - A Cab 01991.
 47. Confidential W-4 forms for inactive A Cab employees, CONFIDENTIAL Pursuant to NRCP 26(c) and the Order of the Discovery Commissioner, Pages 843-1278.
 48. **Confidential W-4 forms for inactive A Cab employees, CONFIDENTIAL Pursuant to NRCP 26(c) and the Order of the Discovery Commissioner, Pages 1279 - 1650.**
- As discovery is continuing, Defendants reserve the right to supplement this list to add documents, including expert reports, if subsequent information and investigation so warrant.

DATED this 6th day of June, 2017.

RODRIGUEZ LAW OFFICES, P.C.

By: /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

CERTIFICATE OF SERVICE

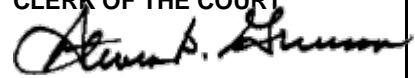
I HEREBY CERTIFY on this 6th day of June, 2017, I electronically *served* the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

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

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

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RPLY
LEON GREENBERG, ESQ., SBN 8094
DANA SNIEGOCKI, ESQ., SBN 11715
Leon Greenberg Professional Corporation
2965 South Jones Blvd- Suite E3
Las Vegas, Nevada 89146
(702) 383-6085
(702) 385-1827(fax)
leongreenberg@overtimelaw.com
dana@overtimelaw.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,
LLC, and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION
TO AMEND JUDGMENT**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby file this reply to defendants' opposition to plaintiffs' motion pursuant to NRCP Rule 59(e) for an Order amending the Judgment entered by the Court on August 21, 2018 to add the name A CAB SERIES LLC as judgment debtor to that Judgment, on the basis that is the current name of the defendant A CAB LLC originally sued in this case and against whom such Judgment was entered.

SUMMARY OF REPLY

"A Cab Series LLC" is the same entity as the originally sued "A Cab LLC"

Defendants make a grossly improper representation to the Court by asserting that "A Cab Series LLC" is a "different defendant [entity]" than "A Cab LLC." That claim is manifestly untrue. The former ("A Cab Series LLC") is only a change of name of the latter (the originally summoned defendant "A Cab LLC").

001681

ARGUMENT

I. THE AMENDMENT OF THE ARTICLES OF ORGANIZATION OF A CAB LLC IN 2012 DID NOT CREATE ANY NEW OR DIFFERENT ENTITY OR DIFFERENTLY NAMED ENTITY, SUCH ENTITY WAS PROPERLY JOINED IN THIS CASE AS “A CAB LLC” AND CHANGED IT NAME YEARS AFTER SUCH JOINDER TO “A CAB SERIES LLC”

A. The 2012 re-organization of A Cab LLC that allowed it to issue a series of limited liability company members did not change its name, it remained legally identified as “A Cab LLC.”

In an attempt to confuse the Court, and make it reach the erroneous conclusion that the entity currently known as “A Cab Series LLC” is a different, and not sued, entity, defendants proffer a copy of an “Amended and Restated Articles of Organization of A Cab LLC” filed on February 16, 2012 with the Nevada Secretary of State. (Ex. “1” opposition). As the Nevada Secretary of State’s “Certificate to Accompany Restated Articles or Amended or Restated Articles” states in Box 1 “A Cab LLC” is the “Name of Nevada entity as last recorded in this office.” *Id.* Article 1 of those Amended and Restated Articles of Organization State the following:

ARTICLE I. NAME OF LIMITED LIABILITY COMPANY: The name of this limited liability company (the “Company”) is:

A CAB LLC. *Id.*

The February 2012 change of the Articles of Organization of A Cab LLC did not change that entity’s name or create any new entity. That such change granted A Cab LLC, in its changed Article 2, the power to have a series of limited liability company members, as provided for by NRS 86.161(1)(e), is irrelevant. It remained known as “A Cab LLC” which was its legally registered name with the Nevada Secretary of State.

B. A Cab LLC was properly joined in this case in October of 2012, after its March 2012 re-organization and while it still used the legal name “A Cab LLC.”

A Cab LLC was named as a defendant in plaintiffs’ complaint filed when this case commenced in October of 2012. Ex. “A.” This was after it was re-organized in March of 2012 to grant it the power to have a series of limited liability members (what defendants colloquially refer to as a “series LLC” form) and **while it was still registered with the Nevada Secretary of State as an entity named “A Cab LLC.”** It answered the complaint in April of 2013.¹ Ex. “B.”

C. A Cab LLC changed its name to “A Cab Series LLC” in 2017 and in doing again affirmed its name was “A Cab LLC” prior to January 5, 2017.

As set forth at Ex. “A” to the moving papers the existence of an entity known by the name “A Cab Series LLC” occurred on January 5, 2017 when A Cab LLC filed another Amendment to its Articles of Organization that stated at point 1 “Name of limited-liability company: A Cab LLC” and at point 3 “The articles have been amended as follows (provide article numbers, if available): The Name is Now A Cab Series, LLC.”

D. A Cab Series LLC is the same entity as A Cab LLC, it is just a changed name that was adopted on January 5, 2017.

As demonstrated, the entity currently registered with the Nevada Secretary of State as “A Cab Series LLC” is the *same entity* as the originally sued, and appearing, defendant and judgment debtor “A Cab LLC.” Such entity changed its name long after the commencement of this lawsuit and its appearance in this lawsuit (and without ever advising the Court of its changed named). Accordingly, the judgment in this

¹ No answer was filed by the defendant named as “A Cab Taxi Service LLC” and no such entity was ever registered with the Nevada Secretary of State. That name appears as a defendant in the caption of this case because A Cab used that name on certain of its business records, such as the W-2 form it issued to plaintiff Murray in 2011, Ex. “C” Bates A Cab 0083.

case, granted against such entity, must be amended to correctly record it is against the changed, and current, name of that entity.

E. That deposition testimony in June of 2017 may have mentioned the existence of the new name “A Cab Series LLC” adopted in January of 2017 for “A Cab LLC” does not provide any basis for the denial of the motion.

That defendant Nady, in a June of 2017 deposition, arguably identified defendant A Cab as then using the legal name “A Cab Series LLC” is irrelevant.² Similarly irrelevant was the extensive and rambling testimony by Nady on the significance of defendant A Cab using a “series” of “LLC Cells” to frustrate any possible efforts to collect on the legal liabilities A Cab incurred during its operations. Ex. “D,” excerpts of deposition, p. 38 to 69. Nady’s belief in the utility of using a “series” of separate LLC “cells” of a “series LLC” in A Cab’s business operations is irrelevant. Such deposition examination has nothing to with whether the motion should be granted and the judgment entered against the current name, which is “A Cab Series LLC,” of the original summoned defendant and judgment debtor “A Cab LLC.”

Defendants proffer no reason to believe defendant and judgment debtor A Cab LLC (which on January 5, 2017 changed its name to A Cab Series LLC) will be prejudiced by the granting of the motion. They do not claim any such prejudice exists (instead they argue the impossible, that A Cab Series LLC is not actually the same entity as A Cab LLC). That such name change was, arguably, disclosed prior to entry

² Contrary to defendants’ claim, it was defendant Nady, not plaintiffs’ counsel, that first used the name “A Cab Series LLC” during that deposition and opaquely indicated it was the legal name of defendant A Cab:

Q: What are the Series LLCs that have been issued by A Cab?

A: There’s only one.

Q: Which is?

A: A Cab Series LLC. Deposition, p. 30, l. 2-6, at Ex. “D.”

1 of judgment, or could have been ascertained by plaintiffs' counsel prior to entry of
2 judgment, is irrelevant.

3 **CONCLUSION**

4 This Court cannot allow an entity to escape its liability for this Court's duly
5 entered judgment through a change of its name. A Cab LLC and A Cab Series LLC
6 are the same entity that has changed its name during the course of this litigation. That
7 indisputable fact is frivolously and improperly disputed by the defendants who are
8 knowingly, and falsely, claiming they are different legal entities. The Court may wish
9 to admonish defendants' counsel for engaging in such conduct. There is no basis to
10 deny the motion, which should be granted.

11
12 Dated: September 20, 2018

13 LEON GREENBERG PROFESSIONAL CORP.

14 */s/ Leon Greenberg*

15 _____
16 Leon Greenberg, Esq.
17 Nevada Bar No. 8094
18 2965 S. Jones Boulevard - Ste. E-3
19 Las Vegas, NV 89146
20 Tel (702) 383-6085
21 Attorney for the Plaintiffs
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned certifies that on September 20, 2018, she served the within:

Plaintiffs' Reply to Defendants' Opposition to
Plaintiffs' Motion to Amend Judgment

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/ Dana Sniegocki

Dana Sniegocki

EXHIBIT "A"

001687

001687

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and
A CAB, LLC,

Defendants.

