

Case No. 85850

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**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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**APPEAL**

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

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**APPELLANT'S APPENDIX  
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**CERTIFICATE OF SERVICE**

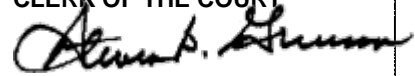
I certify that on the 26th day of January, 2024, I submitted the foregoing “Appellant’s Appendix” for e- filing and service via the Court’s eFlex electronic filing system. Electronic service of the forgoing documents shall be made upon all parties listed on the Master Service List.

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

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

13 Plaintiffs,

14 vs.

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

18 Defendants.

**Case No.: A-12-669926-C**

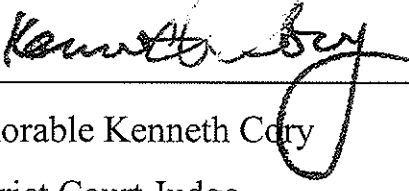
**DEPT.: I**

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
OBJECTIONS TO DEFENDANTS'  
CLAIMS OF EXEMPTION FROM  
EXECUTION**

19  
20 This matter came before the Court for a chambers decision on November 15,  
21 2018. Via a Minute Order entered on November 29, 2018, the Court set the matter for  
22 a decision announcement on December 4, 2018, when the parties were set to appear  
23 for hearing on an unrelated motion. After reviewing the respective submissions by the  
24 parties, the Court grants in part and denies in part plaintiffs' objections. The Court  
25 finds that defendants are entitled to an exemption from execution pursuant to  
26 Nevada's "wild card" exemption under NRS 21.090(1)(z). Accordingly, a total of  
27 \$10,000.00 from the funds secured from the Wells Fargo accounts pursuant to  
28 execution are to be remitted back to the defendants.

1 The balance of the funds, which currently remain deposited with the Clerk of  
2 the Court, shall be transferred to plaintiffs' counsel, Leon Greenberg, for placement in  
3 their IOLTA client trust account until further order of this Court. The Clerk of the  
4 Court shall disburse the funds in its possession in this case pursuant to this Order.

5  
6 **IT IS SO ORDERED.**

7  
8   
9 Honorable Kenneth Cory  
10 District Court Judge

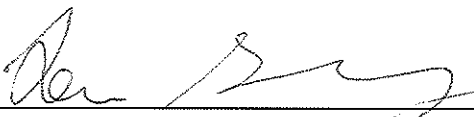
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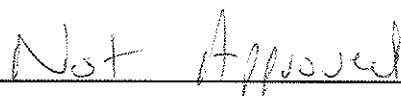
11  
12  
13 Submitted by:

14 LEON GREENBERG PROF. CORP.

15  
16   
17 Leon Greenberg, Esq. NSB 8094  
18 Leon Greenberg Professional Corporation  
19 2965 S. Jones Boulevard - Ste. E-3  
20 Las Vegas, NV 89146  
21 Tel (702) 383-6085  
22 Attorney for the Plaintiffs

Date

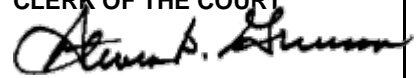
23 Approved as to Form and Content:

24   
25 Jay Shafer, Esq. NSB 6791  
26 Premier Legal Group  
27 1333 North Buffalo Dr. - Suite 210  
28 Las Vegas, Nevada, 89128  
Tel (702) 794-4441  
Attorney for the Defendants

Date

112

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3 DANA SNIEGOCKI, ESQ., SBN 11715  
4 Leon Greenberg Professional Corporation  
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[dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
Attorneys for Plaintiffs

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

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

11 Plaintiffs,

12 vs.

13 A CAB TAXI SERVICE LLC, and A  
14 CAB, LLC,

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

16  
17 PLEASE TAKE NOTICE that the Court entered the attached Order on  
18 December 18, 2018.

19 Dated: January 2, 2019

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg

22  
23 Leon Greenberg, Esq.  
24 Nevada Bar No. 8094  
25 2965 S. Jones Boulevard - Ste. E-3  
26 Las Vegas, NV 89146  
27 Tel (702) 383-6085  
28 Attorney for the Plaintiffs

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002503



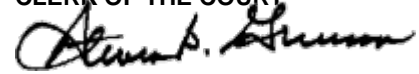
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6 by court electronic service to:  
7 TO:

/s/ *Sydney Saucier*

2



1 ORDER

2  
3 **EIGHTH JUDICIAL DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**  
5

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

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

13 Defendants.

Case No.: A-12-669926-C

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

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

13 On September 21, 2018, Defendants filed "Defendant's Ex-Parte Motion to  
14 Quash Writ of Execution and, in the Alternative Motion for Partial Stay of  
15 Execution on Order Shortening Time. The Court set the hearing for September  
16 26, 2018. On September 24, 2018, Plaintiffs filed "Plaintiffs' Response to  
17 Defendants' Ex-Parte Motion to Quash Writ of Execution on an OST and  
18 Counter-Motion for Appropriate Judgment Enforcement Relief." In Plaintiffs'  
19 Counter-Motion, Plaintiffs requested a) ordering a Judgment-Debtor  
20 examination, b) ordering property be deposited with plaintiffs' counsel, c)  
21 enjoining any transfer of funds from A Cab LLC and any of its series LLCs, d)  
22 issuing an order of attachment, and/or e) appointing a receiver. In Plaintiffs'  
23 Counter-Motion, Plaintiffs advised "Plaintiffs' counsel understands that the  
24 Court may not wish to issue any relief on the counter-motion at the scheduled  
25  
26  
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28

1 hearing given the short notice.” This Court agreed, and continued Plaintiffs’  
2 Counter-Motion for Appropriate Judgment Enforcement Relief to October 22,  
3 2018, to be heard at the same time as the several other pending motions  
4 scheduled for that day, so that Defendants may be afforded an opportunity to  
5 respond to Plaintiffs’ Counter-Motion. On October 15, 2018, Defendants’ filed  
6 their Opposition to Plaintiffs’ Counter-Motion for Appropriate Judgment Relief.  
7

8  
9 On October 22, 2018, the Court heard 1) Defendants’ Motion for Dismissal  
10 of Claims on Order Shortening Time, 2) Defendants’ Motion for  
11 Reconsideration, Amendment, For New Trial, and For Dismissal of Claims, and  
12 3) Plaintiffs’ Motion to Amend Judgment. Because of the issues discussed during  
13 that hearing, the Court stayed the matter for 10 days, and continued Plaintiffs’  
14 Counter-Motion for Appropriate Judgment Relief to November 29, 2018, to be  
15 heard with the several other pending motions set to be heard on that day. On  
16 November 20, 2018, the Court issued a minute order setting those pending  
17 motions to December 4, 2018 for announcement of decision.  
18  
19  
20

21 On December 4, 2018, the Court announced its decision on the majority of  
22 the pending motions, and heard from both sides regarding Plaintiffs’ still pending  
23 Counter-Motion which requested the appointment of a receiver. The Court  
24 inquired of counsel as to the appropriate scope of the receivership and set the  
25 matter over to December 13, 2018 so that the Court may appropriately and  
26 thoughtfully determine what powers to grant the receiver given the complexity  
27 this case has presented. The Court, having reviewed the papers and pleadings on  
28

1 file, having heard oral argument by counsel, and based on the entire record of  
2 these proceedings, enters the following order:  
3  
4

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

6 The plaintiffs request the appointment of a receiver pursuant to NRS  
7 Chapter 32. The Court, given the circumstances presented, as discussed at the  
8 hearing on December 4, 2018, concludes at this time it would be more  
9 appropriate to appoint a Special Master. Accordingly, the request is granted to a  
10 limited extent in the form of an appointment of a Special Master as follows:  
11  
12

13 1. George C. Swarts is appointed as a Special Master pursuant to  
14 NRCP Rule 53;

15 2. The Special Master shall be provided by the judgment debtor A Cab  
16 LLC also known as A Cab Series LLC, including Creighton J. Nady and any  
17 other agents of judgment debtors, copies of all electronic and paper financial and  
18 business records of the judgment debtor A Cab LLC also known as A Cab Series  
19 LLC that the Special Master deems advisable to possess for the preparation of  
20 the report directed in this order, including but not limited to all such records  
21 involving all of its contracts or agreements with any other entity or person,  
22 including any series LLC it has issued pursuant to NRS 86.296. Upon being  
23 presented with a copy of this Order all persons and entities possessing any such  
24 records of the judgment debtor A Cab LLC also known as A Cab Series LLC  
25 shall deliver them to the Special Master;  
26  
27  
28

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

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

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

17           5.     Plaintiffs' counsel shall be required to make available to the  
18 Special Master, from the funds they have collected on the plaintiffs' judgment  
19 and are holding in their IOLTA account pursuant to this Court's prior Orders, a  
20 sum not to exceed \$20,000 (Twenty Thousand Dollars) to pay for the Special  
21 Master's services. The Special Master shall be entitled to be paid a fee not  
22 exceeding \$300.00 (Three Hundred Dollars) per hour for their services. The  
23 Special Master shall be authorized, in their discretion, to cease further work and  
24 present the report discussed in paragraph 4 to the Court, to the extent it is able to  
25 complete such a report, once the cost for their services have exceeded 90% of the  
26  
27  
28

1 amount specified in this paragraph that plaintiffs' counsel shall be required to  
2 make available to pay for such services.

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

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

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

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

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

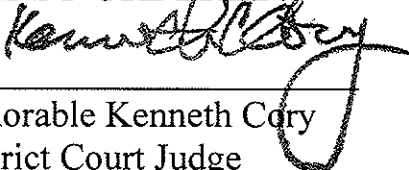
15           The plaintiffs requested that A Cab and any series LLC it has issued (the  
16 "series LLCs" that defendants also refer to as "cells" of A Cab) be enjoined from  
17 transferring any funds to defendant Nady or any of his family members. At the  
18 December 4, 2018 hearing the Court was advised by counsel for A Cab that  
19 defendant Nady's prior deposition testimony about regular transfers of funds  
20 from the series LLCs to Nady was incorrect and such transfers were actually to a  
21 trust. This branch of plaintiffs' motion is granted to the limited extent of  
22 prohibiting the transfer of any monies or other property owned by judgment  
23 debtor A Cab LLC (also known as A Cab Series LLC) to defendant Nady, to any  
24 of his family members, or to any trust of which Nady or any of his family  
25 members is a trustor, trustee or beneficiary. To the extent plaintiffs' motion  
26  
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1 sought further restraints on transfers by the series LLCs it is, without prejudice,  
2 denied at this time.  
3  
4  
5

6 **Other Requested Relief**

7  
8 Plaintiffs' other requested forms of relief are, without prejudice, denied by  
9 the Court at this time.  
10

11 **IT IS SO ORDERED.**

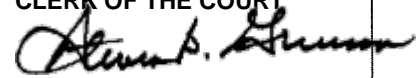
12   
13 Honorable Kenneth Cory  
14 District Court Judge  
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12/17/2018  
Date

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(702) 320-8400  
8 info@rodriguezlaw.com

9 *Attorney for defendants*  
10 *A Cab, LLC and Creighton J. Nady*

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

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

15 Plaintiffs,

16 v.

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

18 Defendants.  
19

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

20 **AMENDED NOTICE OF APPEAL**

21 Notice is given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC, defendants  
22 in the above-captioned matter,<sup>1</sup> appeal to the Supreme Court of Nevada from the district court's  
23 order granting summary judgment, severing claims, and directing entry of final judgment  
24 entered on August 21, 2018.

25 <sup>1</sup>Under the fiction that A Cab, LLC, and A Cab Series, LLC, are one and the same entity,  
26 the district court, subsequent to its entry of its final judgment dated August 21, 2018, purported to  
27 add A Cab Series, LLC, as a party defendant. The district court's order is far from clear, but it  
28 purports both to substitute A Cab Series, LLC, in the place and stead of A Cab, LLC, and to retain  
both entities as separate defendants in the action below. Therefore, we have included A Cab Series,  
LLC, as an appellant from the district court's final judgment and various other post-judgment  
orders.

1 Notice is also given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC,  
2 appeal to the Supreme Court of Nevada from the following listed orders of the district court:

3 (1) The district court's order entered on October 22, 2018, amending its August 21,  
4 2018 judgment to add A Cab Series, LLC, as a party defendant.

5 (2) The district court's order entered on December 18, 2018, granting plaintiffs'  
6 counter-motion for judgment enforcement relief (receiver and injunction).

7 (3) The district court's order entered on December 18, 2018, granting in part and  
8 denying in part plaintiffs' objections to defendants' claims of exemption from execution.

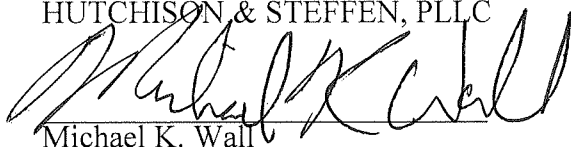
9 (4) The district court's order entered on December 18, 2018, denying defendants'  
10 motion to quash writ of execution.

11 (5) The district court's order entered on December 20, 2018, denying defendants'  
12 post-judgment motion to dismiss for lack of subject matter jurisdiction.

13 (6) All other judgments and orders of the district court rendered appealable by any  
14 of the foregoing orders and judgments.