Case
Dept

COMPLAINT

ARBITRATION
CLAIM
A CLAIM

MICHAEL MURPHY and MICHAEL RENO,
behalf of others similarly situated,
attorney, Leon Greenberg Professional
for a Complaint against the defendant
as follows:

JURISDICTION, PARTIES AND PR

1. The plaintiffs, MICHAEL MURPHY
(the "individual plaintiffs" or the "

9 County of Clark, State of Nevada and
10 Nevada.

11 **CLASS ACTION ALLEGATIONS**

12 3. The plaintiffs bring this action
13 action pursuant to Nev. R. Civ. P. §2
14 themselves and a class of all similar
15 employed by the defendants in the State

16 4. The class of similarly situated
17 of all persons employed by defendant
18 Nevada during the applicable statute
19 periods prior to the filing of this Complaint
20 until date of judgment, such persons
21 Taxi Cab Drivers (hereinafter referred to
22 or "drivers") such employment involving
23 taxi cabs for the defendants in the State

24 5. The common circumstance of the
25 rise to this suit is that while they
26 defendants they were not paid the minimum
27 Nevada's Constitution, Article 15, Section
28 most of the days that they worked in

9 7. There is a well-defined comm
10 the questions of law and fact affecti
11 whole.

12 8. Proof of a common or single
13 establish the right of each member of
14 recover. These common questions of l
15 predominate over questions that affec
16 class members. The individual plaint
17 typical of those of the class.

18 9. A class action is superior to
19 methods for the fair and efficient ad
20 controversy. Due to the typicality o
21 claims, the interests of judicial eco
22 served by adjudication of this lawsui
23 This type of case is uniquely well-su
24 treatment since the employers' practi
25 the burden is on the employer to esta
26 for compensating the class members co
27 requirements of Nevada law.

28 10. The individual plaintiffs wi

9 of the proposed class and are determi
10 discharge those duties by vigorously
11 possible recovery for all members of
12 12. There is no plain, speedy, o
13 other than by maintenance of this cla
14 prosecution of individual remedies by
15 will tend to establish inconsistent s
16 for the defendants and result in the
17 members' rights and the disposition o
18 through actions to which they were no
19 addition, the class members' individu
20 in amount and they have no substantia
21 vindicate their rights, and secure th
22 competent counsel to do so, except by
23 class action case.

24 **AS AND FOR A FIRST CLAIM FOR RELIEF C**
25 **PLAINTIFFS AND ALL PERSONS SIMILARLY**
NEVADA'S CONSTITUT

26 13. The named plaintiffs repeat
27 allegations previously made and bring
28 Relief pursuant to Article 15, Sectio

9 Article 15, Section 16 including appl
10 and equitable relief to make the defe
11 violations of Nevada's Constitution a
12 of punitive damages.

13 16. The named plaintiffs on beha
14 the proposed plaintiff class members,
15 Claim for Relief, a judgment against
16 minimum wages, such sums to be determ
17 accounting of the hours worked by, an
18 to, the plaintiffs and the class memb
19 injunction and other equitable relief
20 defendants from continuing to violate
21 Constitution, a suitable award of pun
22 award of attorney's fees, interest an
23 for by Nevada's Constitution and othe

24 **AS AND FOR A SECOND CLAIM FOR RELIEF**
25 **REVISED STATUTES § 608.040 ON BE**
26 **PLAINTIFFS**
AND THE PUTATIVE CI

27 17. Plaintiffs repeat and reite
28 allegation previously made herein.

9 such separation were owed unpaid wages
10 20. The defendants have failed a
11 named plaintiffs and numerous members
12 plaintiff class who are the defendant
13 their earned but unpaid wages, such c
14 defendants constituting a violation c
15 Statutes § 608.020, or § 608.030 and
16 plaintiffs and similarly situated mem
17 class of plaintiffs a claim against t
18 continuation after the termination of
19 with the defendants of the normal dai
20 would pay them, until such earned but
21 actually paid or for 30 days, whichev
22 to Nevada Revised Statutes § 608.040.
23 21. As a result of the foregoi
24 plaintiffs seek on behalf of themselv
25 situated putative plaintiff class mem
26 against the defendants for the wages
27 class members as prescribed by Nevada
28 608.040, to wit, for a sum equal to u

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By: /s/ Leon Gre

LEON GREENBERG,
Nevada Bar No.:
2965 South Jones
Las Vegas, Nevada
(702) 383-6085

Attorney for Pla

EXHIBIT "B"

1 **ANSC**
 2 Esther C. Rodriguez, Esq.
 3 Nevada Bar No. 6473
 4 RODRIGUEZ LAW OFFICES, P.C.
 5 10161 Park Run Drive, Suite 150
 6 Las Vegas, Nevada 89145
 7 702-320-8400
 8 info@rodriguezlaw.com
 9 *Attorneys for Defendant A Cab, LLC*

DISTRICT COURT**CLARK COUNTY, NEVADA**

9 MICHAEL MURPHY and MICHAEL RENO,
 10 Individually and on behalf of others similarly
 11 situated,

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

11 Plaintiffs,

12 vs.

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

14 Defendants.

DEFENDANT A CAB, LLC'S ANSWER TO COMPLAINT

17 Defendant A Cab, LLC ("Defendant"), by and through its attorney of record, ESTHER C.
 18 RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., pursuant to NRCP Rule 12, and as its
 19 Answer to Plaintiffs' Complaint on file herein ("Complaint"), admits, denies and alleges as follows:

JURISDICTION, PARTIES AND PRELIMINARY STATEMENT

20 1. Answering Paragraph 1 of the Complaint, Defendant is without sufficient
 21 information or knowledge to form a belief as to the truth of such allegations, and therefore denies
 22 the same. Defendant denies the allegation that Plaintiffs are current employees.

23 2. Answering Paragraph 2 of the Complaint, Defendant admits it is a Nevada Limited
 24 Liability Company doing business in the County of Clark, State of Nevada, as a taxicab company.

CLASS ACTION ALLEGATIONS

25 3. Answering Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Complaint, Defendant
 26 asserts that the allegations contained therein are a legal conclusion to which no response is required.
 27
 28

To the extent these Paragraphs contain any factual allegations requiring a response, Defendant denies same.

AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED PLAINTIFFS AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO NEVADA'S CONSTITUTION

4. Answering Paragraph 13 of the Complaint, Defendant repeats and realleges its answers to the allegations contained in Paragraphs 1 through 12 as though fully set forth herein.

5. Answering Paragraphs 14, 15, and 16 of the Complaint, Defendant asserts that the allegations contained therein are a legal conclusion to which no response is required. To the extent these Paragraphs contain any factual allegations requiring a response, Defendant denies same.

AS AND FOR A SECOND CLAIM FOR RELIEF PURSUANT TO NEVADA REVISED STATUTES § 608.040 ON BEHALF OF THE NAMED PLAINTIFFS AND THE PUTATIVE CLASS

6. Answering Paragraph 17 of the Complaint, Defendant repeats and realleges its answers to the allegations contained in Paragraphs 1 through 16 as though fully set forth herein.

7. Answering Paragraphs 18, 19, 20, and 21 of the Complaint, Defendant asserts that the allegations contained therein are a legal conclusion to which no response is required. To the extent these Paragraphs contain any factual allegations requiring a response, Defendant denies same.

PRAYER FOR RELIEF

Plaintiffs' prayer for relief requires no response. However, to the extent Plaintiffs' prayer asserts allegations, Defendant denies each and every allegation in the prayer for relief.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

As a first separate and affirmative defense, Defendant alleges Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

As a second separate and affirmative defense, Defendant alleges Plaintiffs have failed to mitigate their alleged damages, if any.

...

THIRD AFFIRMATIVE DEFENSE

As a third separate and affirmative defense, Defendant alleges that Plaintiffs' damages, if any, were caused solely by the conduct of others and are not the result of any conduct of Defendant A Cab, LLC.

FOURTH AFFIRMATIVE DEFENSE

As a fourth separate and affirmative defense, Defendant alleges that Plaintiffs' claims are not ripe in this forum.

FIFTH AFFIRMATIVE DEFENSE

As a fifth separate and affirmative defense, Defendant alleges that Plaintiffs' claims are barred because Plaintiffs' own actions were the proximate cause of their damages, if any.

SIXTH AFFIRMATIVE DEFENSE

As a sixth separate and affirmative defense, Defendant alleges that this Court does not have jurisdiction because Plaintiffs have failed to exhaust their administrative remedies as required by Nevada law.

SEVENTH AFFIRMATIVE DEFENSE

As a seventh separate and affirmative defense, Defendant alleges that Plaintiffs' Complaint is barred by the doctrine of res judicata.

EIGHTH AFFIRMATIVE DEFENSE

As an eighth separate and affirmative defense, Defendant alleges that Plaintiffs' Complaint is barred by the doctrine of collateral estoppel.

NINTH AFFIRMATIVE DEFENSE

As a ninth separate and affirmative defense, Defendant alleges that Plaintiffs have failed to maintain their claims pursuant to Nevada Rule of Civil Procedure 23 governing class actions.

TENTH AFFIRMATIVE DEFENSE

As a tenth separate and affirmative defense, and pursuant to N.R.C.P. 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's answer to the Complaint, and therefore, this answering Defendant reserves the right to amend its answer to allege additional affirmative defenses

1 if subsequent investigation so warrants.

2 **ELEVENTH AFFIRMATIVE DEFENSE**

3 As an eleventh separate and affirmative defense, Defendant denies each and every allegation
4 of Plaintiffs' Complaint not specifically admitted or otherwise pled to herein.

5 **TWELFTH AFFIRMATIVE DEFENSE**

6 As a twelfth separate and affirmative defense, it has been necessary for this answering
7 Defendant to retain the services of an attorney to defend this action, and Defendant A Cab, LLC is
8 entitled to a reasonable sum as and for attorney's fees.

9 **THIRTEENTH AFFIRMATIVE DEFENSE**

10 As a thirteenth separate and affirmative defense, Plaintiffs' claims are barred by statute of
11 limitations / laches.

12 **FOURTEENTH AFFIRMATIVE DEFENSE**

13 As a fourteenth separate and affirmative defense, Plaintiffs' claims are barred by unclean
14 hands / in pari delicto/ illegality.

15 **FIFTEENTH AFFIRMATIVE DEFENSE**

16 As a fifteenth separate and affirmative defense, Plaintiffs' claims are barred by fraud / theft.

17 **SIXTEENTH AFFIRMATIVE DEFENSE**

18 As a sixteenth separate and affirmative defense, Plaintiffs' claims are barred by equitable
19 estoppel.

20 **SEVENTEENTH AFFIRMATIVE DEFENSE**

21 As a seventeenth separate and affirmative defense, Plaintiffs' claims are barred or otherwise
22 limited by offset / setoff / or payments that have already been made to the amounts in question.

23 **EIGHTEENTH AFFIRMATIVE DEFENSE**

24 As a eighteenth separate and affirmative defense, Plaintiffs' demand for attorney fees is
25 barred by the lack of any legal basis for Plaintiff attorney fees.

26 ...

27 ...

28 ...

WHEREFORE, Defendant prays as follow:

1. That Plaintiffs take nothing by way of their Complaint;
2. That Plaintiffs' Complaint be dismissed with prejudice in its entirety and Judgment entered in favor of Defendant;
3. That Defendant be awarded its attorneys' fees, costs, and interest; and
4. For such other and further relief as this Court deems just and proper.

DATED this 22 day of April, 2013.

RODRIGUEZ LAW OFFICES, P.C.

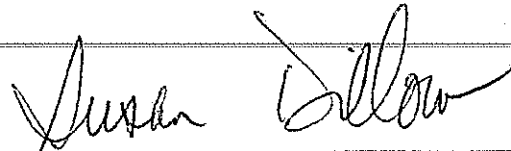


Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendant A Cab, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing Defendant A Cab, LLC's Answer to Complaint was served by placing same, postage prepaid, in the U.S. Mail this 22 day of April, 2013 to:

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



An Employee of Rodriguez Law Offices, P.C.

Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Tel (702) 320-8400
Fax (702) 320-8401

EXHIBIT "C"

a Employee's SSN [REDACTED] 0281		Copy D For Employer.	
b Employer identification number (EIN) 88-0470590		OMB No. 1545-0008	
c Employer's name, address, and ZIP code A CAB TAXI SERVICE LLC A CAB, LLC 1500 SEARLES AVENUE LAS VEGAS NV 89101-1123		1 Wages, tips, other compensation 5742.64	2 Federal income tax withheld 641.00
d Control number		3 Social security wages 5742.64	4 Social security tax withheld 241.19
e Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		5 Medicare wages and tips 5742.64	6 Medicare tax withheld 83.27
f Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		7 Social security tips	8 Allocated tips
g Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		9	10 Dependent care benefits
h Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		11 Nonqualified plans	12a
i Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		13 Statutory Employee Retirement Plan Third-party sick pay	12b
j Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		14 Other	12c
k Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		15 State Employer's state ID number	12d
l Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		16 State wages, tips, etc.	13
m Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		17 State income tax	14
n Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		18 Local wages, tips, etc.	15
o Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		19 Local income tax	16
p Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		20 Locality name	17

Form **W-2** Wage and Tax Statement
FDWA0105 09/09/11

2011

Department of the Treasury — Internal Revenue Service

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

A Cab 0083

EXHIBIT “D”

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL)	Case No.: A-12-669926-C
RENO, individually and on)	Dept. No.: I
Behalf of others similarly)	
Situated,)	
Plaintiffs,)	
vs)	
A CAB TAXI SERVICE LLC, A CAB,)	
LLC and CREIGHTON J. NADY,)	
Defendants.)	
_____)	

RECORDED DEPOSITION OF CREIGHTON J. NADY

Taken on June 16, 2017

At 1:10 p.m.

Evolve Downtown

400 South 4th Street, 3rd Floor

Las Vegas, Nevada 89101

001704

001704

1 Q: It`s clear on the record. Thank
2 you. What are the Series LLCs that have been issued
3 by A Cab?

4 A: There`s only one.

5 Q: Which is?

6 A: A Cab Series LLC.

7 Q: A Cab Series LLC is an entity that
8 issues Series LLCs or is it a Series LLC itself?

9 A: Mr. Greenberg, you`re asking legal
10 advice.

11 Q: No. Mr. Nady, I`m asking you what
12 you know about the business structure of A Cab. A
13 Cab is a taxi business, Mr. Nady. There is a single
14 LLC registered with the Nevada Secretary of State as
15 a Series LLC - A Cab Series LLC - that is the legally
16 registered entity. Do you understand that?

17 A: I do. I did it.

18 Q: Okay. Now, the Series LLC can in
19 turn establish other separate LLCs of the Series. Do
20 you understand that?

21 A: I don`t know. That sounds like
22 you`re giving me legal advice or at least telling me
23 what it is. I don`t agree with you.

24 Q: Okay. Well, can you tell me
25 whether the business that A Cab conducts is conducted

001705

001705

1 through a single entity or is it conducted through a
2 series of LLC entities?

3 A: It's a single company, a Series
4 LLC.

5 Q: Okay. Then, what is a Series LLC?

6 A: That's definitely a legal question.

7 Q: Mr. Nady, a Series LLC is an LLC
8 that has the authority, the power, okay, to establish
9 separate LLCs of a Series which can be treated as
10 separate entities. Do you understand that?

11 A: I understand something similar to
12 that or at least I think I do similar to that but not
13 in the way you described it, but I don't want to tell
14 you what my counselor said, so I'll --

15 Q: Mr. Nady, I'm not asking you to
16 tell me what your counselor told you. I'm asking you
17 to tell me what you're understanding is.

18 A: Then I disagree with you. I
19 disagree with you, Mr. Greenberg.

20 Q: Okay. What series LLCs has A Cab
21 Series LLC established?

22 A: What?

23 Q: A Cab Series LLC is the registered
24 entity with the Nevada Secretary of State. Do you
25 understand that?

001706

001706

1 A: I did it like I said earlier.

2 Q: Yes. That is the legal name of the
3 entity that has paid a filing fee, corporation
4 document... well, it`s an LLC, so it`s probably
5 called something different on file with the Nevada
6 Secretary of State. As part of its powers as an LLC,
7 it can issue Series LLCs; meaning other legal
8 entities, they would be similar in concept to a
9 subsidiary of a parent corporation, Mr. Nady. You
10 understand what a subsidiary is of a parent
11 corporation?

12 A: I understand what subsidiary is,
13 Mr. Greenberg.

14 Q: It`s a similar concept, Mr. Nady.

15 A: No, it`s not.

16 Q: Okay. Well, then tell me how it`s
17 not.

18 MS. RODRIGUEZ: Well, no. I`m going to
19 object. Hold on, hold on --

20 A: It`s not. There`s no such thing.
21 I don`t want to give you legal advice, Mr. Greenberg.

22 MS. RODRIGUEZ: Let me make my
23 objection, okay, because I think you`re just asking
24 for the same issue that we`ve asserted the attorney-
25 client privilege on. You`re just coming at it from a

001707

001707

1 different angle by asking him to explain what other
2 counsel has explained to him, Mr. Greenberg, so
3 that's why we're at a stalemate here.