15 DATED this 15 day of January, 2019.

16 HUTCHISON & STEFFEN, PLLC

17 

18 Michael K. Wall  
19 10080 West Alta Drive, Suite 200  
20 Las Vegas, NV 89145  
21 Tel: (702) 385-2500  
22 Attorney for defendants  
23 A Cab, LLC, and Creighton J. Nady  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCp 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,  
3 and that on this 15<sup>th</sup> day of January, 2019, I caused the above and foregoing **AMENDED**  
4 **NOTICE OF APPEAL** to be served as follows:

5 ☐ by placing same to be deposited for mailing in the United States Mail, in a  
6 sealed envelope upon which first class postage was prepaid in Las Vegas,  
Nevada; and/or

7 ☐ pursuant to EDCR 7.26, to be sent **via facsimile**; and/or

8 ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the  
9 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

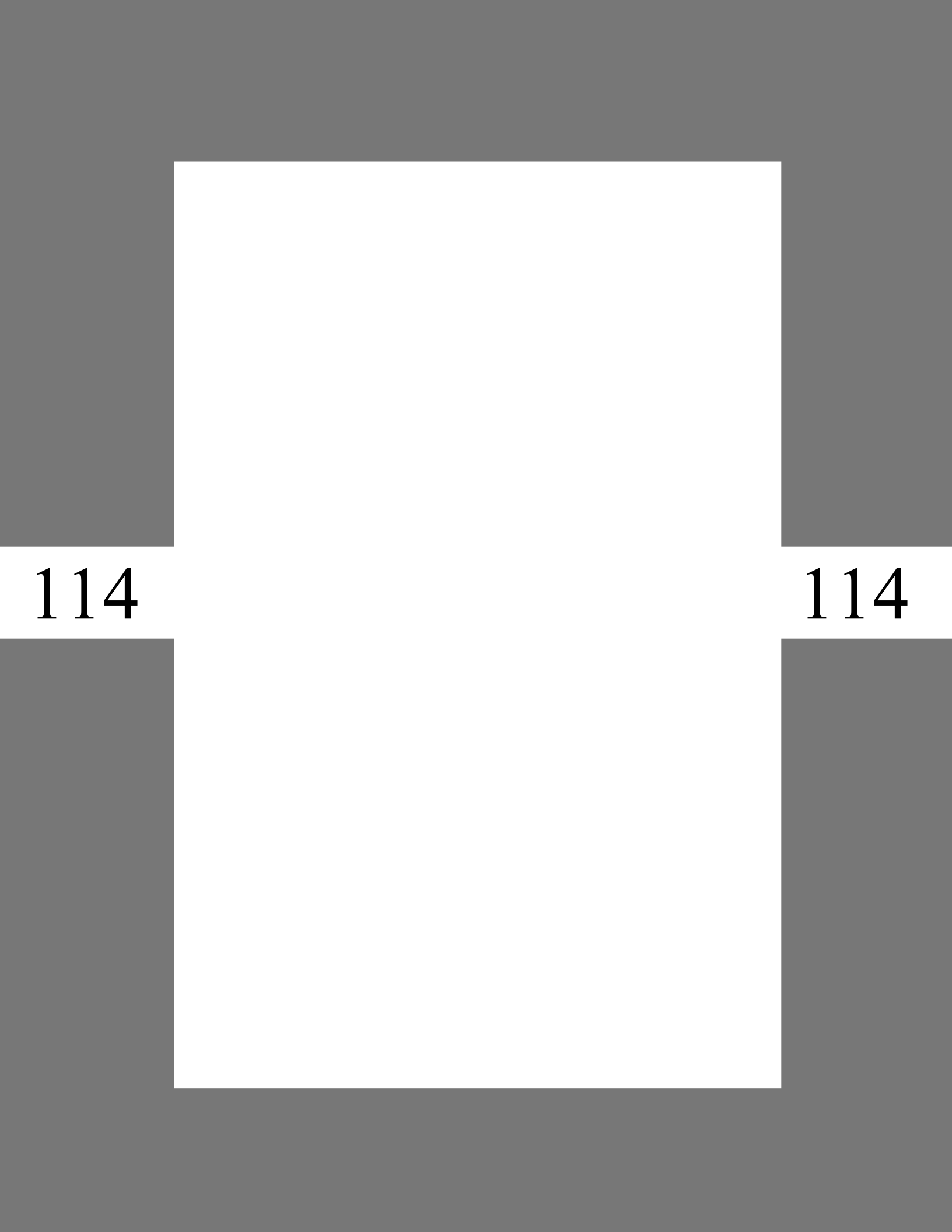
10 ☐ to be hand-delivered;

11 to the attorney(s) listed below at the address and/or facsimile number indicated below:

12 Leon Greenberg, Esq.  
13 Dana Sniegocki, Esq.  
14 Leon Greenberg Professional Corporation  
2965 S. Jones Blvd., Ste. E3  
Las Vegas, NV 89146  
15 Telephone: (702) 383-6085  
Facsimile: (702) 385-1827  
16 [leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[Dana@overtimelaw.com](mailto:Dana@overtimelaw.com)

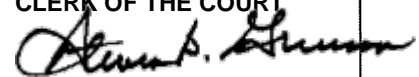
17 *Attorneys for plaintiffs*

18  
19  
20  
21   
An employee of HUTCHISON & STEFFEN, PLLC



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1 ASTA  
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2 HUTCHISON & STEFFEN, PLLC  
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[mwall@hutchlegal.com](mailto:mwall@hutchlegal.com)

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6 Esther C. Rodriguez, Esq. (6473)  
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7 Las Vegas, NV 89145  
(702) 320-8400  
8 [info@rodriguezlaw.com](mailto:info@rodriguezlaw.com)

9 *Attorney for defendants*  
10 *A Cab, LLC and Creighton J. Nady*

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

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

17 Plaintiffs,

18 v.

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

20 Defendants.  
21

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

22 **DEFENDANTS' AMENDED CASE APPEAL STATEMENT**

23 **1. Party filing this Case Appeal Statement.**

24 This appeal and case appeal statement is filed on behalf of defendants A Cab, LLC, A  
25 Cab Series, LLC, and Creighton J. Nady in the action above. A Cab Taxi Service, LLC,  
26 although named as a defendant in the district court's caption, does not exist. There is no  
27 such entity, and no such entity participated in the action in district court.  
28

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	
7	Creighton J. Nady	Defendants
8	A Cab Series, LLC	Added as Defendant following final judgment.

9 **4. Parties involved in this appeal.**

10	A Cab, LLC, A Cab Series, LLC,	
11	and Creighton J. Nady	Appellants
12	Michael Murray and Michael Reno	Respondents

13 **5. The name, law firms, addresses and telephone numbers of all counsel on appeal,  
14 and the party or parties they represent.**

14 Michael K. Wall (2098)  
15 Hutchison & Steffen, PLLC  
16 Nevada Bar No: 2098  
17 10080 W. Alta Dr., Suite 200  
18 Las Vegas, Nevada 89145  
19 Telephone (702) 385-2500  
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21 [mwall@hutchlegal.com](mailto:mwall@hutchlegal.com)

18 and

19 Esther C. Rodriguez (6473)  
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22 and

23 Jay a. Shafer (6791)  
24 PREMIER LEGAL GROUP  
25 1333 North Buffalo Drive Suite 210  
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27 Telephone: (702) 794-4411  
28 Facsimile: (702) 794-4421  
[jshafer@premierlegalgroup.com](mailto:jshafer@premierlegalgroup.com)

*Attorneys for Appellants*

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2 Dana Sniegocki (11715)  
3 Leon Greenberg Professional Corporation  
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Telephone: (702) 383-6085  
5 Facsimile: (702) 385-1827  
leongreenberg@overtimelaw.com  
Dana@overtimelaw.com

6 *Attorneys for Respondents*

7  
8 **6. Whether respondents were represented by appointed or retained counsel in the district court.**

9 Respondents were represented by retained counsel in the district court.

10  
11 **7. Whether appellants were represented by appointed or retained counsel in the district court.**

12 Appellants were represented by retained counsel in the district court.

13  
14 **8. Whether appellants were granted leave to proceed in forma pauperis in the district court.**

15 Appellants were not granted leave to proceed in district court in forma pauperis.

16  
17 **9. The date the proceedings commenced in district court.**

18 This action commenced with the filing of Plaintiff's Complaint on October 8, 2012.

19 **10. Brief description of the nature of the action and result in district court.**

20 The underlying action is a class action suit against A Cab for A Cab's alleged  
21 failure to pay its employees a sufficient wage to satisfy the Minimum Wage Act  
of the Nevada Constitution.

22  
23 **11. Whether the case has been the subject of a previous appeal.**

24 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,  
25 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  
26 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  
27 was docketed in the Nevada Supreme Court as Docket No. 72691. The Nevada  
Supreme Court reversed the injunction issued by Judge Cory.

1 12. Whether the appeal involves child custody or visitation.

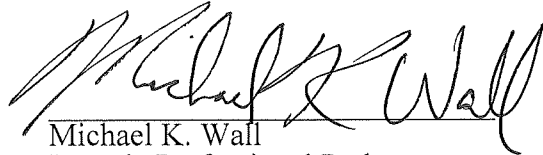
2 There are no child custody or visitation issues in this case.

3 13. Whether the appeal involves the possibility of settlement.

4 It is counsel's belief there is a possibility of settlement.

5  
6 DATED this 15 day of January, 2019.

7 HUTCHISON & STEFFEN, PLLC

8  
9 

10 Michael K. Wall  
11 Peccole Professional Park  
12 10080 West Alta Drive, Suite 200  
13 Las Vegas, NV 89145  
14 Tel: (702) 385-2500  
15 Fax: (702) 385-2086

16 *Attorney for defendants*  
17 *A Cab, LLC and Creighton J. Nady*



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 15<sup>th</sup> day of January, 2019, I caused the above and foregoing

5 **DEFENDANTS' AMENDED 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:

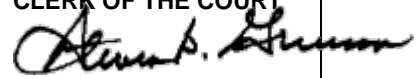
16 Leon Greenberg, Esq.  
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Resolution Economics LLC

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C  
Individually and on behalf of others similarly) Dept No.: I  
situated )

Plaintiff,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,) )  
and CREIGHTON J. NADY and DOES I-X and )  
ROE CORPORATIONS I-X, inclusive )

Defendants

RESOLUTION ECONOMICS LLC

Special Master,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,) )  
and CREIGHTON J. NADY and DOES I-X and )  
ROE CORPORATIONS I-X, inclusive )

Defendants

**NOTICE OF ENTRY OF ORDER**

1 Please take notice that on February 4, 2019, a JUDGMENT AND ORDER  
2 GRANTING RESOLUTION ECONOMICS' APPLICATION FOR ORDER OF  
3 PAYMENT OF SPECIAL MASTER'S FEES AND ORDER OF CONTEMPT was entered  
4 by the Clerk of the Court in the above-referenced matter. A true and correct copy of the  
5 order is attached.

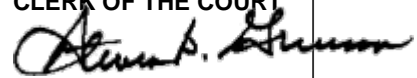
6 Dated: February 4, 2019

7  
8 DUBOWSKY LAW OFFICE, CHTD.

9  
10 By: /s/Peter Dubowsky  
11 Peter Dubowsky, Esq.  
12 Attorney for Plaintiff  
13  
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## 002521

/s/William Thompson  
An employee of Dubowsky Law Office, Chtd.



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8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C  
11 Individually and on behalf of others similarly) Dept No.: I  
12 situated )

13 Plaintiff,

14 vs.

15 A CAB TAXI SERVICE LLC, A CAB, LLC, and)  
16 CREIGHTON J. NADY and DOES I-X and ROE )  
17 CORPORATIONS I-X, inclusive )

18 Defendants

19 RESOLUTION ECONOMICS LLC

20 Special Master,

21 vs.

22 A CAB TAXI SERVICE LLC, A CAB, LLC, )  
23 and CREIGHTON J. NADY and DOES I-X and )  
24 ROE CORPORATIONS I-X, inclusive )

25 Defendants

24 **JUDGMENT AND ORDER GRANTING RESOLUTION ECONOMICS'**  
25 **APPLICATION FOR ORDER OF PAYMENT OF SPECIAL MASTER'S FEES AND**  
**ORDER OF CONTEMPT**

1 Resolution Economics LLC ("Special Master") by and through its counsel of record,  
2 Peter Dubowsky, Esq. of the DUBOWSKY LAW OFFICE, CHTD. having filed an Application  
3 for an Order for the payment of its Special Master Fees in the amount of \$85,280.56, and an  
4 Order of Civil Contempt; and this Court having heard the matter on December 11, 2018 and  
5 December 13, 2018; and having heard the argument of counsel and statements of interested  
6 parties, and good cause appearing therefor, the Court finds and orders as follows.

7 1. On February 7, 2018, this Court entered an Order Granting Plaintiffs' Motion to  
8 Appoint a Special Master.

9 2. The February 7, 2018 Appointment Order stated in pertinent part the necessity of  
10 the appointment of a Special Master:

11 In light of the above, the Court finds that the appointment of a Special Master is  
12 the appropriate solution to determine the hours worked each pay period by each  
13 class member and the amount of minimum wages, if any, that each one is owed  
14 based upon A Cab's records. The Special Master is being appointed to report on  
15 the hours worked, and the wages paid, as documented in A Cabs admittedly  
16 accurate records; to what extent that information in those records demonstrates  
17 wages of lesser than the minimum wage (that "lower tier" rate is \$7.25 an hour  
18 since July 1, 2010) were paid during any pay period; and the amount of any such  
19 minimum wage deficiencies for each class member.

20 3. The February 7, 2018 Order further commented on the complexity and  
21 laboriousness of the Special Master's work:

22 Whether minimum wages are owed for any particular pay period is quite simple  
23 when the relevant information (Hours worked and wages paid) is known. But in  
24 this case the information must be gathered from over 200,000 trip sheets, a  
25 complex process simile, performing the calculation on many thousands of pay  
periods for approximate 1000 class members is also complicated and laborious.

4. This Court then went on to enumerate the "complicated and laborious" job  
required of the Special Master.

5. On February 13, 2018, this Court entered an Order Modifying Court's Previous  
Order of February 7, 2018 appointing a Special Master. The February 13, 2018 Modification  
Order stated, in pertinent part:

1 The Court is extremely concerned with the passage of time in this matter for  
2 reasons previously expressed. In order to prevent one more issue from injecting  
3 itself into these proceedings, and in light of the possibility that any local firm may  
4 trigger another objection due to purported conflicts of interest, the Court rescinds  
its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns,  
and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this  
case. (emphasis added)

5 6. On or around March 2, 2018, Defendants filed a Motion For Stay On an Order  
6 Shortening Time, claiming *inter alia*, an inability to pay the Special Master the initial \$25,000.00  
7 required by previous court order.