4 Q: Mr. Nady's knowledge of his
5 business activities is at issue in this case. There
6 are allegations in this case, counsel, that he is
7 conducting the business activities of A Cab as an
8 alter ego that he's not properly respected the
9 independent corporate and legal status of the
10 business. So his knowledge as to how the business is
11 run, how it is structured --

12 MS. RODRIGUEZ: That's fine.

13 Q: Well, that's what we're trying to
14 determine. He's understanding of those is germane,
15 counsel. I'm not asking him to tell me anything --

16 MS. RODRIGUEZ: Well no. Hold on, hold
17 on.

18 MR. HELLMAN: Please, one at a time.

19 Q: I'm not --

20 MS. RODRIGUEZ: What you're doing is
21 you are misrepresenting what a series LLC is and what
22 the statutes are. And then you're telling him,
23 ``Well, then why am I wrong?`` So you're basically
24 asking him to explain it all over again.

25 Q: Okay. We're going to need to get

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1 the discovery commissioner on the phone.

2 MS. RODRIGUEZ: Okay.

3 Q: It seems pretty clear, although let
4 us continue for a little while and see if we can
5 perhaps resolve our problems. I don't think it's
6 likely. Mr. Nady, --

7 A: Mr. Greenberg.

8 Q: -- has A Cab Series LLC, again, is
9 the legal entity that is registered with the Nevada
10 Secretary of State, you agreed, correct?

11 MS. RODRIGUEZ: You've asked him that
12 three times, so I'm going to object that it's been
13 asked and answered.

14 A: I agree with that, Mr. Greenberg.

15 Q: Okay. Has that entity issued any
16 other LLCs?

17 A: I don't think what you're --

18 MS. RODRIGUEZ: That's a ``yes`` or
19 ``no`` question.

20 A: Hasn't issued anything, Mr.
21 Greenberg.

22 Q: Okay. Does it register or maintain
23 records relating to any separate companies or
24 businesses that it has made part of its series?

25 A: Yes.

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1 **Q: Could you tell me what those**
2 **companies or businesses are?**

3 A: There is a separate series and all
4 of the series, Mr. Greenberg, none are subordinate to
5 another. There is no such thing is subordination in
6 a series LLC. You should learn about these before
7 you try to crack it. There`s no such thing as
8 subordination and they simply file consolidated
9 returns, but there is no one head. There are just a
10 series of cells.

11 **Q: Please tell me what they are.**
12 **Identify them.**

13 A: I don`t know what they all are, Mr.
14 Greenberg. We have one for each medallion. We have
15 on for each taxi cab. We have one for the
16 maintenance company. One for the Employee Leasing
17 Company. We have one for an administration company
18 and some other that I can`t remember. We have one
19 for the car maintenance company. I think we have 135
20 cells for the medallions, and a hundred for the taxi
21 cabs or 102 for the taxi cabs and bank account for
22 every darn one of them. They keep separate records
23 and those records are produced, and they consolidate
24 it at the yearend for a single tax return, and that`s
25 a lesson for you Mr. Greenberg in series LLCs.

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1 You're welcome.

2 Q: And who are the members or owners
3 of each of those cells that you've described of a
4 Series LLC?

5 A: There's only one member for all of
6 them. It's a single-member LLC.

7 Q: And who is that?

8 A: Me.

9 Q: Why were they created?

10 A: It's a good business decision, Mr.
11 Greenberg.

12 Q: And why do you believe that's a
13 good business decision?

14 A: Counselor told me.

15 Q: And when were they created?

16 A: As they came on board.

17 Q: What do you mean by ``as they came
18 on board``?

19 A: Mr. Greenberg, it's pretty simple.
20 I wouldn't have an LLC for a car I didn't own. So as
21 when the car was put in service, it was added. I got
22 a new medallion, it was added.

23 Q: Have any of the operations that are
24 conducted by those cells been transferred since they
25 were created?

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1 A: Just explain ``transfer,`` Mr.
2 Greenberg.

3 Q: Well, you mentioned that certain of
4 the cells you identified - administration, employee
5 leasing, I think maybe you said something about
6 maintenance, - those are operations. Those are
7 individual units of property such as a car and
8 medallion. Do you understand?

9 A: No. I don't understand what you're
10 trying to say.

11 Q: Well, your prior testimony, you
12 referred to 135 cells - each of which was for a
13 medallion. A 102 cells, each of which was for a car.
14 Is that correct?

15 A: Yes, I did.

16 Q: So the cell that you described in
17 each of those instances is the owner of the medallion
18 or the car. Is that correct?

19 A: I think your choice of words is
20 incorrect.

21 Q: Well, how would you describe the
22 cells' relationship to the medallion or the car?

23 A: It's a bailiff relationship.

24 Q: It's a bailiff relationship. So it
25 is the custodian of that property?

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1 A: I think that's a better choice of
2 words, but bailiff is the term that was given to me.
3 Now, you're getting in my legal advice.

4 **Q: Well, then who is actually the**
5 **titleholder of that property?**

6 A: Each cell I think is considered its
7 own title. And as you know, Mr. Greenberg, if you've
8 read the Series LLC, that no cell will be responsible
9 for the obligations or omissions or deaths of another
10 cell.

11 **Q: Well, Mr. Nady, you're telling me**
12 **that each cell of the 102 cells for each of the cars**
13 **you mentioned holds the title to the car?**

14 A: Pretty much so, I think, that each
15 one is registered differently. Each car has - on the
16 registration - is called by that name.

17 **Q: Besides their ownership of that**
18 **car, does that cell that owns the car have any other**
19 **assets?**

20 A: Have any what?

21 **Q: Any other assets.**

22 A: Sure.

23 **Q: What are they?**

24 A: It's income. It's revenue.
25 Expenses. It has a complete balance sheet, Mr.

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1 Greenberg.

2 Q: And where does it get income from?

3 A: When the car's used by the driver.

4 Q: What is the income?

5 A: The revenue provided by the driver,
6 Mr. Greenberg.

7 Q: When you say ``the revenue,``
8 there's different kinds of revenue the car can
9 generate. Can you tell me --

10 A: I'm sorry?

11 Q: The car could generate different
12 kinds of revenue. It could generate revenue from
13 passengers. It could generate revenue from
14 advertising. Perhaps it could generate revenue from
15 something else. Can you tell me what kind of revenue
16 the car generates that goes on the balance sheet of
17 the cell that owns the car?

18 A: All of them. You just named them
19 all pretty well.

20 Q: There is no other revenue that the
21 car would generate besides advertising and passenger
22 fares?

23 A: I don't think so.

24 Q: What are the expenses of the cell
25 that owns the car?

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1 A: Mr. Greenberg, you want to get a
2 lesson here in management or I don't know if I want
3 to explain my whole record keepings you, but what
4 would you have in any business are the same, Mr.
5 Greenberg. You're a businessman. You own a company.
6 So it would have the cost of driving the car, the
7 maintenance. It would rent the medallion from the
8 medallion company. It would have the driver expense
9 and fees, and it would have its own insurance. It
10 would have its own depreciation and it has a complete
11 set of records, financial statements, every car.

12 **Q: Now, you've described to me some of**
13 **the operation of the cell that owned or the cells**
14 **that owned the cars. You also mentioned a cell that**
15 **is the employee leasing series. That's an operation**
16 **that is not confined to a single car, correct?**

17 A: I don't know if you'd call it an
18 operation or not. I wouldn't call it that.

19 **Q: Well, what does the employee**
20 **leasing cell do?**

21 A: It leases the cars.

22 **Q: It lease the cars --**

23 A: The companies, it leases the
24 employees to the cars. It provides employees for
25 those cars.

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1 Q: Okay. And what is its source of
2 income?

3 A: It would be the revenue from the
4 meter, Mr. Greenberg.

5 Q: You had mentioned that the revenue
6 from the meter was part of the passenger fares -
7 revenue from the meter - was revenue to the cell that
8 owned the car?

9 A: Yeah, I did.

10 Q: Yes, you did.

11 A: Mr. Greenberg, I don't feel like I
12 have to give you a complete lesson in how a company
13 runs. I think you should know better and one might
14 go through the other to get there, but I will not sit
15 here and tell you how a company - any company - would
16 run. It's so simple that it doesn't need an
17 explanation, Mr. Greenberg.

18 Q: Well, you mentioned that there's
19 balance sheets, and financial books, and records that
20 are maintained for each cell independently and those
21 records accurately record all revenue and expenses of
22 each cell, correct?

23 A: They do.

24 Q: Okay. The revenue from the meter
25 you had testified a little while ago was recorded as

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1 revenue to the cell that owned the car where the
2 meter was in? Is that correct?

3 A: The money from the meter goes into
4 the cell that owns the car. That car has the revenue
5 from their end and from that, we deduct the wages, we
6 deduct the mileage, a percentage of the mileage for
7 the maintenance and we deduct what the employee makes
8 from that.

9 Q: Okay. So the revenue first appears
10 on the balance sheet of the car with the meter?

11 A: No. The revenue does never go on a
12 balance sheet, Mr. Greenberg.

13 Q: It gets recorded on a ledger. It
14 gets --

15 A: It's not on a balance sheet. A
16 balance sheet has nothing to do with income, Mr.
17 Greenberg. A balance sheet is simply assets,
18 liabilities and capital. It's not on the balance
19 sheet.

20 Q: Okay. Well, yes. But a record is
21 kept of revenue --

22 A: It's not kept on the balance sheet
23 through.

24 MS. RODRIGUEZ: Hold on. Wait for the
25 question.

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1 Q: Mr. Nady --

2 A: Well, he's asking me a question
3 that he doesn't know anything about accounting and it
4 just --

5 Q: Mr. Nady, --

6 A: Mr. Greenberg.

7 Q: A record is kept of revenue that
8 each cell that owns each car receives, correct?

9 A: Yes. It's not kept on the balance
10 sheet, Mr. Greenberg.

11 Q: Okay. And that record of revenue
12 includes the taxi fares from the meter that is in the
13 car, correct?

14 A: That's correct, Mr. Greenberg.

15 Q: So that revenue in the first
16 instance is property of the cell that the meter of
17 the... that owns the car the meter is in, correct?

18 A: Yes.

19 Q: And from that revenue then is
20 deducted or paid over to the Employee Leasing Company
21 for the employee who was driving the car?

22 A: A portion of it, Mr. Greenberg.

23 Q: A portion of it. So except for
24 that portion that you just described to me that is
25 paid to the employee leasing cell, does the employee

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1 leasing cell receive any other revenue?

2 A: No, Mr. Greenberg.

3 Q: Does the employee leasing cell have
4 any assets?

5 A: It keeps all the cells maintained
6 and balanced in their own checking account.

7 Q: You know how much that balance is?

8 A: Mr. Greenberg, I have about 500 of
9 my... I could tell you. Which one do you want to
10 talk about?

11 Q: Does each one operate with a
12 separate tax ID number?

13 A: You have no clue what a Series LLC
14 is, Mr. Greenberg, and I`m sorry. The answer to the
15 question is no.

16 Q: It is correct that all of the
17 series LLCs as you testified previously are reported
18 or processed for tax purposes under a single tax
19 identification number or employer identification
20 number. Is that correct?

21 A: As I said earlier twice before,
22 they file a consolidated return, Mr. Greenberg.

23 Q: When you say ``consolidated
24 return,`` are we talking about an 1120 return, a
25 corporate lever return, what kind of return?

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1 A: It`s a 1040.

2 Q: And is it correct that that 1040 is
3 Schedule C?

4 A: Exactly.

5 Q: Okay. And that is your personal
6 1040 return?

7 A: It certainly is. Do you remember
8 when I told you in the hallway that you were suing
9 the wrong entities --

10 MS. RODRIGUEZ: Jay, there is no
11 question pending.

12 A: Thank you.

13 Q: Okay. Mr. Nady, you believe that
14 having individual cells of A Cab LLC will protect
15 your business from having to pay judgment against in
16 this case?

17 A: No.

18 Q: Then why were you telling me that
19 we had sued the wrong entity in this lawsuit?

20 A: Because you have not sued any of
21 the cells directly because a Series LLC is a series
22 of cells and you haven`t sued each one of them. You
23 just threw a piece of mud up against the wall.

24 Q: So what will happen in your view if
25 this case proceeds to a judgment against A Cab LLC

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1 with none of the cells named in the case? What do
2 you think will happen?

3 A: I think you're asking me for legal
4 advice, Mr. Greenberg, and I won't answer. This, I
5 will refuse to answer because you're asking for legal
6 advice

7 Q: Mr. Nady, I'm asking you to tell me
8 what you belief. I'm not asking you to advise me
9 about anything.

10 A: I think they're the same.

11 Q: You think what are the same?

12 A: Me giving you legal advice and what
13 I think is going to happen. I can't separate the
14 two.

15 Q: Well, Mr. Nady, you can --

16 A: Mr. Greenberg.

17 Q: -- you can answer this question
18 ``yes`` or ``no:`` do you believe that if this case
19 proceeds to a judgment against A Cab, the assets that
20 are titled to the cells of A Cab will be subject to
21 that judgment?

22 MS. RODRIGUEZ: I'm going to object to
23 the form of the question. A Cab has not been named
24 as a defendant.

25 Q: A Cab's LLC is the defendant in

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1 this case.

2 MS. RODRIGUEZ: That`s not what you
3 said in your question.

4 Q: Mr. Nady, there is a corporate
5 defendant that is named a LLC defendant. A single
6 identified entity that is identified by name in this
7 case as defendant. You are aware of that?

8 MS. RODRIGUEZ: And that, I`m going to
9 object that that misstates the record.

10 Q: Are you aware of that, Mr. Nady?

11 A: I forgot the question.

12 Q: Mr. Nady, are you aware that A Cab
13 LLC is named as a defendant in this case?

14 A: I think it is.

15 Q: And if a judgment in this case is
16 rendered against A Cab LLC, do you believe that the
17 various assets that are titled to the cells you`ve
18 described such as the 102 vehicles, each of which is
19 titled to a separate cell, will be subject to that
20 judgment?

21 MS. RODRIGUEZ: Objection. Calls for a
22 legal conclusion.

23 A: It sure does.

24 Q: Mr. Nady, you need to answer my
25 question as to your belief. I`m not asking you to

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1 tell me what the law is. What do you believe will
2 happen in that situation?

3 MS. RODRIGUEZ: Same objection.

4 A: I think you've sued the wrong
5 entities, Mr. Greenberg.

6 Q: And I've sued the wrong entities
7 because?

8 A: I don't know why you did it.

9 MS. RODRIGUEZ: Object to the form of
10 the question.

11 Q: Okay.

12 A: You did it because you don't know
13 what an LLC is, that's why.

14 Q: Okay. What would be the right
15 entities to sue, Mr. Nady?

16 A: I wouldn't want to give you legal
17 advice, Mr. Greenberg.

18 Q: Well, you say you believe that the
19 wrong entities are sued. Is that because a judgment
20 against A Cab LLC in this case will not be
21 enforceable against the property of the cells you've
22 described such as the 102 cars?

23 MS. RODRIGUEZ: Objection. Calls for a
24 legal conclusion, and calls for speculation, and
25 lacks foundation.

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1 A: Should I answer it?

2 Q: You need to answer the question,
3 Mr. Nady.

4 A: Yeah, that's what I think.

5 Q: Has the cell that is the Employee
6 Leasing Company you described changed over time?

7 A: Yes.

8 Q: When?

9 A: I don't recall when, Mr. Greenberg.

10 Q: What were the names that were used
11 for the Employee Leasing Company's cell?

12 A: I think we had Employee Leasing
13 Company and then Employee Leasing Company II... I
14 think we've got three of them over the years.

15 Q: And why did the name change?

16 A: To a legal advice.

17 Q: And what was that legal advice?

18 MS. RODRIGUEZ: Objection. Calls for
19 attorney-client information.

20 A: Mr. Greenberg, I don't think that I
21 have to give you my legal advice.

22 Q: I just want to be clear on the
23 record, counsel, he --

24 A: I'm invoking my legal counsel.

25 Q: Okay. The witness is invoking an

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1 attorney-client privilege to not answer that
2 question.

3 A: Thank you.

4 Q: And please, Mr. Nady, if you're
5 going to invoke that privilege, just state so, so
6 it's clear on the record that you're invoking the
7 privilege. I'm not going to argue with you about it.

8 A: Well, thank you. That would be a
9 nice change of tone.

10 Q: Was the advice you were given...
11 no, I withdraw that question. When did those changes
12 take place?

13 A: I said I don't know about it three
14 minutes ago. I don't recall.

15 Q: Are you familiar with a cell of A
16 Cab called A Cab Taxi Service, LLC?

17 A: It's no.

18 Q: Excuse me?

19 A: I'm not.

20 Q: You're not?

21 A: No.

22 Q: Okay. Has A Cab Taxi Service, LLC
23 ever been the name of a cell of A Cab?

24 A: No, has not.

25 Q: Has that name ever been used in A

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1 Cab`s business, A Cab Taxi Service, LLC?

2 A: What was the question again? Has
3 it ever been used --

4 Q: Has that name - A Cab Taxi Service,
5 LLC - ever been used by A Cab in its business?

6 A: Not my A Cab, but some people just
7 pull it out. They think that`s the name and
8 sometimes I don`t disagree with them.

9 Q: This is plaintiff`s one. Counsel.

10 MS. RODRIGUEZ: Thank you.

11 A: Sometimes it looks like you`re
12 wearing no shoes because they`re about the same color
13 as your feet.

14 Q: Mr. Nady, if you could please take
15 a look at what`s been marked as plaintiff`s Exhibit
16 1. I draw your attention to the bottom of that page.
17 Do you see where it says ``A Cab, LLC,`` and then
18 following on that line, it says, ``A Cab Taxi
19 Service, LLC``?