8 7. On March 6, 2018, this Court entered a Minute Order stating in pertinent part:

9 In the meantime [not longer than approximately 3 weeks] the Special Master is  
10 directed to cease all efforts to complete the task previously ordered by this Court  
11 until further order of this Court. Additionally, because there will be a breathing  
12 space of approximately three weeks the Defendants should well be able to set  
aside the initial \$25,000 deposit, and are ordered to do so. (emphasis added)

13 8. On May 23, 2018 the Court Ordered:

14 This case needs to go forward and the Court is disinclined to hold up the matter  
15 for non-payment to the special master. COURT FURTHER ORDERED,  
\$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to  
be present at the next hearing to show proof of the posting. (emphasis added)

16 9. On August 21, 2018, this Court entered its Order Granting Summary Judgment,  
17 Severing Claims, and Directing Entry of Final Judgment ("Judgment Order), in which this Court  
18 reiterated the Defendants' failures to comply with its Orders. The Judgment Order stated in  
19 pertinent part:

20 The Court . . . via Orders entered on February 7, 2018 and February 13, 2018,  
21 appointed a Special Master . . . The Court directed that A Cab pay for such Special  
22 Master because of A Cab's failure to maintain proper records under NRS 608.115,  
and to deposit \$25,000 with the Special Master as a payment towards the cost of  
23 their work. . . . A Cab failed to make such payment within the time period  
specified by the Court. As a result, the Special Master advised the Court that they  
24 have incurred \$41,000 in costs towards their completion of their assignment and  
will not proceed further with that assignment until they are in receipt of sufficient  
25 assurances that they will be paid for their work. The Special Master has budgeted  
\$180,000 as the projected total cost to complete their assignment. (Judgment  
Order Page 7 lines 7-25)



1           10.     The Judgment Order further stated that "A Cab proposed no cure for its violation  
2 of the Court's Orders appointing the Special Master. It did not state when, if ever, it intended to  
3 comply with those Orders." (Judgment Order Page 9 lines 1-3)

4           11.     The Court went on to find that the Defendants were in contempt, "

5           [T]he Court finds that Defendants' persistent failure to comply with Court orders  
6 . . . warrants holding defendants in contempt . . . (Judgment Order Page 28 lines  
7 20-22)

8           The willfulness of A Cab in disregarding the Court's Orders appointing a Special  
9 Master is apparent and A Cab's \*\*\*\* its failure to comply with those Orders is a  
10 result of a financial inability to pay the Special Master cannot be properly  
11 considered and its evidence to establish same is deficient. If A Cab truly lacks the  
12 financial resources to comply with those Orders it has a remedy under the United  
13 States Bankruptcy Code to seek the protection of the Bankruptcy Court which is  
14 empowered to relieve it from those Orders and oversee the proper disposition of  
15 whatever financial resources it does possess. It has declined to do so and  
16 continues to do business and defend this case in this Court. Having elected to do  
17 so, it must comply with this Court's Orders or face the consequences of its failure  
18 to do so. (Judgment Page 31 lines 1-10)

19           12.     In this case, as all counsel will recognize, probably painfully so, we have been at  
20 pains to try and come to a resolution that was fair and just to both sides. All of this happens  
21 within the framework or the context, in my mind, of a lawsuit that is filed to vindicate  
22 constitutional rights. I've already commented before about -- what my opinion would be about  
23 is it a good idea overall to include your minimum wage act in the constitution of the state. It  
24 doesn't matter what I think. The people of this state determined that it was of sufficient  
25 importance they put it in the constitution. Now, that means something to me and it also informs  
the Court as to what powers it needs to exercise, both legal and equitable powers, in order to  
determine if these rights have been violated, and secondarily to, as much as possible, undo the  
violation and get them paid. At length the Court determined that the defendants simply were not  
willing to produce any evidence on their own. At most every turn the response that I heard was,  
well, it's only the time sheets, only the time sheets. But the defendant did not put forward any  
calculations based on the time sheets, and so ultimately because of the passage of time in this

1 litigation the Court determined that we're going to have to go back and revisit a motion that had  
2 been brought by the plaintiffs earlier, much earlier. And to say that the defendants were  
3 blindsided by it I don't think is really accurate. It was argued, fully argued, briefed and argued  
4 by both sides when it was first proposed by the plaintiff. Simply it was the case that it became  
5 more obvious to the Court ultimately that something like that, as drastic and perhaps as expensive  
6 as that was the only way that we were going to get down to having the best evidence, according  
7 to the defendants, of what was owed. And so the Court ordered it and ordered that the defendant  
8 would pay the cost because it was -- the Court had already at that point determined that there had  
9 been a violation of the constitutional provisions regarding minimum wage; that there was indeed  
10 liability and the question was what the amount of the damages would be. In preparing for today  
11 I've gone back and looked at virtually all of the minute orders recounting the efforts of both sides  
12 and the Court in this case for the last at least year or perhaps more, and what I see is that the  
13 Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said  
14 that it couldn't and put some forward some figures, I believe, to try and show the Court that it  
15 couldn't. Well, in hindsight what I see it was saying was that it couldn't afford to, that it didn't  
16 fit in its budget to pay such fees. Before I -- well, ultimately the Court realized that the defendant  
17 was simply refusing to pay it. They had the money. The Court ordered \$25,000 and then later  
18 \$41,000 based upon an estimate, I believe. On March 6th the Court ordered that \$25,000 be paid.  
19 On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the  
20 defendants to really show that the defendant was not able to pay. And as I said, ultimately I  
21 concluded that what the defendant was really saying was not that they didn't have the money but  
22 that they didn't want to pay it because they had other business expenses. Then on September 11th  
23 a writ of execution was filed and lo and behold the defendants were in possession of somewhat  
24 over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have  
25 the money. At that point that was clear. And while the defendants may argue, yeah, but that's all

1 gone, that was tied up, well, the defendant is still operating its business. It still has income coming  
2 in. It has made -- this record is devoid of evidence that shows that the defendants could not pay  
3 the money, that they did not have the money, and that's in the face of a Court order, several Court  
4 orders. And as was already touched upon, there was a stay put in place. The Court was  
5 constantly trying to -- I think my comment during one or more of the hearings was trying not to  
6 kill the goose that lays the golden egg. And it has all come to naught and this Court cannot help  
7 but find that in the course of protesting loudly having to pay anything, the defendant has just flat  
8 violated Court orders and refused -- not that they couldn't -- they refused to pay the \$25,000 or  
9 the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been  
10 paid and tendered. This is a willful violation of a Court order.

11 13. The Court had the proper authority under N.R.C.P. 53 to appoint Resolution  
12 Economics as Special Master. The Defendants incurred Special Master Fees of \$85,280.56,  
13 which shall be deemed the amount fixed by this Court.

#### 14 CONTEMPT OF COURT

15  
16 Based on the foregoing, and upon answer and evidence taken, the Court finds Defendants,  
17 both A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually,  
18 guilty of contempt of Court for disobedience and/or resistance to this Court's lawful Orders to  
19 pay the Special Master's compensation. This Court is reserving ruling on both the civil and  
20 criminal penalties for Defendants' contempt. The Court reserves the right to hold Defendants in  
21 Civil Contempt to coerce and/or compel the Defendants' future compliance. The Court reserves  
22 the right to hold Defendants in criminal contempt and impose a fine on Defendants for \$500.00  
23 and/or imprison Creighton J. Nady for up to 25 days.

24 ///

25 ///

///

**JUDGMENT**

Special Master, RESOLUTION ECONOMICS LLC, shall be awarded Judgment for compensation fixed by the Court, pursuant to N.R.C.P. 53, in the amount of \$85,280.56 against Defendants, A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually, plus attorney's fees in the amount of \$9,500.00, pursuant to N.R.S. §22.100(3), with statutory interest accruing on the total foregoing until this Judgment is satisfied. The Special Master shall be entitled to all rights and remedies to enforce this Judgment against the delinquent Defendants, A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually.

Dated: \_\_\_\_\_

*June 18, 2019*
  
 \_\_\_\_\_  
 DISTRICT COURT JUDGE

Respectfully submitted,

DUBOWSKY LAW OFFICE, CHTD.

By: \_\_\_\_\_

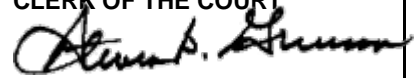
  
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Attorneys for Plaintiffs

**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 on February  
6, 2019

Dated: February 7, 2019

LEON GREENBERG PROFESSIONAL CORP.

/s/ Leon Greenberg

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/s/ Sydney Saucier

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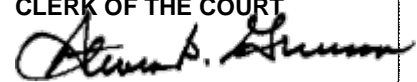
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Attorneys for Plaintiffs



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

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

**Case No.: A-12-669926-C**

**DEPT.: I**

13 Plaintiffs,

14 vs.

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR AN AWARD OF  
ATTORNEYS' FEES AND COSTS  
PURSUANT TO NRCP 54 AND THE  
NEVADA CONSTITUTION**

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

18 Defendants.

19  
20 This motion came before the Court for a chambers decision on November 15,  
21 2018. Via a Minute Order entered on November 29, 2018, the Court set the motion  
22 for a decision announcement on December 4, 2018, when the parties were set to  
23 appear for hearing on an unrelated motion. After reviewing the arguments submitted  
24 by the parties in respect to plaintiffs' motion, the Court grants plaintiffs' motion, to the  
25 extent indicated in this Order, and finds as follows:

26 **A. Attorney's Fees**

27 Plaintiffs' motion sought an award of attorneys' fees and costs pursuant to  
28 Article 15, Section 16(B) of the Nevada Constitution which states "[a]n employee



1 who prevails in any action to enforce this section shall be awarded his or her  
2 reasonable attorney's fees and costs." Plaintiffs previously secured a judgment in  
3 excess of one million dollars for over 900 members of the certified class of plaintiffs  
4 via the Court's order of August 21, 2018. The Order further granted class counsel 60  
5 days after notice of entry of that Order to apply for an award of fees and costs.  
6 Plaintiffs' Motion for an Award of Attorneys Fees and Costs was filed on October 12,  
7 2018, and the Court finds such motion was timely filed in compliance with the Court's  
8 August 21, 2018 Order.

9 The motion laid out three separate formulations under which the Court was  
10 asked to evaluate the request for fees and costs. The first formulation offered by the  
11 plaintiffs was the "aggregate hours" formulation, under which plaintiffs sought  
12 attorneys' fees based upon their counsel's recorded attorney hours expended upon  
13 litigating this matter (minus time for which plaintiffs' counsel has already received  
14 fees from the defendants pursuant to a prior sanctions order, and minus time expended  
15 upon two claims that did not proceed to judgment) and for which plaintiffs' counsel  
16 built in an across-the-board 10% discount. Under that scenario, plaintiffs were  
17 seeking a total attorneys' fee award of \$626,481.00.

18 Under the second alternative formulation, the "partial exclusion of hours"  
19 formulation, plaintiffs sought an award of fees that excluded for fee purposes recorded  
20 attorney hours that defendants could colorably argue were not spent exclusively on  
21 activities germane to the litigation or that defendants would argue were unnecessary,  
22 or not of great utility or efficiency, or that concerned issues never fully resolved in the  
23 litigation. They also eliminated any associate attorney time for appearances at  
24 depositions and court hearings for which lead counsel was also present. They further  
25 built in an across-the-board 10% discount. Under that scenario, plaintiffs were  
26 seeking a total attorneys' fee award of \$568,071.00.

1 Under the third alternative formulation, the “presumptive exclusion of hours”  
2 formulation, plaintiffs sought an award of fees based upon an exclusion of time  
3 expenditures that, in any significant measure, defendants would presumptively argue  
4 should not be included in the fee award, such as time devoted to settlement and  
5 mediation efforts (as no settlement or mediated resolution was achieved). They  
6 further built in an across-the-board 10% discount. Under that scenario, plaintiffs were  
7 seeking a total attorneys’ fee award of \$527,571.00.

8 The Court is satisfied that plaintiffs’ counsel, through their sworn declarations,  
9 have set forth a reasonable basis for an award of fees under the factors set forth in  
10 *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (1969) as re-affirmed by *Shuette*  
11 *v. Beazer Homes Holdings Corp.*—124 P.3d 530, 549 (Nev. Sup. Ct. 2005). The Court  
12 makes the following findings addressing the four relevant considerations established  
13 by *Brunzell* that it must examine in arriving at an appropriate attorney fee award,  
14 along with exercising its discretion in calculating that award in a fair and reasonable  
15 manner. *See, Shuette, id*, citing *Brunzell* and *University of Nevada v. Tarkanian*, 879  
16 P.2d 1180, 1188, 1186 (Nev. Sup. Ct. 1994).

17 The first *Brunzell* consideration is the professional qualities demonstrated by  
18 plaintiffs’ counsel. The majority of attorney hours detailed in plaintiffs’ motion for an  
19 attorney fee award and for which compensation is sought, and ultimately awarded by  
20 the Court, was performed by Leon Greenberg. Such counsel has demonstrated that he  
21 has over 25 years of litigation experience. Such experience includes handling other  
22 class action claims seeking unpaid wages owed to employees, including class action  
23 claims involving unpaid minimum wages, the issue in this case. The professional  
24 experience and qualities of such counsel is also confirmed by their appellate  
25 advocacy, most importantly their success in the appeal in *Thomas v. Nevada Yellow*  
26 *Cab* 327 P.3d 518 (Nev. Sup. Ct. 2014), such appeal establishing the basis for the  
27 minimum wage claim made in this case. The Court has also extensively personally  
28

1 observed the quality of the advocacy by Leon Greenberg and the other counsel for  
2 plaintiffs in this case and finds such advocacy was of a high quality. Such counsel's  
3 performance has been more than adequate. They have presented the Court with  
4 appropriate written briefings and demonstrated, both in those submissions and during  
5 their oral advocacy, a level of competence, understanding of the relevant legal issues,  
6 and professional performance, that is at least equal to the norm of counsel appearing  
7 before the Court.

8 The second *Brunzell* consideration is the character of the work performed by  
9 plaintiffs' counsel, considering such factors as its intricacy, importance, and the time  
10 and skill it has required. The work performed by plaintiffs' counsel required a high  
11 level of intricacy and attention to detail. While class action litigation is not  
12 particularly common, and is not handled by most litigation attorneys, this case also  
13 posed substantial additional and difficult litigation issues besides its class action  
14 nature. Plaintiffs' counsel had to formulate a means to present damages claims in  
15 different amounts for hundreds of class members. Unlike some class action cases, this  
16 case did not involve a single set amount of damages, if liability was established, for  
17 every single class member. Plaintiffs' counsel had to work closely with a skilled  
18 computer data analyst (Charles Bass) and expert economist (Dr. Terrence Clauretie) to  
19 present an appropriate formulation of the class members' damages for the rendering of  
20 a judgment in this case. Plaintiffs' counsel also was confronted with addressing legal  
21 issues raised by the relative newness, and not substantially litigated, minimum wage  
22 amendment to the Nevada Constitution that was only enacted in 2006. Defendants  
23 exerted considerable vigor, at times to an improper extent as demonstrated by the  
24 Court's sanction order of March 4, 2016 imposing sanctions of \$3,238.95, in opposing  
25 the plaintiffs' discovery efforts in this litigation. Defendants also opposed class  
26 certification and otherwise strongly defended this litigation. The work performed by  
27 plaintiffs' counsel was of great importance to the plaintiffs' success in this case. It was  
28

1 also of presumptively great public importance, as the rights sought to be vindicated by  
2 the plaintiffs are secured directly by Nevada's Constitution. In sum, the Court finds  
3 that the character, intricacy, difficulty and importance of the work performed by  
4 plaintiffs' counsel was far above that of a typical litigation matter.

5 The third *Brunzell* consideration is the work actually performed by plaintiffs'  
6 counsel, and the skill, time and attention actually given to that work (this overlaps to  
7 some extent with the second consideration). The Court has observed a very high level  
8 of competence and skill exercised by plaintiffs' counsel in the performance of the  
9 work necessary to the successful prosecution of this case. As discussed in their sworn  
10 declarations submitted to the Court, such counsel has also demonstrated the number of  
11 hours that they have devoted to this litigation, a very significant amount of time.  
12 Such time expenditures, in excess of 1,000 hours from the commencement of this  
13 litigation through judgment, combined with the skillful performance of that very  
14 detailed work, supports the fee awarded.

15 The fourth *Brunzell* consideration is the result secured and the benefits derived  
16 from the efforts of plaintiffs' counsel. That result was substantial, the entry of a  
17 judgment in excess of \$1,000,000 on behalf of 890 persons owed unpaid minimum  
18 wages. Such a benefit is also best evaluated not just in respect to its sheer monetary  
19 size, but its advancement of an important public policy goal, the payment of minimum  
20 wages under Nevada's Constitution, to a large group of persons. Absent the  
21 considerable efforts of the plaintiffs' counsel, that benefit would not have been secured  
22 to such persons.

23 In rendering the fee award made by this Order the Court also finds that the  
24 hourly rates used by plaintiffs' counsel in proposing the fee to be awarded, a rate of  
25 \$400 for their senior counsel Leon Greenberg and lesser amounts for their other  
26 counsel, were justified, reasonable and appropriate. The Court also believes the  
27 attorney's fee proposed by plaintiffs' counsel is, at least to some implicit extent,  
28

1 rendered reasonable by defendants' failure to provide any form of meaningful,  
2 quantified, information contesting plaintiffs' counsel's calculations and fee award  
3 claims. Defendants have provided the Court with no information concerning the  
4 hourly rates charged by their counsel or the attorney's fees they have incurred in  
5 litigating this matter. Nor have defendants contested the appropriateness of the  
6 hourly fee rates upon which plaintiffs' counsel rely or contested with any specificity  
7 their overall stated time expenditures.  
8

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10  
11  
12 -The Court is further satisfied that plaintiffs' counsel, as confirmed by their counsel,  
13 Leon Greenberg, in open court on December 4, 2018, will not and cannot, by virtue of  
14 this Court's final judgment, counsel's retainer agreements with the named plaintiffs,  
15 and Rule 23, seek to obtain additional attorneys' fees from any money that has been or  
16 will be collected for the class members in satisfaction of the judgment, absent a  
17 further order of this Court being issued authorizing the same. Finally, the Court is  
18 satisfied that plaintiffs' fee request is based upon plaintiffs' counsel's  
19 contemporaneously recorded hours and the Court will not require plaintiffs' counsel to  
20 disclose in the record their time notes. Accordingly, the Court finds an appropriate fee  
21 award should be based under plaintiffs' second formulation, the "partial exclusion of  
22 hours" formulation. Thus, the Court awards plaintiffs' counsel, pursuant to the  
23 mandatory fee-shifting provision of Article 15, Section 16 of the Nevada Constitution,  
24 \$568,071.00 in attorneys' fees.  
25

#### 26 **B. Costs**

27 With respect to plaintiffs' request for a costs award totaling \$46,528.07, the  
28 Court also finds such an award is proper.

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

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

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

19 The Court heard Plaintiff's Motion for Partial Summary Judgment on  
20 December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has  
21 established liability. Thereafter, Plaintiff filed "Plaintiffs' Supplement in Support of  
22 Motion for Partial Summary Judgment" arguing that damages and liability are  
23 inextricably related. Defendants' also filed their Motion for Summary Judgment on  
24 November 27, 2017, and heard on January 2, 2018. Other motions before the Court in  
25 the end of December 2017 and early January 2018 included Plaintiffs' Motion to  
26 Place Evidentiary burden on Defendant, Plaintiffs' motion to bifurcate or limit issues  
27 at trial, Defendants' objection to the Discovery Commissioners Report and  
28

1 Recommendation, both Defendants' and Plaintiffs' motions in limine, Defendants'  
2 Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to  
3 16.1(3), and Plaintiffs' motions to strike affirmative defenses. It was upon review of  
4 all of these motions that the Court found that liability and damages were indeed  
5 inextricably related. That is precisely why the Court gave Defendants' one more  
6 opportunity to present evidence which would rebut that liability, and yet they could  
7 not.

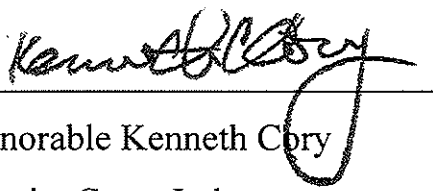
8 It was in preparation of those pretrial motions that the Court inquired into what  
9 evidence would be submitted and presented at trial. In Defendants' Motion in Limine,  
10 Defendants argued that Plaintiffs' experts methodology was unreliable because it  
11 calculated damages derived from inaccurate information, despite Plaintiffs' experts  
12 using information consisting of computer data files provided by A Cab. Defendants'  
13 argued at that time that the Tripsheets were the only accurate information. That is  
14 precisely why this Court appointed a special master, who expended more than \$85,000  
15 to review Tripsheets which did not comply with NRS 608.115, to make a  
16 determination on a precise calculation of hours. Defendants continued to use their  
17 noncompliance with the record keeping statute as both a sword and a shield. That is  
18 when this Court decided to apply the reasoning of the United States Supreme Court in  
19 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946), which stated that "the  
20 employer cannot be heard to complain that the damages lack the exactness of  
21 measurement that would be possible had he kept records..." *Id.* at 687.

22 Contrary to the Defendants' assertions that the experts were never utilized,  
23 Plaintiffs' experts were necessary to this Court granting summary judgment. It was  
24 defendants' lack of evidence of the precise amount of work performed to negate the  
25 reasonableness of the inference to be drawn from the employees' evidence which  
26 warranted the granting of summary judgment. *See Anderson v. Mt. Clemens Pottery*  
27 *Co.*, 328 U.S. 680, 687 (1946) ("The burden then shifts to the employer to come  
28

1 forward with evidence of the precise amount of work performed or with evidence to  
2 negative the reasonableness of the inference to be drawn from the employee's  
3 evidence. If the employer fails to produce such evidence, the court may then award  
4 damages to the employee, even though the result be only approximate." ). This Court  
5 gave defendants every opportunity to come forward with precise evidence, and they  
6 did not. They also failed to provide the initial \$25,000 deposit as ordered by this  
7 Court, so that the Special Master could provide more precision to the damages  
8 calculation by recourse to the trip sheets. Defendants might have a colorable  
9 argument against Plaintiff's expert costs had the Special Master completed his work  
10 regarding the Tripsheets, and had the trial proceeded on that basis. However, that is  
11 not the case here. Plaintiffs' experts were necessary and their expenses reasonable  
12 given the extent of the work performed in calculating damages based upon computer  
13 data information provided by ACAB. Therefore, the Court grants plaintiffs' request in  
14 its entirety and awards a total of \$46,528.07 in costs. Accordingly,

15  
16 IT IS HEREBY ORDERED that Plaintiffs' Motion for an Award of Attorneys'  
17 Fees and Costs pursuant to NRCP 54 and the Nevada Constitution is GRANTED to  
18 the extent specified in this Order in the total amount of \$614,599.07.

19  
20 **IT IS SO ORDERED.**

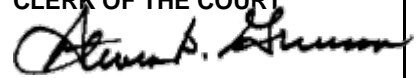
21  
22   
23 Honorable Kenneth Cory  
24 District Court Judge  
25 *KC*

26  
27 Feb 6, 2019  
28 Date



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1 **NOEO**  
2 LEON GREENBERG, ESQ., SBN 8094  
3 DANA SNIEGOCKI, ESQ., SBN 11715  
4 Leon Greenberg Professional Corporation  
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[dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
Attorneys for Plaintiffs

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

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

11 Plaintiffs,

12 vs.

13 A CAB TAXI SERVICE LLC, and A  
14 CAB, LLC,

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

16  
17 PLEASE TAKE NOTICE that the Court entered the attached Order on March 5,  
18 2019.

19 Dated: March 5, 2019

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg

22  
23 Leon Greenberg, Esq.  
24 Nevada Bar No. 8094  
25 2965 S. Jones Boulevard - Ste. E-3  
26 Las Vegas, NV 89146  
27 Tel (702) 383-6085  
28 Attorney for the Plaintiffs

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/s/ *Sydney Saucier*

---

Sydney Saucier

2

1 ORDER

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6  
7 MICHAEL MURRY, and  
8 MICHAEL RENO, Individually and  
9 on behalf of others similarly  
situated

10 Plaintiffs,

11  
12 A CAB TAXI SERVICE LLC, A  
13 CAB, LLC, and CREIGHTON J.  
NADY and DOES I-X and ROE  
CORPORATIONS I-X, inclusive,

14 Defendants.  
15  
16  
17  
18

Case No.: A-12-669926-C

DEPARTMENT: 1

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

19 Plaintiffs' Motion on Order Shortening Time to Lift Stay, Hold Defendants in  
20 Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up  
21 Hearing, and Coordinate Cases, having first come before the Court on May 23, 2018,  
22 the Honorable Kenneth C. Cory presiding; Leon Greenberg and Christian Gabroy  
23 appearing for and on behalf of Plaintiffs; and Esther C. Rodriguez appearing for and  
24 on behalf of Defendants. This Court having heard arguments of counsel and being  
25 fully advised in the premises, the Court incorporates by reference the Minute Order  
26 filed on February 5, 2019 and ORDERS as follows:

27  
28 IT IS ORDERED that Plaintiffs' above referenced Motion is DENIED in part and

1 CONTINUED in part,

2  
3 IT IS ORDERED that the Motion to Lift Stay is DENIED as moot, having been lifted  
4 on May 22, 2018;

5  
6 IT IS FURTHER ORDERED that the Motion to Hold Defendants in Contempt is  
7 CONTINUED to June 1, 2018;


8  
9 IT IS FURTHER ORDERED that the Motion to Strike Defendants' Answer is  
10 CONTINUED to June 1, 2018;

11  
12 IT IS FURTHER ORDERED that the Motion to Grant Partial Summary Judgment is  
13 CONTINUED to June 5, 2018;

14  
15 IT IS FURTHER ORDERED that the Motion to Direct a Prove-Up hearing is  
16 CONTINUED to June 1, 2018.

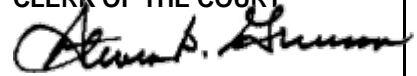
17  
18 IT IS FURTHER ORDERED that the Motion to Coordinate Cases is DENIED.  
19

20  
21 DATED this 1 day of March, 2018.  
22

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

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Attorneys for Plaintiffs

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

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

11 Plaintiffs,

12 vs.

13 A CAB TAXI SERVICE LLC, and A  
14 CAB, LLC,

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

16  
17 PLEASE TAKE NOTICE that the Court entered the attached Order on March 5,  
18 2019.

19 Dated: March 5, 2019

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg

22  
23 Leon Greenberg, Esq.  
24 Nevada Bar No. 8094  
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27 Tel (702) 383-6085  
28 Attorney for the Plaintiffs

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## 002545

/s/ *Sydney Saucier*

---

Sydney Saucier

2



*Alvin B. Garrison*

## CLARK COUNTY, NEVADA

)  
 )  
 ) Case No. : A-12-669926-C  
 ) Dept. No.: I

Plaintiffs,

V.

ORDER ON DEFENDANTS'  
MOTION FOR RECONSIDERATION

) Date of Hearing: October 22, 2018  
) Time of Hearing: 9:00 a.m.

Defendants.

### ORDER ON MOTION FOR RECONSIDERATION

Defendants' Motion for Reconsideration, Amendment, for New Trial, and For Dismissal of Claims was heard on October 22, 2018. Plaintiffs were represented by Leon Greenberg and Dana Sniegocki. Defendants were represented by Esther Rodriguez, Michael Wall, and Jay Shafer.

1 Pursuant to NRCP 52, NRCP 59, NRCP 60, NRCP 12, and NRCP 41, Defendants moved  
2 the Court for reconsideration and amendment to the summary judgment order entered on August  
3 22, 2018, and for a new trial, and for dismissal of claims. Defendants argued that the Court  
4 lacked subject matter jurisdiction over the claims, and should reconsider its certification under  
5 NRCP 23 as improper. Defendants asserted the Court must reconsider its aggregation of these  
6 claims to establish subject matter jurisdiction, relying upon *Castillo v. United Fed. Credit Union*,  
7 134 Nev. Adv. Op. No. 3, Feb 1, 2018, 409 P3d 54.  
8

9 Defendants also requested the Court amend its judgment to acknowledge it had received  
10 the details of the settlement reached, as well as the specific overlap of the claimants and their  
11 respective claims in the matter of Jasminka Dubric v. A Cab, LLC et. al, Case No. A-15-721063-  
12 C. Defendants also argued the Court should amend the order to acknowledge it was made aware  
13 of the prior settlement of claims, and has made a determination to disapprove it.  
14

15 Defendants also sought a dismissal pursuant to NRCP 41 (e), asserting that five years  
16 from the filing of the complaint had expired October 8, 2017. Defendants supplied  
17 documentation to the court which they believed demonstrated Plaintiffs continued to disregard  
18 any stay. Thus, they asserted they should be prohibited from seeking to rely upon these stays as  
19 tolling NRCP 41(e). Defendants further asserted they did not agree to waive this rule.  
20

21 In the absence of a complete dismissal, Defendants also moved for a new trial on the  
22 issues which remain. Defendants argued they were prepared for a jury trial but have been  
23 deprived of the same and of their right to due process. They asserted Plaintiffs have failed to  
24 prove the bare minimum of liability as pled in their complaint and rely upon an assertion of  
25 fraudulent break times written into trip sheets. They further claimed Plaintiffs have failed to  
26 prove any actual damages, and have no Plaintiff who complied with NAC 608.155. They also  
27 asserted Plaintiffs are pursuing claims for a class<sub>2</sub> with no representative plaintiff for that class.  
28

1 Defendants also argued the claims against Defendant Nady must be dismissed.  
2 Defendants argued the Court never addressed Defendants' previous motion on this issue, but had  
3 allowed those claims to remain in limbo.

4 Plaintiffs asserted that Defendants' requests for relief are identical to those previously  
5 made and rejected by the court. Plaintiffs further argued, relying upon *Edwards v. Emperor's*  
6 *Garden Rest.*, 122 Nev. 317, 326 (2006), that this Court has subject matter jurisdiction over the  
7 claims as Plaintiffs have sought equitable relief.

8 Plaintiffs further asserted that the Court's granting of class certification was appropriate  
9 and that the matter should not be subject to NRCP 41(e) dismissal as the various stays ordered by  
10 the Court resulted in a suspension of the time subject to Rule 41(e) by a period of 377 days.  
11 Plaintiffs submit the law is clear that when the Court suspends proceedings via a stay, the time  
12 under which a case must normally be brought to trial under NRCP 41(e) is extended by the  
13 duration of the stay.  
14

15 Plaintiffs further argued that none of Defendants' arguments have merit or should  
16 concern the court. NAC 608.155 does not apply. Plaintiffs state all arguments have previously  
17 been given due consideration by the Court and have all previously been rejected, including  
18 Defendants' assertion that plaintiffs have pleaded claims under a fraud theory for which class  
19 certification is improper; the sufficiency of Plaintiffs' expert submissions and summaries; and  
20 the lack of a proper class representative. No basis exists for the Court to reconsider any of its  
21 prior rulings on these issues.  
22

23 ///

24 ///

25

26

27

28

1 Having reviewed the briefs and heard oral argument, Defendants' motion is DENIED.

2 The Court adopts the assertions of Plaintiffs for the bases for its decision.

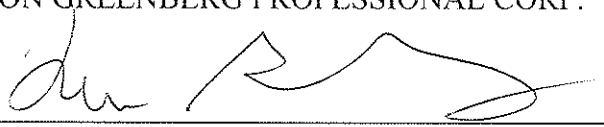
3 **IT IS SO ORDERED.**

4  
5 Dated this 1 day of March, 2019.

6  
7  
8   
DISTRICT COURT JUDGE  
9

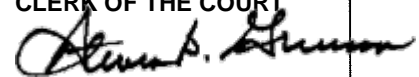
10  
11  
12 Submitted by:

13  
14 LEON GREENBERG PROFESSIONAL CORP.