20 A: I do.

21 Q: Now, can you tell me anything
22 further about A Cab`s use of the name A Cab Tax
23 Service, LLC, now that you`ve looked at this
24 document?

25 A: I didn`t put it on there. The

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1 check printing company did that or the group that did
2 this put it in there, but that's never been our name.

3 Q: Has that ever been the name of a
4 cell used by A Cab?

5 A: It's never been our name in
6 anything. I don't know how. I think the check
7 company just printed them incorrectly.

8 Q: So this is a pay stub of a check
9 that was issued on pay date 10/5/2012 it says on the
10 top. Who issued this paycheck?

11 A: A Cab, LLC.

12 Q: So it was issued by A Cab, LLC, and
13 not any cell of A Cab, correct?

14 A: That's correct.

15 Q: When this check was issued in 2012,
16 was A Cab issuing all payroll checks to the drivers
17 directly and not through any cell?

18 A: I don't know.

19 Q: Did A Cab at any point changed a
20 policy of issuing checks directly to its drivers and
21 instead issued those checks through one of the cells?

22 A: A Cab changed this entity from an
23 LLC, a single-member LLC, to a single-member Series
24 LLC sometime along the way.

25 Q: Was it sometime after October of

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1 2012?

2 A: I don't know. I think it was.

3 Q: And why did it do that?

4 A: Liability.

5 Q: What liability?

6 A: The one we're doing right now.

7 Mainly for insurance of vehicle damage and accident
8 insurance.

9 Q: When you refer to liability, you're
10 also including the liability represented by this
11 lawsuit, correct?

12 A: I sure do.

13 Q: Was it the intention when A Cab
14 changed its operation to a series LLC to make the
15 taxi drivers all employees of one of the cells?

16 A: Yes.

17 Q: And was the intention of that being
18 that if those taxi drivers were owed any money, their
19 ability to collect any money for their work that they
20 hadn't been paid, their ability to collect that money
21 would be limited to the assets of that cell?

22 A: No.

23 Q: And what was the intent of that?

24 A: We did this in the beginning to
25 avoid a lawsuit for an accident where the driver was

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1 at fault.

2 Q: How would placing all of the
3 drivers as employees of a single cell --

4 A: You're about to ask for a legal
5 advice, Mr. Greenberg.

6 Q: Mr. Nady, you told me the
7 motivation for this was because of a liability posed
8 by an accident, correct?

9 A: I did and you can extrapolate from
10 there, but you're asking me for legal advice, Mr.
11 Greenberg. I'm going to tell you no.

12 Q: Well, Mr. Nady, you took that
13 action because you believed it would be beneficial,
14 correct?

15 A: Of course.

16 Q: Why did you believe that it would
17 be beneficial in avoiding a liability?

18 MS. RODRIGUEZ: I'm going to object.
19 It calls for attorney-client privileged information.
20 I think you discontinue to asking him for the advice
21 he's received from counsel, Mr. Greenberg, on this
22 issue. So if you can restate your question in some
23 manner that's not invading the privilege, then we'll
24 be fine.

25 Q: I don't want to argue with you

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1 about his invocation of the privilege. I just want
2 it to be clear on the record. I think it might be
3 helpful if you just very briefly said, ``Mr. Nady,
4 you may wish to invoke the privilege.`` Mr. Nady can
5 say, ``I`m invoking the attorney-client privilege.``
6 It`s clear on the record and then we can take it from
7 there.

8 MS. RODRIGUEZ: I think we`re doing
9 that. We`re just speaking over each other because
10 I`m trying to get my objection on the record and he`s
11 invoking it at the same time.

12 A: Sorry.

13 Q: Mr. Nady, who made the decision to
14 change A Cab into a Series LLC?

15 A: Mr. Greenberg, I did.

16 Q: This is two. Mr. Nady, I`d like
17 you to look at Exhibit 2.

18 MS. RODRIGUEZ: Give me an extra copy,
19 Mr. Greenberg, please.

20 Q: I`m sorry.

21 MS. RODRIGUEZ: Thank you.

22 Q: At the bottom of this page, you
23 will see last printed full line. It says, ``A Cab,
24 LLC,`` and then at the end of that line, it says, ``A
25 Cab Taxi Service, LLC.``

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1 A: And at the top, you'll see where it
2 says, ``A Cab, Series LLC, Employee Leasing
3 Company.``

4 Q: That is correct. So this
5 represents a check that was issued --

6 A: 7/24/14.

7 Q: Right, in 2014 in August or July it
8 looks like. Two checks in July of 2014. Were these
9 checks issued by a cell of A Cab?

10 A: Yes, sir.

11 Q: And that cell is identified as
12 Employee Leasing Company?

13 A: Yes, sir.

14 Q: And that cell has a separate bank
15 account?

16 A: Yes, sir.

17 Q: Does it file a separate report with
18 Nevada Unemployment Division to pay unemployment
19 insurance contributions?

20 A: It probably does. I don't know for
21 sure. We only pay one. So a check comes out --

22 Q: Excuse me?

23 A: I said we only pay one
24 unemployment, but we break it down by cell
25 afterwards.

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1 Q: Well, is the account with Nevada
2 Department of Employment Security in the name of this
3 cell, Employee Leasing Company, or is it in the name
4 of A Cab, LLC?

5 A: A Cab, LLC, but we break it down
6 afterwards, Mr. Greenberg, by cell.

7 Q: Are there any employees of any of
8 the cells of A Cab or all of the employees of the
9 Employee Leasing Company`s cell?

10 A: All employees are employees of the
11 Employee Leasing Company II.

12 Q: Now, you mentioned Employee Leasing
13 Company II. You`re speaking currently?

14 A: Yes, sir.

15 Q: When was that cell established?

16 A: I told you earlier, Mr. Greenberg,
17 I don`t recall.

18 Q: Okay. And why was that cell
19 established instead of simply continuing with the
20 prior Employee Leasing Company cell?

21 MS. RODRIGUEZ: Objection. Asked and
22 answered.

23 A: Upon legal advice, Mr. Greenberg.

24 Q: Again, you need to state on the
25 record that you are refusing to answer the question

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1 because you're invoking an attorney-client privilege.

2 A: Mr. Greenberg, I'm invoking the
3 attorney-client privilege and you're trying to be
4 combative when you say I'm refusing to answer. I'm
5 just saying that the attorney has given me advice on
6 this in his office --

7 Q: That's enough, Mr. Nady.

8 A: -- and I think that I don't need to
9 tell you why. Your choice of words is argumentative,
10 not that you really care I'm sure.

11 Q: Are any of the cells of A Cab
12 holders of any licenses from any government agencies?

13 A: Interesting question. Never
14 thought about it before.

15 Q: Do you know?

16 A: I would say that the medallions
17 which are the license issued by the taxicab authority
18 are in fact the holders of those licenses, the
19 medallion cells.

20 Q: Is there a record with the taxi cab
21 authority showing that each of those medallions is
22 held as owned by a separate cell?

23 A: I think that when we went before
24 the taxicab authority and created the LLC, and other
25 companies have also now, the Series LLCs, that we

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1 identified the cells as being the owners of
2 medallions and I only say that because... never mind.
3 I'll disregard. I'll stop the conversation there.

4 Q: Besides the taxis and the
5 medallions, does A Cab or any of the A Cab cells own
6 any property?

7 A: Define ``property,`` Mr. Greenberg,
8 please.

9 Q: By ``property,`` I mean anything -
10 in terms of my question - I mean anything besides
11 money that is tangible such as equipment, we
12 mentioned cars, you mentioned medallions, real
13 estate, anything of that sort.

14 A: So would you ask the question again
15 now please?

16 Q: Besides the medallions and the
17 cars, do any of the cells that you've been discussing
18 own any property?

19 A: The medallion company will actually
20 own the physical medallions.

21 Q: Yes.

22 A: I suppose that the Employee Leasing
23 Company would have some and it has paid for some of
24 the payroll programs like QuickBooks for payroll,
25 it's also used for consolidation of all them so I

1 can't say that for sure.

2 Q: So is your testimony then that
3 besides the medallions and the vehicles, you are not
4 aware of any property that is owned by any of the
5 cells?

6 MS. RODRIGUEZ: Objection. Misstates
7 prior testimony.

8 A: Well, that's not what I said and
9 it's not what you asked, sir. Would you call a bank
10 account property?

11 Q: Well, tell me about the bank
12 account.

13 A: Does that mean yes or no?

14 Q: Well, yes, that is property of a
15 different form than my question, but please tell me
16 what bank account property would be owned by the
17 cells?

18 A: The cells each have a checking
19 account?

20 Q: Is there a single bank where those
21 are maintained on?

22 A: Yes.

23 Q: What bank is that?

24 A: Wells Fargo.

25 Q: And each has a separate account

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1 number?