15   
16 Leon Greenberg, Esq. NSB 8094  
17 LEON GREENBERG PROFESSIONAL CORP.  
18 2965 S. Jones Boulevard - Ste. E-3  
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20 Tel (702) 383-6085  
21 Attorney for the Plaintiffs  
22  
23  
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25  
26  
27  
28

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*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

**SECOND AMENDED  
NOTICE OF APPEAL**

Notice is given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC, defendants in the above-captioned matter,<sup>1</sup> appeal to the Supreme Court of Nevada from the district court's order granting summary judgment, severing claims, and directing entry of final judgment entered on August 21, 2018.

<sup>1</sup>Under the fiction that A Cab, LLC, and A Cab Series, LLC, are one and the same entity, the district court, subsequent to its entry of its final judgment dated August 21, 2018, purported to add A Cab Series, LLC, as a party defendant. The district court's order is far from clear, but it purports both to substitute A Cab Series, LLC, in the place and stead of A Cab, LLC, and to retain both entities as separate defendants in the action below. Therefore, we have included A Cab Series, LLC, as an appellant from the district court's final judgment and various other post-judgment orders.

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1 Notice is also given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC,  
2 appeal to the Supreme Court of Nevada from the following listed orders of the district court:

3 (1) The district court's order entered on October 22, 2018, amending its August 21,  
4 2018 judgment to add A Cab Series, LLC, as a party defendant.

5 (2) The district court's order entered on December 18, 2018, granting plaintiffs'  
6 counter-motion for judgment enforcement relief (receiver and injunction).

7 (3) The district court's order entered on December 18, 2018, granting in part and  
8 denying in part plaintiffs' objections to defendants' claims of exemption from execution.

9 (4) The district court's order entered on December 18, 2018, denying defendants'  
10 motion to quash writ of execution.

11 (5) The district court's order entered on December 20, 2018, denying defendants'  
12 post-judgment motion to dismiss for lack of subject matter jurisdiction.

13 (6) The district court's order entered on February 4, 2019, entitled "Judgment and  
14 Order Granting Resolution Economics' Application for Order of Payment of Special Master's  
15 Fees and Order of Contempt."

16 (7) The district court's order entered on February 6, 2019, granting plaintiffs'  
17 motion for an award of attorney's fees and costs.

18 (8) The district court's order entered on March 4, 2019, ruling on matters submitted  
19 by Special Master George C. Swarts.<sup>2</sup>

20 (9) The district court's ordered entered on March 5, 2019, memorializing matters  
21 that had been resolved long before the final judgment was entered.<sup>3</sup>

22 (10) The district court's order entered on March 5, 2019, entitled "order on motion  
23

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24 <sup>2</sup>Because of the unorthodox manner in which the case has proceeded since the entry of  
25 judgment in August of 2018, this order appears to qualify as a special order entered after final  
26 judgment.

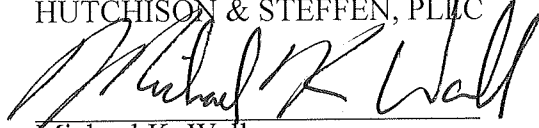
27 <sup>3</sup>Why the district court issued this order almost a year late is a mystery, but due to the timing  
28 of the issuance of the order, appellants include this order in their list of specifically appealed from  
orders in order to preserve all potential appellate rights.

1 for reconsideration.”<sup>4</sup>

2 (6) All other judgments and orders of the district court rendered appealable by any  
3 of the foregoing orders and judgments.

4 DATED this 6 day of March, 2019.

5 HUTCHISON & STEFFEN, PLLC

6 

7 Michael K. Wall

8 10080 West Alta Drive, Suite 200

9 Las Vegas, NV 89145

10 Tel: (702) 385-2500

11 Attorney for defendants

12 A Cab, LLC, and Creighton J. Nady

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14  
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27 <sup>4</sup>Among other things, this order denies appellants’ timely post-trial motion for a new trial.  
28 Also, this order finally resolves all post-judgment tolling motions, rendering appellants first notice of appeal from the final judgment effective. NRAP 4(a)(6).



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, and that on this 6<sup>th</sup> day of March, 2019, I caused the above and foregoing **SECOND AMENDED 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

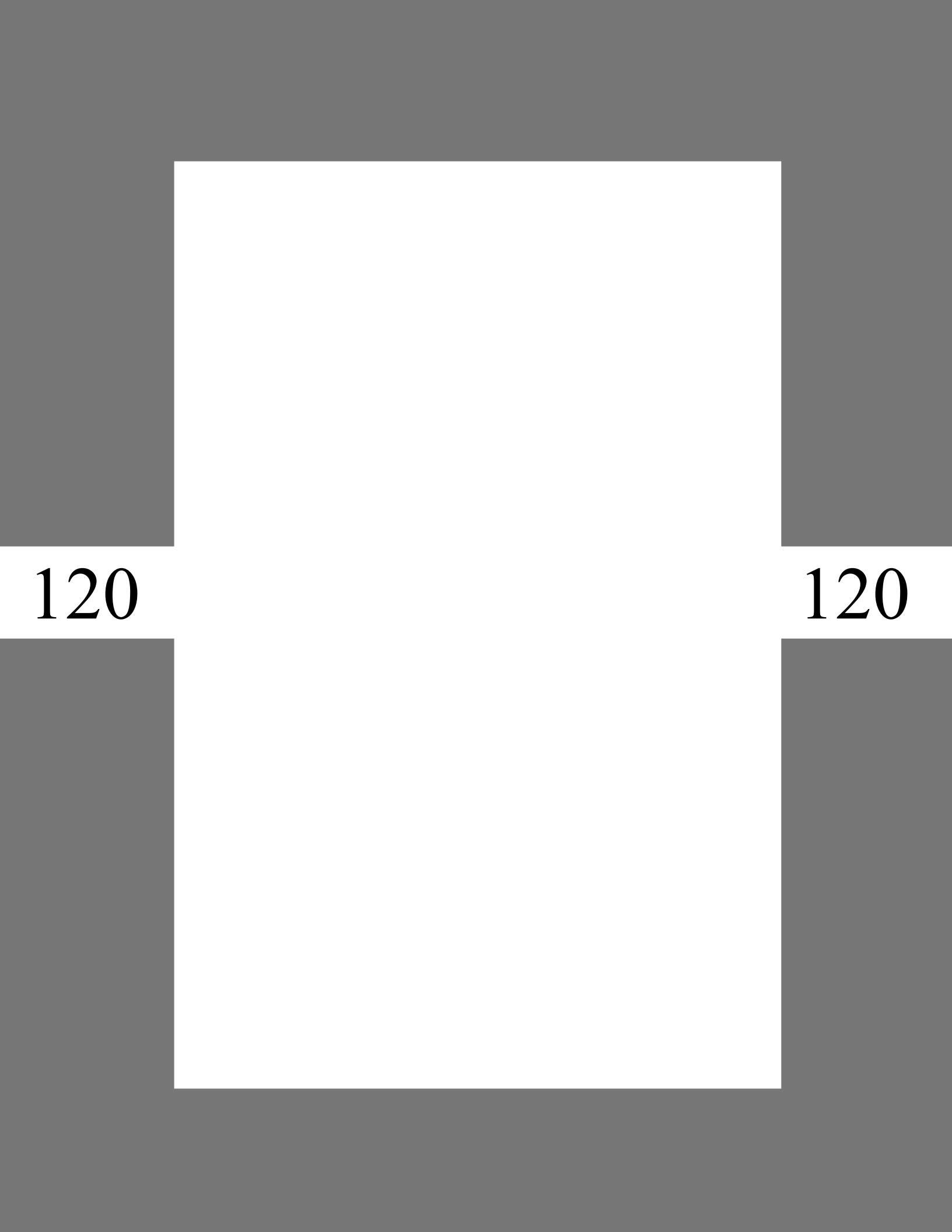
☐ to be hand-delivered;

to the attorney(s) listed below at the address and/or facsimile number indicated below:

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Dana Sniegocki, Esq.  
Leon Greenberg Professional Corporation  
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Telephone: (702) 383-6085  
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leongreenberg@overtimelaw.com  
Dana@overtimelaw.com

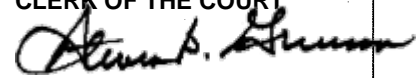
*Attorneys for plaintiffs*

  
An employee of HUTCHISON & STEFFEN, PLLC



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ASTA  
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*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,	)	Case No.: A-12-669926-C
	)	Dept. No.: I
Plaintiffs,	)	
	)	
v.	)	
	)	
A CAB TAXI SERVICE, LLC, A CAB, LLC, and CREIGHTON J. NADY,	)	
	)	
Defendants.	)	

**DEFENDANTS' SECOND AMENDED 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, A Cab Series, 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.

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**2. Judge issuing the decision, judgment or order appealed from.**

The Honorable District Judge Kenneth C. Cory, Eighth Judicial District Court, Clark County, Department I, District Court Case No. A669926.

**3. Parties to the proceedings in the district court.**

Michael Murray and Michael Reno

Plaintiffs

A Cab, LLC, and  
Creighton J. Nady

Defendants

A Cab Series, LLC

Added as Defendant  
following final judgment.

**4. Parties involved in this appeal.**

A Cab, LLC, A Cab Series, LLC,  
and Creighton J. Nady

Appellants

Michael Murray and Michael Reno

Respondents

**5. The name, law firms, addresses and telephone numbers of all counsel on appeal, and the party or parties they represent.**

Michael K. Wall (2098)  
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and

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and

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*Attorneys for Appellants*

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[kmesser@gabroy.com](mailto:kmesser@gabroy.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 appellants were represented by appointed or retained counsel in the district court.**

Appellants were represented by retained counsel in the district court.

**8. Whether appellants were granted leave to proceed in forma pauperis in the district court.**

Appellants were 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.

1 **11. Whether the case has been the subject of a previous appeal.**

2 A competing MWA action against A-Cab is pending in a different department of the  
3 district court before Judge Delaney. A settlement was reached in the competing action,  
4 and Judge Delaney has granted a joint motion to approve settlement and to certify a  
5 class that may or may not overlap with the class certified in this case. Previously, Judge  
6 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.

7 **12. Whether the appeal involves child custody or visitation.**

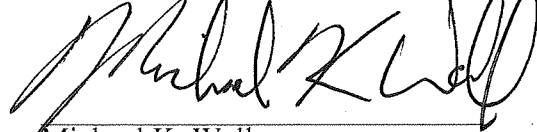
8 There are no child custody or visitation issues in this case.

9 **13. Whether the appeal involves the possibility of settlement.**

10 Multiple settlement conferences and mediations have failed to result in settlement, but  
11 counsel does not believe that settlement is impossible.

12 DATED this 6 day of March, 2019.

13 HUTCHISON & STEFFEN, PLLC

14 

15 Michael K. Wall  
16 Peccole Professional Park  
17 10080 West Alta Drive, Suite 200  
18 Las Vegas, NV 89145  
19 Tel: (702) 385-2500  
Fax: (702) 385-2086

20 *Attorney for defendants*  
21 *A Cab, LLC, A Cab Series, LLC,*  
22 *and Creighton J. Nady*  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,  
and that on this 6<sup>th</sup> day of March, 2019, I caused the above and foregoing

**DEFENDANTS' SECOND AMENDED CASE APPEAL STATEMENT** 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  
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Las Vegas, NV 89146  
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[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[Dana@overtimelaw.com](mailto:Dana@overtimelaw.com)

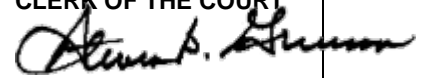
*Attorneys for Respondents*

  
An employee of HUTCHISON & STEFFEN, PLLC

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NOEJ  
Peter Dubowsky, Esq.  
Nevada Bar No. 4972  
Amanda Vogler-Heaton, Esq.  
Nevada Bar No. 13609  
DUBOWSKY LAW OFFICE, CHTD.  
300 South Fourth Street, Suite 1020  
Las Vegas, Nevada 89101  
(702) 360-3500  
Fax (702) 360-3515  
Attorney for Special Master  
Resolution Economics LLC

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C  
Individually and on behalf of others similarly) Dept No.: I  
situated )

Plaintiff,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,) )  
and CREIGHTON J. NADY and DOES I-X and )  
ROE CORPORATIONS I-X, inclusive )

Defendants

RESOLUTION ECONOMICS LLC

Special Master,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,) )  
and CREIGHTON J. NADY and DOES I-X and )  
ROE CORPORATIONS I-X, inclusive )

Defendants

**NOTICE OF ENTRY OF ORDER**

1 Please take notice that on March 15, 2019, a SPECIAL MASTER RESOLUTION  
2 ECONOMICS' EX PARTE MOTION FOR ORDER SHORTENING TIME ON THE  
3 STRIKE DEFENDANTS' MOTION FOR RECONSIDERATION OF JUDGMENT AND  
4 ORDER GRANTING RESOLUTION ECONOMICS APPLICATION FOR ORDER OF  
5 PAYMENT OF SPECIAL MASTER S FEES AND ORDER OF CONTEMPT was entered  
6 by the Clerk of the Court in the above-referenced matter. A true and correct copy of the  
7 order is attached.  
8

9 Dated: February 4, 2019

10  
11 DUBOWSKY LAW OFFICE, CHTD.

12 By: /s/Peter Dubowsky  
13 Peter Dubowsky, Esq.  
14 Attorney for Plaintiff

15 **CERTIFICATE OF MAILING**

16 The undersigned acknowledges that on March 15, 2019, a NOTICE OF ENTRY OF  
17 ORDER was served upon those persons designated by the parties in the E-Service Master  
18 List for the above-referenced matter in the Eighth Judicial District Court eFiling System in  
19 accordance with the mandatory electronic service requirements of Administrative Order 14-  
20 2 and the Nevada Electronic Filing Conversion Rules:  
21

22 Leon Greenberg, Esq.  
23 Attorney for Plaintiff

24 Esther C. Rodriguez, Esq.  
25 Attorney for Defendant

/s/William Thompson  
An employee of Dubowsky Law Office, Chtd.

OST  
Peter Dubowsky, Esq.  
Nevada Bar No. 4972  
Amanda Vogler-Heaton, Esq.  
Nevada Bar No. 13609  
DUBOWSKY LAW OFFICE, CHTD.  
300 South Fourth Street, Suite 1020  
Las Vegas, Nevada 89101  
(702) 360-3500  
Fax (702) 360-3515  
Attorney for Special Master  
Resolution Economics LLC

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C  
Individually and on behalf of others similarly) Dept No.: II  
situated )

Plaintiff,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC, and  
CREIGHTON J. NADY and DOES I-X and ROE  
CORPORATIONS I-X, inclusive

Defendants

RESOLUTION ECONOMICS LLC

Special Master,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,  
and CREIGHTON J. NADY and DOES I-X and  
ROE CORPORATIONS I-X, inclusive

Defendants

**HEARING REQUIRED**

**DATE:** 3/20/19

**TIME:** 9:00 AM MH

**SPECIAL MASTER RESOLUTION**  
**ECONOMICS' EX PARTE MOTION FOR**  
**ORDER SHORTENING TIME ON THE**  
**MOTION TO STRIKE DEFENDANTS'**  
**MOTION FOR RECONSIDERATION OF**  
**JUDGMENT AND ORDER GRANTING**  
**RESOLUTION ECONOMICS**  
**APPLICATION FOR ORDER OF**  
**PAYMENT OF SPECIAL MASTERS FEES**  
**AND ORDER OF CONTEMPT**

1 Resolution Economics LLC ("Special Master") by and through its counsel of record,  
2 Peter Dubowsky, Esq. of the DUBOWSKY LAW OFFICE, CHTD. moves for an order  
3 shortening time on the hearing on its Motion to Strike the Defendants' Motion for  
4 Reconsideration of the District Court's Contempt Order ("Motion to Strike"). This Motion is  
5 based on these Points and Authorities, counsel's Affidavit, and all the papers and proceedings  
6 had herein.

7 **POINTS & AUTHORITES**

8 This Motion is brought pursuant to E.D.C.R 2.26, which states in pertinent part:

9 Ex parte motions to shorten time may not be granted except upon an unsworn  
10 declaration under penalty of perjury or affidavit of counsel describing the  
11 circumstances claimed to constitute good cause and justify shortening of time.

12 As set forth in the Motion to Strike, the Defendants are attempting to get this Court to reconsider  
13 Judge Cory's Contempt Order, in violation of EDCR 7.12. The Defendants' Motion for  
14 Reconsideration is set for Chambers Decision on April 1, 2019. However, before that  
15 reconsideration decision, this Judge must hear Resolution Economics' Motion to Strike, in order  
16 to determine whether this Court can even hear Defendants' reconsideration motion.

17 **AFFIDAVIT OF RESOLUTION ECONOMICS' COUNSEL PETER DUBOWSKY,**  
18 **ESQ. IN SUPPORT OF MOTION FOR ORDER SHORTENING TIME**

19 STATE OF NEVADA)

20 COUNTY OF CLARK)

21 Affidavit being duly sworn, deposes and states as follows.

- 22 1. I am counsel for Special Master Resolution Economics.
- 23 2. On February 25, 2019, Defendants filed a Motion for Reconsideration. There is a  
24 decision date of April 1, 2019.
- 25 3. As set forth in the underlying Motion to Strike, it is our position that under Local Rules,  
another Judge may not hear Defendants' Motion for Reconsideration. (EDCR 7.12)


1 4. Accordingly, Resolution Economics filed a Motion to Strike the Defendants' Motion for  
2 Reconsideration.

3 5. The Motion to Strike is set for hearing on April 15, 2019.

4 6. This Motion to Strike must be heard and decided before there can be any briefing on the  
5 Defendants' Motion for Reconsideration.

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

7 Dated: March 14, 2019

8  
9  
10   
Peter Dubowsky, Esq.

11 **CONCLUSION**

12 Based on the foregoing, Resolution Economics respectfully requests that this Order  
13 Shortening Time be granted.

14 **ORDER SHORTENING TIME**

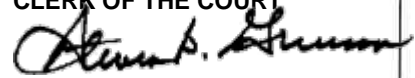
15 **IT IS HEREBY ORDERED** that the time for hearing the SPECIAL MASTER RESOLUTION  
16 ECONOMICS' MOTION TO STRIKE DEFENDANTS' MOTION FOR  
17 RECONSIDERATION OF JUDGMENT AND ORDER GRANTING RESOLUTION  
18 ECONOMICS APPLICATION FOR ORDER OF PAYMENT OF SPECIAL MASTERS FEES  
19 AND ORDER OF CONTEMPT shall be held on the 20<sup>th</sup> day of March 2019, in  
20 Department II of the above entitled Court at 9:00 A.m. or as soon thereafter as counsel  
21 can be heard.

22  
23 Dated: 3/15/19

24   
25 District Court Judge

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1 **STIP**  
2 JAY A. SHAFER, ESQ.  
3 Nevada Bar No. 9184  
4 CORY READE DOWS AND SHAFER  
5 1333 North Buffalo Drive, Suite 210  
6 Las Vegas, Nevada 89128  
7 Tel: (702) 794-4411  
8 Fax: (702) 794-4421  
9 JShafer@crdslaw.com  
10 Attorney for Defendants

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 MICHAEL MURRAY and MICHAEL RENO, )  
9 Individually and on behalf of others similarly )  
10 situated, ) Case No. : A-12-669926-C  
11 ) Dept. No.: XXXII  
12 Plaintiff, )  
13 v. )  
14 A CAB TAXI SERVICE LLC and A CAB, )  
15 LLC, and CREIGHTON J. NADY, )  
16 Defendants. )

16 **STIPULATION AND ORDER TO CONTINUE HEARINGS**

17 **Date of Hearings: March 21, 2019**

18 The plaintiff MICHAEL MURRAY and defendants A CAB SERIES, LLC, and  
19 CREIGHTON J. NADY, (hereinafter "the parties"), by and through their respective counsel of  
20 record, hereby stipulate and agree to the following:

21 A hearing is scheduled on May 21, 2019 regarding whether this Court has jurisdiction  
22 to take action regarding the following matters, or whether it must forgo action in compliance  
23 with the "automatic stay" provisions of the Bankruptcy Code, 11 U.S.C. Sec. 362, after  
24 Defendant A Cab having been subject to an involuntary bankruptcy petition are:

- 25 1. Plaintiffs' Motion to Distribute Funds Held by Class Counsel;  
26 2. Plaintiffs' Motion to Amend the Court's Order Entered on December 18, 2018;

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002564

1           3. Defendant's Motion to Pay Special Master on OST;

2           4. Plaintiff's Response in Opposition to Defendant's Motion to Pay Special Master  
3           on OST and Counter-Motion for an Order to Turn over Property;

4           5. Defendant's motion to Quash Subpoena Issued to Curb Mobility LLC;

5           The parties agree that (2), Plaintiffs' Motion to Amend the Court's Order Entered on  
6           December 18, 2018, and (4) Plaintiffs' Counter-Motion for an Order to Turn over Property  
7           cannot proceed as the Court cannot grant any such relief at this time by operation of the  
8           "automatic stay" provisions of the Bankruptcy Code, 11 U.S.C. Sec. 362. The parties agree  
9           that the hearing of that motion and counter-motion is suspended.

10          The parties agree that (5), Defendant's Motion to Quash Subpoena Issued to Curb  
11          Mobility LLC addresses a moot issue as compliance with that subpoena cannot proceed at this  
12          time as such subpoena is subject to the "automatic stay" provisions of the Bankruptcy Code, 11  
13          U.S.C. Sec. 362. The parties agree that the hearing of that motion is suspended and that in the  
14          event the automatic stay is lifted and this action resumes against A Cab compliance with that  
15          subpoena shall be excused until that Motion to Quash is heard and decided.

16          The parties agree that (1) Plaintiffs' Motion to Distribute Funds Held by Class Counsel;  
17          and (3) Defendant's Motion to Pay Special Master on OST; shall be continued until June 20,  
18          2019 at 10:30 a.m. Plaintiffs shall, on or before June 10, 2019, file their supplemental brief  
19          with the Court responding to the supplemental briefs of A Cab and Nady and addressing the  
20          impact of the "automatic stay" provisions of the Bankruptcy Code, 11 U.S.C. Sec. 362 upon  
21          the Court's ability to hear and determine those motions.



The request to continue the above hearings is made in good faith to address the issues arising out of the bankruptcy proceedings. Accordingly, the request is not made for the purpose of delay.

DATED this 16<sup>th</sup> day of May, 2019.

CORY READE DOWS AND SHAFER

By: 

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1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Tel: (702) 794-4411

Attorney for Defendants

RODRIGUEZ LAW OFFICES, P.C.

By: 

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Tel: (702) 320-8400

Attorney for Defendants


LEON GREENBERG  
PROFESSIONAL GROUP

By: 

Leon Greenberg  
Dana Sniegocki  
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Tel: (702) 383-6085

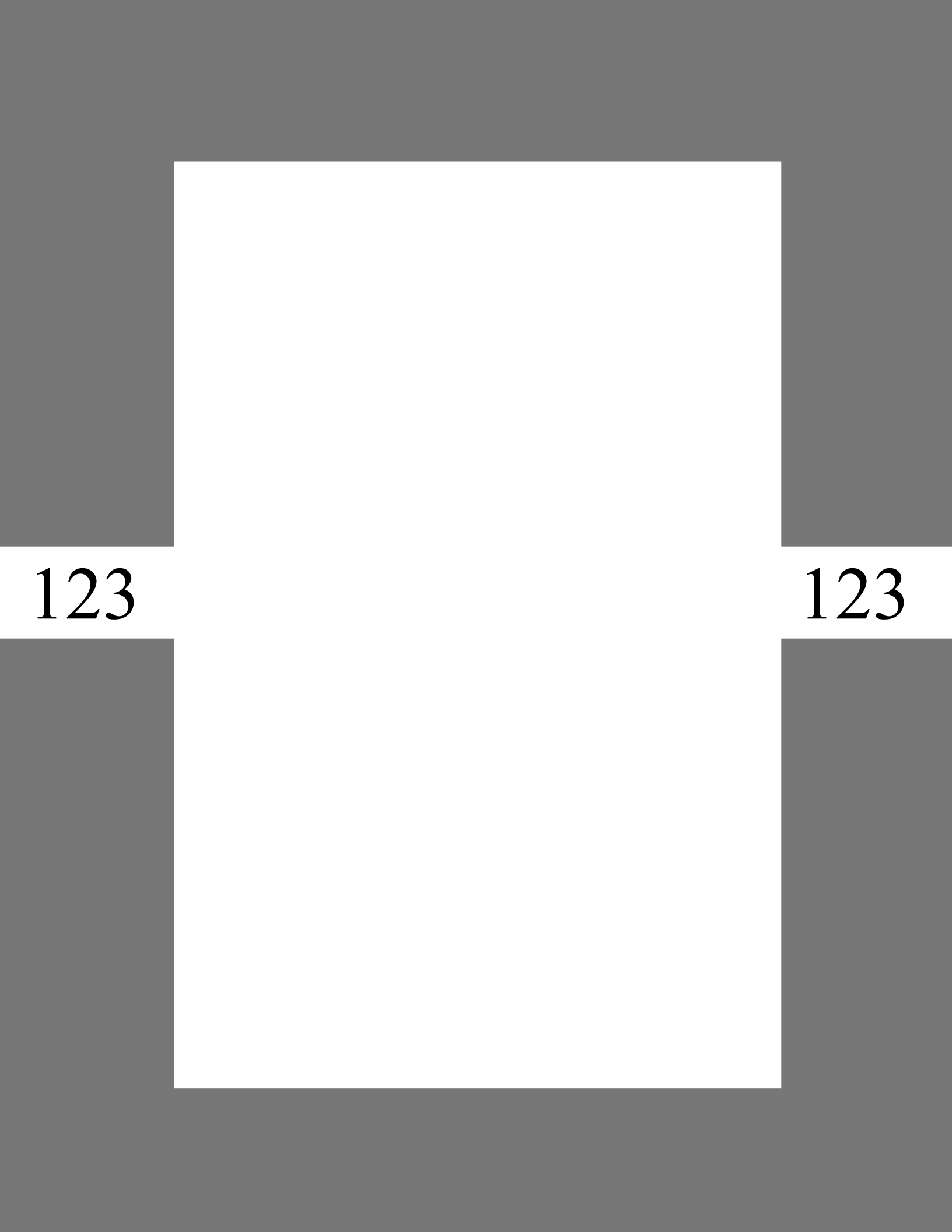
Attorneys for Plaintiff

IT IS SO ORDERED:

  
District Judge

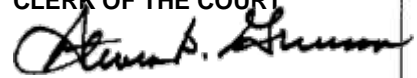
ROB BARE  
JUDGE, DISTRICT COURT, DEPARTMENT 32

  
Date



123

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1 **STIP**  
2 JAY A. SHAFER, ESQ.  
3 Nevada Bar No. 9184  
4 CORY READE DOWS AND SHAFER  
5 1333 North Buffalo Drive, Suite 210  
6 Las Vegas, Nevada 89128  
7 Tel: (702) 794-4411  
8 Fax: (702) 794-4421  
9 JShafer@crdslaw.com  
10 Attorney for Defendants

6 **DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 MICHAEL MURRAY and MICHAEL RENO, )  
9 Individually and on behalf of others similarly )  
10 situated, ) Case No. : A-12-669926-C  
11 ) Dept. No.: XXXII  
12 Plaintiff, )  
13 )  
14 v. )  
15 )  
16 A CAB TAXI SERVICE LLC and A CAB, )  
17 LLC, and CREIGHTON J. NADY, )  
18 )  
19 Defendants. )

16 **STIPULATION AND ORDER TO CONTINUE HEARINGS**

17 **Date of Hearings: March 21, 2019**

18 The plaintiff MICHAEL MURRAY and defendants A CAB SERIES, LLC, and  
19 CREIGHTON J. NADY, (hereinafter "the parties"), by and through their respective counsel of  
20 record, hereby stipulate and agree to the following:

21 A hearing is scheduled on May 21, 2019 regarding whether this Court has jurisdiction  
22 to take action regarding the following matters, or whether it must forgo action in compliance  
23 with the "automatic stay" provisions of the Bankruptcy Code, 11 U.S.C. Sec. 362, after  
24 Defendant A Cab having been subject to an involuntary bankruptcy petition are:

- 25 1. Plaintiffs' Motion to Distribute Funds Held by Class Counsel;  
26 2. Plaintiffs' Motion to Amend the Court's Order Entered on December 18, 2018;  
27  
28

- 1           3.     Defendant's Motion to Pay Special Master on OST;
- 2           4.     Plaintiff's Response in Opposition to Defendant's Motion to Pay Special Master
- 3                 on OST and Counter-Motion for an Order to Turn over Property;
- 4           5.     Defendant's motion to Quash Subpoena Issued to Curb Mobility LLC;

5           The parties agree that (2), Plaintiffs' Motion to Amend the Court's Order Entered on  
6     December 18, 2018, and (4) Plaintiffs' Counter-Motion for an Order to Turn over Property  
7     cannot proceed as the Court cannot grant any such relief at this time by operation of the  
8     "automatic stay" provisions of the Bankruptcy Code, 11 U.S.C. Sec. 362. The parties agree  
9     that the hearing of that motion and counter-motion is suspended.

10          The parties agree that (5), Defendant's Motion to Quash Subpoena Issued to Curb  
11     Mobility LLC addresses a moot issue as compliance with that subpoena cannot proceed at this  
12     time as such subpoena is subject to the "automatic stay" provisions of the Bankruptcy Code, 11  
13     U.S.C. Sec. 362. The parties agree that the hearing of that motion is suspended and that in the  
14     event the automatic stay is lifted and this action resumes against A Cab compliance with that  
15     subpoena shall be excused until that Motion to Quash is heard and decided.