2 A: Yes, sir.

3 Q: Do they actually issue payments to
4 vendors each of the cells?

5 A: No.

6 Q: Who pays vendors?

7 A: Depends on which one. If it's for
8 maintenance, it's paid out of the maintenance
9 account. It was paid for a payroll. It goes on a
10 payroll account. If it's submitted to administration
11 or the supplies in the office, they would pay out
12 those accounts.

13 Q: So the accounts that the cells that
14 hold the medallions and the vehicles could that those
15 things, they don't actually engage in any financial
16 transactions except with the other cells of A Cab.
17 Is that true?

18 MS. RODRIGUEZ: Objection. Assumes
19 facts not in evidence, misstates prior testimony and
20 lacks foundation.

21 A: And that's exactly what I just
22 said. I didn't have...

23 Q: Well, let me rephrase the question.
24 They don't engage in any payments to any other
25 outside entities. Any monies that pass out of the

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1 CERTIFICATE OF RECORDER

2 STATE OF NEVADA)

3 COUNTY OF CLARK)

4 NAME OF CASE: MICHAEL MURRAY vs A CAB TAXI SERVICE LL

5I, Peter Hellman, a duly commissioned

6 Notary Public, Clark County, State of Nevada, do hereby

7 certify: That I recorded the taking of the

8 deposition of the witness, Creighton Nday,

9 commencing on 06/16/2017.

10That prior to being examined the witness was

11 duly sworn to testify to the truth. That I thereafter

12 transcribed or supervised transcription from Recorded

13 Audio-and-Visual Record and said deposition is a complete,

14 true and accurate transcription.

15I further certify that I am not a relative or

16 employee of an attorney or counsel of any of the

17 parties, nor a relative or employee of an attorney or

18 counsel involved in said action, nor a person

19 financially interested in the action.

20IN WITNESS WHEREOF, I have hereunto set my

21 hand in my office in the County of Clark, State of

22 Nevada, this 06/16/2017.

23

24_____

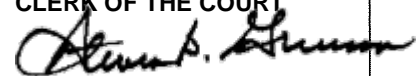
25Peter J. Hellman Notary (12-9031-1)

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1 NOAS
Michael K. Wall (2098)
2 HUTCHISON & STEFFEN, PLLC
10080 West Alta Drive, Suite 200
3 Las Vegas, NV 89145
Tel: (702) 385-2500
4 Fax: (702) 385-2086
mwall@hutchlegal.com

5 Esther C. Rodriguez, Esq. (6473)
6 RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
7 Las Vegas, NV 89145
(702) 320-8400
8 info@rodriguezlaw.com

9 *Attorney for defendants*
10 *A Cab, LLC and Creighton J. Nady*

11 **DISTRICT COURT**
CLARK COUNTY, NEVADA

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

14 Plaintiffs,

15 v.

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

18 Defendants.

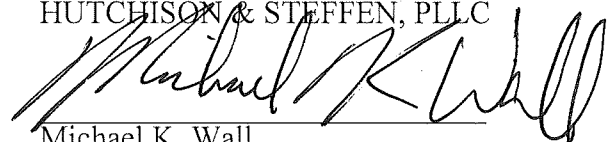
Case No.: A-12-669926-C
Dept. No.: I

NOTICE OF APPEAL

19 Notice is given that A Cab, LLC, and Creighton J. Nady, defendants in the above-
20 captioned matter, appeal to the Supreme Court of Nevada from the Order Granting Summary
21 Judgment, Severing Claims, and Directing Entry of Final Judgment entered by the district court
22 on August 21, 2018.

23 DATED this 21 day of September, 2018.

24 HUTCHISON & STEFFEN, PLLC



26 Michael K. Wall
10080 West Alta Drive, Suite 200
27 Las Vegas, NV 89145
Tel: (702) 385-2500
Attorney for defendants
28 *A Cab, LLC, and Creighton J. Nady*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,
and that on this 21st day of September, 2018, I caused the above and foregoing **NOTICE**
OF APPEAL to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a
sealed envelope upon which first class postage was prepaid in Las Vegas,
Nevada; and/or
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**; and/or
- ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the
Eighth Judicial District Court's electronic filing system, with the date and time
of the electronic service substituted for the date and place of deposit in the mail;
and/or
- ☐ to be hand-delivered;

to the attorney(s) listed below at the address and/or facsimile number indicated below:

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
Leon Greenberg Professional Corporation
2965 S. Jones Blvd., Ste. E3
Las Vegas, NV 89146
Telephone: (702) 383-6085
Facsimile: (702) 385-1827
leongreenberg@overtimelaw.com
Dana@overtimelaw.com

Attorneys for plaintiffs


An employee of HUTCHISON & STEFFEN, PLLC

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ASTA

Michael K. Wall (2098)
HUTCHISON & STEFFEN, PLLC
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Tel: (702) 385-2500
Fax: (702) 385-2086
mwall@hutchlegal.com

Esther C. Rodriguez, Esq. (6473)
 RODRIGUEZ LAW OFFICES, P.C.
 10161 Park Run Drive, Suite 150
 Las Vegas, NV 89145
 (702) 320-8400
 info@rodriguezlaw.com

*Attorney for defendants
A Cab, LLC and Creighton J. Nady*

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

V.

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

Defendants.

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

DEFENDANTS' CASE APPEAL STATEMENT

1. Party filing this Case Appeal Statement.

This appeal and case appeal statement is filed on behalf of defendants A Cab, LLC, and Creighton J. Nady in the action above. A Cab Taxi Service, LLC, although named as a defendant in the district court's caption, does not exist. There is no such entity, and no such entity participated in the action in district court.

1 **2. Judge issuing the decision, judgment or order appealed from.**

2 The Honorable District Judge Kenneth C. Cory, Eighth Judicial District Court, Clark
3 County, Department I, District Court Case No. A669926.

4 **3. Parties to the proceedings in the district court.**

5 Michael Murray and Michael Reno Plaintiffs

6 A Cab, LLC, and Defendants
7 Creighton J. Nady

8 **4. Parties involved in this appeal.**

9 A Cab, LLC and Appellants
10 Creighton J. Nady

11 Michael Murray and Michael Reno Respondents

12 **5. The name, law firms, addresses and telephone numbers of all counsel on appeal,
and the party or parties they represent.**

13 Michael K. Wall (2098)
14 Hutchison & Steffen, PLLC
Nevada Bar No: 2098
15 Peccole Professional Park
10080 W. Alta Dr., Suite 200
16 Las Vegas, Nevada 89145
Telephone (702) 385-2500
17 Facsimile (702) 385-2086
mwall@hutchlegal.com

18 and

19 Esther C. Rodriguez (6473)
20 RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Ste. 150
21 Las Vegas, Nevada 89145
Telephone: (702) 320-8400
22 Facsimile: (702) 320-8401
info@rodriguezlaw.com

23 *Attorneys for Appellants*

24 Leon Greenberg (8094)
25 Dana Sniegocki (11715)
Leon Greenberg Professional Corporation
26 2965 S. Jones Blvd., Ste. E3
Las Vegas, NV 89146
27 Telephone: (702) 383-6085

Facsimile: (702) 385-1827
leongreenberg@overtimelaw.com
Dana@overtimelaw.com

Attorneys for Respondents

6. Whether respondents were represented by appointed or retained counsel in the district court.

Respondents were represented by retained counsel in the district court.

7. Whether appellant was represented by appointed or retained counsel in the district court.

Appellants were represented by retained counsel in the district court.

8. Whether appellant was granted leave to proceed in forma pauperis in the district court.

Appellant was not granted leave to proceed in district court in forma pauperis.

9. The date the proceedings commenced in district court.

This action commenced with the filing of Plaintiff's Complaint on October 8, 2012.

10. Brief description of the nature of the action and result in district court.

The underlying action is a class action suit against A Cab for A Cab's alleged failure to pay its employees a sufficient wage to satisfy the Minimum Wage Act of the Nevada Constitution.

11. Whether the case has been the subject of a previous appeal.

A competing MWA action against A-Cab is pending in a different department of the district court before Judge Delaney. A settlement was reached in the competing action, and Judge Delaney has granted a joint motion to approve settlement and to certify a class that may or may not overlap with the class certified in this case. Previously, Judge Cory issued an injunction against A-Cab enjoining it from defending itself in the competing action before Judge Delaney. A Cab and Jay Nady appealed, and that appeal was docketed in the Nevada Supreme Court as Docket No. 72691. The Nevada Supreme Court reversed the injunction issued by Judge Cory.

12. Whether the appeal involves child custody or visitation.

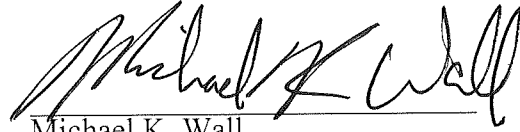
There are no child custody or visitation issues in this case.