16          The parties agree that (1) Plaintiffs' Motion to Distribute Funds Held by Class Counsel;  
17     and (3) Defendant's Motion to Pay Special Master on OST; shall be continued until June 27,  
18     2019 at 10:30 a.m. Plaintiffs shall, on or before June 10, 2019, file their supplemental brief  
19     with the Court responding to the supplemental briefs of A Cab and Nady and addressing the  
20     impact of the "automatic stay" provisions of the Bankruptcy Code, 11 U.S.C. Sec. 362 upon  
21     the Court's ability to hear and determine those motions.

22          All other matters will remain as scheduled including: Defendants' Motion for  
23     Reconsideration of Judgment and Order Granting Resolution Economics' Application for  
24     Order of Payment of Special Master's Fees and Order of Contempt, and Special Master  
25     Resolution Economics' Ex parte Motion for Order Shortening Time on the Motion to Strike  
26     scheduled for hearing on May 21, 2019 at 10:30 am.

The request to continue the above hearings is made in good faith to address the issues arising out of the bankruptcy proceedings. Accordingly, the request is not made for the purpose of delay.

DATED this 16<sup>th</sup> day of May, 2019.

CORY READE DOWS AND SHAFER

By: 

Jay A. Shafer  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Tel: (702) 794-4411

Attorney for Defendants

RODRIGUEZ LAW OFFICES, P.C.

By: 

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Tel: (702) 320-8400

Attorney for Defendants


LEON GREENBERG  
PROFESSIONAL GROUP

By: 

Leon Greenberg  
Dana Sniegocki  
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Las Vegas, Nevada 89146  
Tel: (702) 383-6085

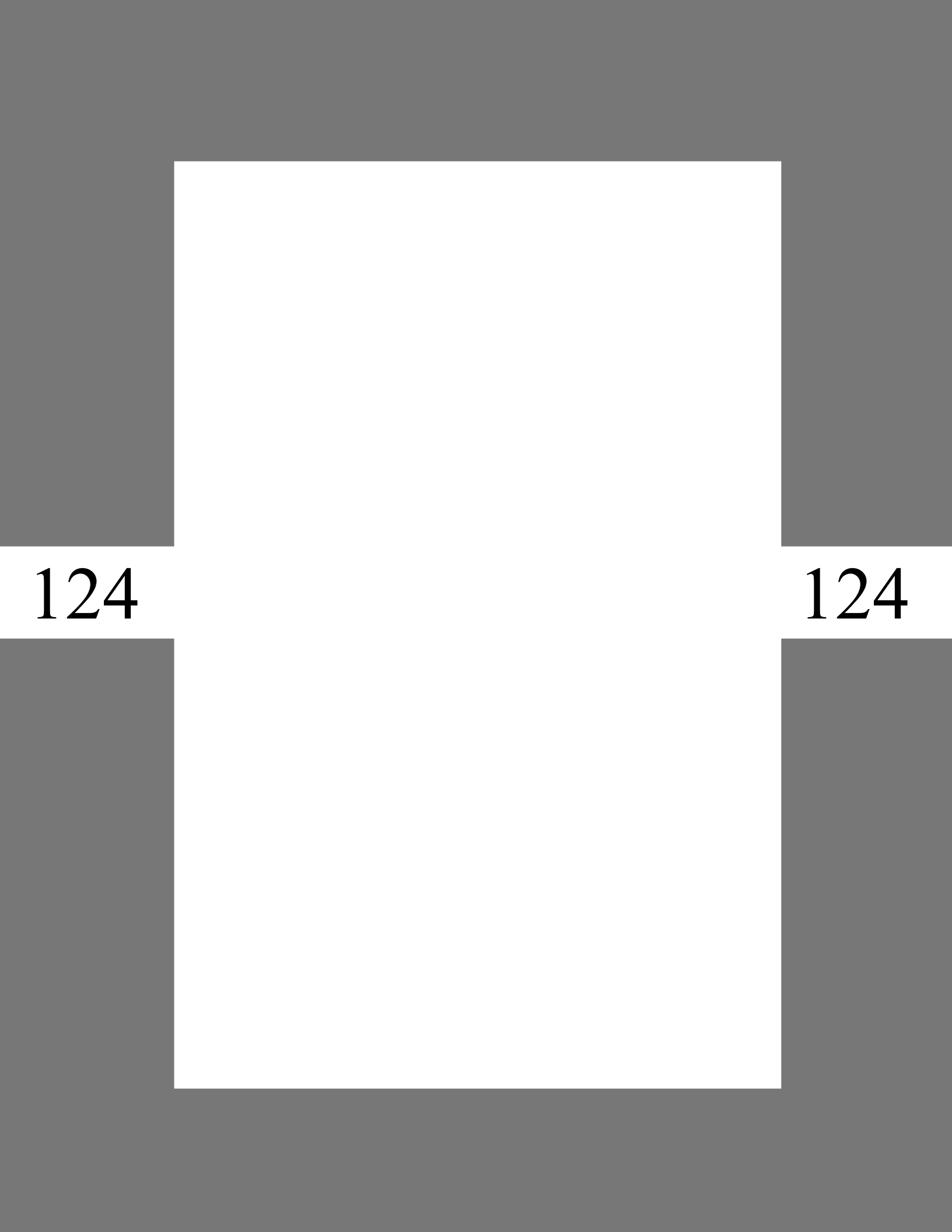
Attorneys for Plaintiff

IT IS SO ORDERED:

  
District Judge

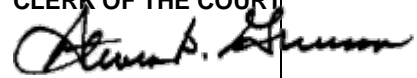
RCB BARE  
JUDGE, DISTRICT COURT, DEPARTMENT 32

  
Date



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1 RTRAN

2  
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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 MICHAEL MURRAY,  
9 Plaintiff,

CASE#: A-12-669926-C  
DEPT. XXXII

10 vs.

11 A CAB TAXI SERVICE LLC,  
12 Defendant,

13  
14 BEFORE THE HONORABLE ROB BARE, DISTRICT COURT JUDGE  
15 TUESDAY, MAY 21, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**  
17 **ALL PENDING MOTIONS**

18 APPEARANCES:

19 For the Special Master:  
20 Resolution Economics

PETER DUBOWSKY, ESQ.

21 For the Defendants:  
22 A Cab LLC  
23 A Cab Taxi Service LLC  
24 Creighton J. Nady

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

25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, May 21, 2019

2  
3 [Hearing began at 10:55 a.m.]

4 THE LAW CLERK: Michael Murray versus A Cab Taxi  
5 Service LLC.

6 THE COURT: Okay. All right, let me get this one out. All  
7 right, counsel, will you make your appearances please.

8 MR. DUBOWSKY: Good morning,--

9 MR. SHAFER: Jay -- go ahead.

10 MR. DUBOWSKY: Go ahead please.

11 MR. SHAFER: Jay Shafer for defendant Jay Nady.

12 MR. NADY: Defendant Jay Nady.

13 THE COURT: Okay.

14 MS. RODRIGUEZ: Good morning, Your Honor, Esther  
15 Rodriguez for the defendants.

16 MR. WALL: Good morning, Your Honor, Michael Wall also for  
17 the defendants.

18 MR. DUBOWSKY: And Good morning, Your Honor, Peter  
19 Dubowsky for Special Master, Resolution Economics.

20 THE COURT: All right. And who else is with the defense  
21 here today?

22 MS. RODRIGUEZ: This is the client, Mr. Creighton J. Nady.

23 THE COURT: Mr. Nady, okay right. I've seen him here  
24 before. I just wanted to make sure we mentioned him.

25 MR. SHAFER: Sure. Yeah.



1 THE COURT: Everybody can have a seat and relax. Okay,  
2 there's a bankruptcy that's filed still, is that it?

3 MR. SHAFER: Yes, Your Honor.

4 THE COURT: And so we're waiting I think for further briefing  
5 on the jurisdictional issue that I think would flow from automatic stay  
6 provisions in a bankruptcy, right? In other words, I received the  
7 stipulation and order. The plaintiffs have until June 10<sup>th</sup> to file a  
8 supplement so obviously that's still percolating.

9 MR. SHAFER: I -- as to there are two sets of motions.  
10 There's ones as between plaintiff and defendant and then there's the  
11 contempt issue arising out of Res Econ's claim for payment. We  
12 submitted briefing on this. It is our position that the Court is stayed as it  
13 applies to actions against A Cab, because of the involuntary bankruptcy  
14 until that's proceedings.

15 THE COURT: Right.

16 MR. SHAFER: It's our position that essentially stays all of the  
17 motions as to plaintiff. We take a differing opinion as to the contempt  
18 issue that is arising out -- against Jay Nady, Creighton J. Nady himself  
19 personally.

20 THE COURT: Right, and the idea would be that's what's on  
21 the table for today.

22 MR. SHAFER: That is correct.

23 THE COURT: Correct. I just want to mention that we're  
24 aware and signed there's a stipulation and order having to do with  
25 jurisdiction on the other items --

1 MR. SHAFER: Yes.

2 THE COURT: -- that has a procedural course to still run.

3 MR. SHAFER: That is correct, Your Honor.

4 THE COURT: All right. So for today we're here having to do  
5 with -- well here's the factual predicate. Interrupt me if I have any of this  
6 wrong. There's a judgment and order granting Resolution Economics'  
7 application for an order of payment of Special Master's fees and order of  
8 contempt.

9 And obviously, Mr. Dubowsky, you're here representing the  
10 Special Master regarding that. That was entered and filed on February  
11 4<sup>th</sup>, so this timeline is important. I want to make sure I have this correct.  
12 This is Judge Ken Cory. He enters and files on February 4<sup>th</sup> '19 this  
13 order I just referenced. So far so good. Then defendant's A Cab and  
14 Mr. Nady here file a motion for reconsideration of that contempt order.  
15 They file that reconsideration asking Judge Ken Cory to reconsider this  
16 contempt order. They file that on Feb 25<sup>th</sup>. So far so good.

17 And then sometime thereafter, shortly thereafter the matter is  
18 reassigned to this department on March 1<sup>st</sup>. So that's I guess in a non-  
19 Leap Year it's about three days from the time that the motion for  
20 reconsideration is filed to the reassignment. I think that's right. So that  
21 would mean that Judge Cory recused himself based upon his -- the  
22 issue having to do with his brother being hired, Tim Cory, right?

23 MR. SHAFER: Correct.

24 THE COURT: Yeah, that -- I think that his recusal happens  
25 after the motion for reconsideration is filed, is that right? Is that correct?

1 MR. SHAFER: I don't recall.

2 THE COURT: Okay. Well I think that's important, because he  
3 recused himself. I mean, he wasn't asked to recuse. He made a  
4 decision to just recuse himself and so I think that's relevant to this  
5 analysis, you know. In other words, parties can't benefit from doing  
6 something to cause a recusal. But here he recused himself. I know  
7 there's this issue that I don't -- I don't know if I need to get into the idea  
8 of well you hired my -- you know, the theory is that the brother was hired  
9 for a reason.

10 But, you know, the point of it is if the motion for  
11 reconsideration is filed and then a Judge recusing himself my view is  
12 somehow, someway that motion has to be considered. I mean, it's a --  
13 you have a -- there is a legal avenue allowed under the law to file a  
14 motion for reconsideration. So most of me, I want to share with you,  
15 would conclude unless somebody convinces me I'm wrong that if the  
16 motion for reconsideration is filed, then Judge recuses, well obviously  
17 that Judge cannot handle a reconsideration motion because that Judge  
18 feels as though there's a reason to warrant recusal having to do with the  
19 case and anything having to do with the case.

20 But since the law does allow -- there's a process under the  
21 law to allow for a motion for reconsideration. Well somebody has to  
22 decide that. Now who is the somebody? Most of me says that has to be  
23 the Judge that the case is reassigned to. And that's just all -- you know,  
24 without citing any law on that, which I hate to not do, makes sense  
25 because I usually -- I mean, always like to look at what the law requires.

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1           There's a back and forth in here about law that may apply to  
2 this. That's the EDCR 7.12 issue. And I got to tell you I -- in my mind  
3 I've looked at this for about an hour. This EDCR 7.12 how it applies.  
4 And it seems to be a weird rule that I'm having some difficulty. Maybe  
5 I'm the least smart of all involved including my Law Clerk on down. But  
6 the fact of it is that rule puzzles me. I still don't know how to reconcile it I  
7 have to say.

8           If you look at 7.12 it says when an application or a petition for  
9 any writ or order shall have been made to a judge and is pending, so  
10 arguably that's the motion for reconsideration. It's made to a Judge  
11 Cory. It's pending, that's why I asked about which came first. It's  
12 pending all right. The same may not again be made to another Judge,  
13 that's me, except in accordance with applicable statute. Okay is that  
14 applicable statute the reconsideration procedural law that gives rise to  
15 the allowance to file a motion for reconsideration. Most of me would say  
16 the answer to that is yes. That could be the quote/unquote: applicable  
17 statute in question.

18           But it doesn't stop there. This EDCR says and upon the  
19 consent and writing of the Judge whom the application was first made.  
20 Well I don't know how to reconcile that part of it because I think I said  
21 previously something like this but I'll say it now anyway, it doesn't make  
22 sense for me to go back to the recused Judge and get some kind of  
23 blessing for me to do anything, because I think maybe even an  
24 argument could be made that that would be asking the Judge to act on  
25 the case that he recused himself from. So I don't know how that part of

1 the rule is even applicable.

2 So -- and I'm not sure if 7.12 really enters into this at all.

3 There's an argument made by the lawyers on this side of the room for  
4 the cab company and Mr. Nady that you don't even need to get to 7.12,  
5 because the motion for reconsideration has to be decided and there's a  
6 procedural course for it. It's pending. And the applicable statute to  
7 allow me to do anything as contemplated by 7.12 is the reconsideration  
8 procedural rule itself, which I would say I have to agree with. Because  
9 at the end of the day it wouldn't make any sense to me to say that  
10 because a Judge recused himself that you lose the procedural right to  
11 have any -- the motion for reconsideration ever heard. I think it has to  
12 be decided.

13 That puts -- if it's me, it put me in a rather unique  
14 circumstance doesn't it? One that I can't recall every being in in the 8 ½  
15 years I've been here. And that is to essentially, I mean, practically  
16 speaking what am going to ask to do here, reconsider what a Judge did  
17 where that Judge had hearings on the issue that I think were extensive,  
18 had the case for 7 years. And I'm in the -- I'm the co -- I'm in the same  
19 level as the Judge. I mean, I'm another District Judge. I mean, it  
20 sounds a little bit like Appellate Court activity. It feels like Appellate  
21 Court activity. I mean, practically speaking if I do this I'm being asked to  
22 reconsider what Ken Cory did. And that sounds like Appellate Court  
23 activity to me.

24 So I got to tell you I'm not sure -- I'm not sure what to make of  
25 this on the aspect of this which is a motion to sort of to strike which is

1 here. If the parties all say to me somehow, someway that you want me  
2 to decide the motion for reconsideration then I would if everybody  
3 agreed to that. But that doesn't seem like that's the case. So I would  
4 have to figure out, as a threshold matter, is it me under the law and the  
5 rules that we've talked about or not.