1 **13. Whether the appeal involves the possibility of settlement.**

2 It is counsel's belief there is a possibility of settlement.

3 DATED this 21 day of September, 2018.

4 HUTCHISON & STEFFEN, PLLC

5 

6 Michael K. Wall
7 Peccole Professional Park
8 10080 West Alta Drive, Suite 200
9 Las Vegas, NV 89145
10 Tel: (702) 385-2500
11 Fax: (702) 385-2086

12 *Attorney for defendants*
13 *A Cab, LLC and Creighton J. Nady*

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1
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,
4 and that on this 21st day of September, 2018, I caused the above and foregoing

5 **DEFENDANTS' CASE APPEAL STATEMENT** to be served as follows:

6 ☐ by placing same to be deposited for mailing in the United States Mail, in a
7 sealed envelope upon which first class postage was prepaid in Las Vegas,
8 Nevada; and/or

9 ☐ pursuant to EDCR 7.26, to be sent **via facsimile**; and/or

10 ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the
11 Eighth Judicial District Court's electronic filing system, with the date and time
12 of the electronic service substituted for the date and place of deposit in the mail;
13 and/or

14 ☐ to be hand-delivered;

15 to the attorney(s) listed below at the address and/or facsimile number indicated below:

16 Leon Greenberg, Esq.
17 Dana Sniegocki, Esq.
18 Leon Greenberg Professional Corporation
19 2965 S. Jones Blvd., Ste. E3
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24 Dana@overtimelaw.com

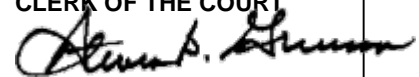
25 *Attorneys for Respondents*

26
27
28

An employee of HUTCHISON & STEFFEN, PLLC

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MTN
JAY A. SHAFER, ESQ.
Nevada Bar No. 006791
PREMIER LEGAL GROUP
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
jshafer@premierelegalgroup.com
Attorney for Defendant A CAB, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO,)	
Individually and on behalf of others similarly)	
situated,)	Case No. : A-12-669926-C
)	Dept. No.: I
Plaintiff,)	
)	
v.)	
)	
A CAB TAXI SERVICE LLC and A CAB,)	
LLC, and CREIGHTON J. NADY,)	
)	
Defendants.)	

**DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN
THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER
SHORTENING TIME**

Date of Hearing: 9/26/2018
Time of Hearing: 9:00 AM

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record, Esther C. Rodriguez, Esq., of Rodriguez Law Offices, P.C., Michael K. Wall, Esq., of Hutchison & Steffen, LLC, and Jay A. Shafer, Esq. of Premier Legal Group hereby submit this DEFENDANT'S EX-PARTE APPLICATION FOR MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME. This Motion is based on the attached points and authorities, all pleadings and papers on file herein, and any argument by counsel at

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1 the time of the hearing on this matter.

2 No parties will suffer undue prejudice if heard on shortened time so that unnecessary
3 damages incurred in Plaintiff withholding the funds of third parties can be avoided. It would
4 benefit all parties and the Court to have all matters heard as soon as possible. Therefore
5 Defendant respectfully requests this court to hear the Motion on an Order Shortening Time.

6 No parties will suffer undue prejudice if heard on shortened time so that unnecessary
7 damages incurred in Plaintiff withholding the funds of third parties can be avoided. It would
8 benefit all parties and the Court to have all matters heard as soon as possible. Therefore
9 Defendant respectfully requests this court to hear the Motion on an Order Shortening.
10

11
12 DATED this 19th day of September, 2018.

13 PREMIER LEGAL GROUP

14
15 By: /s/ Jay A. Shafer
16 JAY A. SHAFER, ESQ.
17 Nevada Bar No. 006791
18 1333 North Buffalo Drive, Suite 210
19 Las Vegas, Nevada 89128
20 Telephone: (702) 794-4411
21 Fax: (702) 794-4421
22 jshafer@premierlegalgroup.com
23 Counsel for Defendants
24
25
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27
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ORDER SHORTENING TIME

1
2 Upon the Declaration of Jay A. Shafer, Esq. and good cause appearing IT IS HEREBY
3 ORDERED that a Hearing shall be required for the relief requested herein and that the time for
4 hearing on DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND,
5 IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER
6 SHORTENING TIME shall be and hereby is scheduled for the 26th day of
7 September, 2018 at 9:00 a.m. of said day, before Department I
8 of this Honorable Court. Because of the extraordinary circumstances involved in this matter, any
9 Hearing shall so be set on an Order Shortening Time.
10

11 Dated this 21 day of September, 2018.
12

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14 
15 DISTRICT COURT JUDGE
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STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

JAY A. SHAFER, ESQ., being first duly sworn, deposes and says that Declarant is an attorney with Premier Legal Group, counsel for Defendants in the above matter and that Declarant makes this affidavit of my own personal knowledge.

1. That I am an attorney duly licensed to practice law in the State of Nevada and an attorney with the law firm of PREMIER LEGAL GROUP, which maintains its office at 1333 North Buffalo Drive, Suite 210, Las Vegas, Nevada 89128.

2. That presently I have been retained to represent Defendant A Cab LLC in this matter.

3. That I have personal knowledge of the facts contained in this Motion and am competent to testify thereto

4. I submit this Affidavit in Support of Defendants' Ex-parte Motion to Quash Writ of Execution and in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time.

5. On August 21, 2018, this Court entered judgment in favor of Plaintiffs.

6. Under the authority of this judgment, Plaintiffs obtained a writ of execution on September 11, 2018 seeking execution against:

a. "Bank Accounts or monies on deposit with Wells Fargo Bank that are owned by judgment debtors A Cab LLC or A Cab Taxi Service LLC"

7. Plaintiff did not serve a copy of this writ upon counsel for Defendant A Cab LLC.

8. Upon information and belief a copy of the writ was received by Wells Fargo on September 17, 2018, who immediately put a hold on funds at Wells Fargo for all entities affiliated with "A Cab LLC" or who bore a name which was similar to that name.

1 9. On September 17, 2018, Defendant A Cab LLC became aware of the hold and made
2 inquiries to Wells Fargo.

3 10. That my client has informed me that the only documentation they received in relation to
4 the September 17, 2018 execution was the Writ of Execution itself and that no notice of
5 execution was received.

6 11. The funds being held by Wells Fargo represent the operational funds of related but
7 distinct entities, whose operation is being harmed by having these funds withheld. This includes
8 a maintenance company employed to maintain the cabs, a management company and other
9 separate legal entities who will be prevented from paying their employees and be forced to cease
10 operations, such that the entire enterprise will be permanently and irreparably harmed.

11 12. Time is of the essence and the relationship between and among the parties is such that
12 immediate intervention by this Court is required to quash the writ, maintain the status quo, and to
13 prevent additional irreparable harm to the defendant and third parties.
14

15 13. This request for order shortening time and temporary restraining order is made in good
16 faith and without dilatory motive.
17

18 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
19 CORRECT ON THIS 19th DAY OF SEPTEMBER, 2018.

20
21 
22 JAY A. SHAFER, ESQ.
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POINTS AND AUTHORITIES

I. GOOD CAUSE EXISTS TO QUASH THE WRIT OF EXECUTION

Plaintiffs have served a Writ of Execution on Wells Fargo in an attempt to gain assets of Defendant A CAB LLC as well as other independent third parties, a copy of which is attached as Exhibit "A". The Writ of Execution served on Wells Fargo must be quashed, and the funds taken under said Writ of Execution must be returned to their accounts because (a) the funds held and taken do not belong to Defendant A Cab LLC, but third parties who do not have liability to Plaintiff, and (b) notice of the Writ of Execution was not given as required by NRS 21.075 and 21.076.

As this court is aware, the Defendants in this action are A Cab LLC and A CAB TAXI SERVICE, LLC. A judgment has been entered against these Defendants, but no other parties. Plaintiffs have sought to amend the judgment to add "A Cab Series, LLC" as a Defendant, which motion is still pending before the court, and there is good cause not to amend this. Despite the ungranted permission to amend, Plaintiffs have gone beyond the bounds of permissible action in attempting to execute on separate independent entities which although related to A Cab LLC are not subject to execution. Rather than even attempting to seek to pierce the corporate veil, Plaintiffs have sought to hamstring Defendants and to hold these independent entities hostage. Again, Plaintiffs' shortcuts have generated unnecessary controversy and errors, which they will likely seek to have the court backtrack to fix.

In its writ of execution, Plaintiffs have asked Wells Fargo to garnish and execute upon A Cab Series, LLC, Maintenance Company; Cab Series, LLC, Administration Company; A Cab Series, LLC, Taxi Leasing Company and other series LLC cells, which operate independently from A Cab LLC. These entities have their own books, records and accountings, and do not share assets such that it is appropriate to execute upon these entities. Here, Plaintiffs