6 And, you know, how one goes about deciding the motion for  
7 reconsideration, I mean, I'd have to -- it's kind of Appellate Court-like,  
8 like I said. I'd have to be bound by the record to the best of my ability  
9 that exists in making this decision, the record being everything that  
10 happened with Ken Cory. Part of that would not be Ken Cory's brain  
11 though because I don't have his brain. Wish I did, but I don't.

12 Okay, so that's the best I can say going into this, so that's  
13 probably a lot to mention, but let me turn it over to counsel. I'll start with  
14 the defense side.

15 MR. SHAFER: Well let me -- I'll first address the EDCR 7.2  
16 argument, because I think it's somewhat the easiest one to address, less  
17 argumentative. Because the rules says that when an application is made  
18 it cannot be remade. We made an application for reconsideration. We  
19 have not remade that application for consider --

20 THE COURT: Okay.

21 MR. SHAFER: -- reconsideration.

22 THE COURT: All right.

23 MR. SHAFER: And so the rule doesn't apply, because we  
24 haven't -- it wasn't a rule that we made and that Ken Cory ruled on that we  
25 brought again.

1 THE COURT: Well it says or has -- yeah, okay.

2 MR. SHAFER: So in that respect we have not -- this Court,  
3 because of the disqualification, has stepped into the shoes of Judge Cory  
4 and are heir to this case and have the same -- are bound by the same  
5 decisions and have the same rights and ability to rule on a decision as if  
6 you were Judge Cory. And so that regard, we don't get into the forum  
7 shopping provision of EDCR 7.12 because we have not made the  
8 application again. And also to rule the other way would be nonsensical,  
9 because it would deprive a party of their statutory rights or their rules  
10 based right for reconsideration.

11 THE COURT: One thing I didn't say that I should have said that  
12 was important on this -- sorry for the interruption -- is I would tend to agree  
13 with you --

14 MR. SHAFER: Yeah.

15 THE COURT: -- for another reason I didn't mention that I  
16 should have but now it hit my head.

17 If you -- you know, often times it's important to look at why laws  
18 exist. And I think the policy and the reason this 7.12 exists is to avoid  
19 forum shopping. I think that's what it is. It's a don't forum shop rule. Well  
20 therefore, it's not applicable because we're not forum shopping. There's  
21 no forum shopping going on that I can see anyway. Forum shopping  
22 would be if the lawyers were doing something to try to find another Judge.  
23 Here it's the Judge who voluntarily, unilaterally recused himself. So you  
24 don't -- you don't have the -- at least going into this you don't have the  
25 philosophical reason for the rule applicable here.

1 MR. SHAFER: Correct.

2 THE COURT: You don't have forum shopping so therefore  
3 that's another reason it might not apply but go ahead.

4 MR. SHAFER: So I think under the -- both the intent and the  
5 plain language of the rule that doesn't preclude your -- the Court from  
6 hearing it.

7 THE COURT: Okay.

8 MR. SHAFER: Now as to the reconsideration and what the  
9 parties' responsibilities or the Judge's responsibilities are to an issue that  
10 a former Judge had decided that happens fairly routinely. I've been a part  
11 of several cases where a new Judge steps in after the case has been  
12 handled for some period of time. And you are never going to be able to  
13 fully replace that person's brain, but that's not what is being asked. You  
14 are there to review -- a reconsideration is not a rehearing. It is to look at  
15 the facts and law that were considered and see if there is a plain error of  
16 law or if there were facts and evidence that were missed in the prior  
17 reconsideration -- the prior determination that were missed.

18 We're not asking this Court to revisit the entire 6, 7 year history  
19 of this case. It's a much more discrete issue. And the issue was who was  
20 ordered to pay and what determined was made regarding their ability to  
21 pay. So this Court has the ability to look at the record, to look at the prior  
22 orders of the Court, and on that basis determine who was supposed to  
23 pay and what their obligations to Resolution Economics are as --

24 THE COURT: I do understand that.

25 MR. SHAFER: Yeah.



1 THE COURT: And just to let you know I've had about 5 pages  
2 of outline on those issues here.

3 MR. SHAFER: Okay.

4 THE COURT: I'm just talking about the threshold matter --

5 MR. SHAFER: Right.

6 THE COURT: -- now. Yeah.

7 MR. SHAFER: Right, and so I don't -- I'm not aware of any  
8 rules that preclude a court from reconsideration just because it has been  
9 heard initially by a prior Judge.

10 THE COURT: Okay so it's okay. Let's just focus on that.

11 MR. SHAFER: Yeah.

12 THE COURT: And let me get over the hurdle one way or the  
13 other. So anybody on the defense side want to say anything else about  
14 the threshold issue of this 7.12. Can I do this? Do I handle a motion for  
15 reconsideration or not issue? Just that issue.

16 MS. RODRIGUEZ: Thank you, Your Honor. Just for the  
17 Court's information I had an opportunity to look it up. And Mr. Shafer's  
18 motion was filed on February 25<sup>th</sup> as the Court noted. And there was a  
19 minute order of March the 1<sup>st</sup> that -- in which Judge Cory recused himself  
20 so --

21 THE COURT: Okay.

22 MS. RODRIGUEZ: -- he recused himself after the filing of the  
23 reconsideration which was originally filed beforehand.

24

25

1 THE COURT: That's what I thought and that's kind of what I  
2 said and that -- I think that makes it --it's another factor in your favor to  
3 have me do this, right.

4 MR. SHAFER: Yeah.

5 THE COURT: Okay.

6 MR. SHAFER: And I think that is somewhat of a new issue for  
7 me. But this is unlike a situation. The only time I've had an issue has  
8 been where one Judge has had a hearing and has taken all the evidence  
9 into consideration and has either passed away or some other reason is  
10 precluded from issuing an order. What happens when that -- you know, or  
11 they issue a minute order in decision --

12 THE COURT: That one seem to easier actually.

13 MR. SHAFER: Well --

14 THE COURT: This one not so much.

15 MR. SHAFER: -- in fact it's much more difficult, because a  
16 determination has -- when a minute order's been determined but an order  
17 has -- a formal order has not been entered --

18 THE COURT: Uh-huh.

19 MR. SHAFER: -- you're trying to interpret the Judge's brain and  
20 what they decided and what they were ability --

21 THE COURT: Right.

22 MR. SHAFER: -- because they were the finder of fact. In this  
23 one it's not required to do that. You're looking at the order and whether  
24 there was sufficient basis to reconsider that order given the evidence at  
25 hand. And so in that regard I think that that there is -- again this -- I

1 haven't specifically briefed this issue and I would be happy to do so if the  
2 Court would like us to, but I don't think there's any -- anything in the rules  
3 that I'm aware of or any case law that would preclude the Court from  
4 hearing this motion for reconsideration.

5 THE COURT: All right, Mr. Dubowsky, just on the issue of the  
6 motion to strike so to speak.

7 MR. DUBOWSKY: Thank you, Your Honor. I believe you  
8 already had hearing on the motion to strike and Your Honor gave his --  
9 said that he would -- that your interpretation of the rule and you'd be able  
10 to hear it. And I don't challenge that, Your Honor. I respect your ability to  
11 make a decision on the motion. So like I said, I think we had a hearing on  
12 this on March 20<sup>th</sup> because we did a motion to strike as you just pointed  
13 out. And so I think we're past that, Your Honor, and --

14 THE COURT: Okay.

15 MR. DUBOWSKY: -- there's been some additional briefing  
16 since then including some briefing that -- regarding the jurisdiction. I think  
17 we're here today. We had the motion for reconsideration pending. Then  
18 there was the bankruptcy. You asked for briefing on the stay and I was in  
19 Court saying there is no stay as to Mr. Nady individually and the -- there  
20 was some argument saying they believe there is, but then as you saw  
21 from the brief they filed that no there is no stay visa-vi Mr. Nady.

22 THE COURT: Okay, so in your view does that take us to the  
23 merits of the motion for reconsideration?

24 MR. DUBOWSKY: Well it's -- I guess the procedural because  
25 there were two procedural issues they presented. One was the automatic

1 stay, which they concede doesn't apply to Mr. Nady, which is what I  
2 argued at the last hearing. And then I believe Mr. Wall filed a motion --  
3 filed a supplemental brief the next day saying that it is their position that  
4 the Court is divested of jurisdiction based upon an appeal. So you're -- so  
5 Your Honor cannot grant the motion for reconsideration. You can only  
6 certify that it's inclined to grant it or outright deny it, which is what I believe  
7 Your Honor should do.

8 So that was the brief that was -- excuse me, Mr. Wall filed on  
9 May 9<sup>th</sup>. So basically we have no stay from our side and they are telling  
10 the Court that you have no jurisdiction to rule --

11 THE COURT: Okay.

12 MR. DUBOWSKY: -- to grant the motion.

13 THE COURT: Okay, let me ask Mr. Wall to -- since you  
14 mentioned him and he's here. Your view is I can do what here today?  
15 What's the limit of my ability jurisdictionally so to speak that I'm --

16 MR. WALL: That has, since the time that we filed our brief on  
17 that there's been more activity at the Nevada Supreme Court. So we're  
18 kind of in a different situation now. Not exactly the same as it was, but still  
19 partially that way. Number one, the appeal has been dismissed not held  
20 in abeyance or stayed, but as to A Cab the appeal has been dismissed.  
21 Number two, the Court has issued an order -- the Supreme Court has  
22 issued an order to show cause regarding jurisdiction with respect to the  
23 appeal for Mr. Jay Nady.

24 The argument that the Court has raised is that Jay Nady is not a  
25 proper appellant because Judge Cory severed the action against Judge --

1 against Jay Nady from the action with A Cab. We have believed and  
2 argued from the beginning that Judge Cory did not have any authority to  
3 do that and that that severance isn't appropriate. But that leaves us in this  
4 this position. If we respond to the Nevada Supreme Court and say we  
5 agree there's been a severance therefore there's no final judgment; that  
6 would render our notice of appeal with respect to Mr. Nady invalid. And if  
7 that notice of appeal is invalid it would not in any way impact the  
8 jurisdiction of this Court to go ahead and hear and decide the motion for  
9 reconsideration that is pending and is not stayed by the bankruptcy stay.

10 On the other hand, if we were to argue to the Nevada Supreme  
11 Court and prevail on the argument that the severance was improper there  
12 never was a final judgment and the notice of appeal is not valid. Either  
13 way that appeal is going to be dismissed but the fact of the matter is it has  
14 not yet been dismissed. And until it is dismissed only the Nevada  
15 Supreme Court has jurisdiction over the matter.

16 So at this point in time if Your Honor is inclined to grant the  
17 motion for reconsideration all it could do is certify to the Supreme Court  
18 it's -- that it is inclined to do so. But this Court has jurisdiction if it is --  
19 wants to deny the motion. That's the way it sits. We're still in a *Huneycutt*  
20 situation because only the Nevada Supreme Court has appellate  
21 jurisdiction.

22 She wants me to say, which I thought was implicit when I said,  
23 you can hear the arguments, receive all of the argument briefing that you  
24 want on it. You certainly -- this Court is never divested of jurisdiction to  
25 hear motions. That never happens but a notice of appeal divests the

1 Court of jurisdiction to take action that is in derogation of the jurisdiction of  
2 the Supreme Court on appeal. Which means you can deny the motion  
3 after you hear it but you can't grant it. You can only certify your inclination  
4 to do so. I believe within a short period of time it will be -- one way or the  
5 other the appeal of Jay Nady will be dismissed and the notice of appeal  
6 issue will become moot.

7 THE COURT: Most of me wants to ask this question then, why  
8 wouldn't I just wait until the Supreme Court activity was finalized?

9 MR. WALL: Because there's detriment to Mr. Nady right now in  
10 his business because of the business that he's in of having been held in  
11 contempt. He can't be held in contempt in his business. There's  
12 detriment involved from the industry itself --

13 THE COURT: Okay, all right.

14 MR. WALL: -- in that and so we need to --

15 THE COURT: Well it seems like --

16 MR. WALL: -- at the very least --

17 THE COURT: Yeah.

18 MR. WALL: -- this Court certainly has authority at any time to  
19 stay any action or any order or judgment. At the very least this Court  
20 could stay the notice of appeal -- or I mean the order of contempt and the  
21 effectiveness of that until it has jurisdiction returned to it so that Mr. Nady  
22 isn't under the detriment --

23 THE COURT: Okay.

24 MR. WALL: -- of having that order --

25 THE COURT: Just --

1 MR. WALL: -- in existence against him.

2 THE COURT: My thought on that would be I would stay it only  
3 if everybody agreed for me to do that. If everybody said, you know what  
4 with everything that's going on go ahead and stay the enforcement of the  
5 contempt order then I would do it if everybody agreed but that's -- that  
6 wasn't part of what was brought to my attention. And so if there's a  
7 disagreement on staying then you got to give people a chance to weigh in  
8 on that by way of pleading and argument.

9 And there's not a request for stay that I know of here anyway,  
10 right? I mean, there's not a motion to stay?

11 MR. WALL: No, we --

12 THE COURT: Yeah.

13 MR. WALL: -- there hasn't been a formal motion filed for that.

14 THE COURT: So everybody wants me to issue some sort of  
15 stay order given everything that's gone on here I would. Is -- does  
16 everybody want that or does anybody want to oppose that?

17 MR. SHAFER: We would not object to that of course, Your  
18 Honor, because it would make sense for the judicial economy to do so.

19 MR. DUBOWSKY: We certainly would oppose, Your Honor.  
20 This is the first time hearing about this --

21 THE COURT: That's all I need to know.

22 MR. DUBOWSKY: -- request to stay without a full motion so --

23 THE COURT: That's all I need to know. So that takes us to the  
24 motion for reconsideration itself then. And I appreciate, Mr. Wall, your  
25

1 summary of it all but here we are. So you want to add to the briefing and  
2 what have you, make argument on it, go ahead.

3 MR. SHAFER: Addressing the merits of the motion for  
4 reconsideration I'd like to bring the Court back to the initial order of the  
5 Court awarding costs in favor of Resolution Economics. The party to  
6 whom those costs -- the party who was ordered to pay those costs was  
7 defendant A Cab and A Cab only. If we look at the order that was entered  
8 by the Court and this was cited in Resolution Economics' motion for fees  
9 in the first place, on February 7<sup>th</sup> Judge Corry ordered that the cost of the  
10 Special Master shall before -- shall be borne by defendant A Cab. It was  
11 not made in the plural it was not made against defendant Jay Nady. It  
12 was made against A Cab himself.

13 In a modification of that order on February 13<sup>th</sup>, 2018, it says  
14 defendant A Cab shall 10 days to pay. In a May 23<sup>rd</sup> minute order of the  
15 court the Court ordered that the defendant, in the singular, be present and  
16 to pay the fees. It was only defendant A Cab which was the party to  
17 whom was supposed to pay the Special Master fees which makes sense  
18 because the Special Master's task was to review the business operations  
19 of A Cab regarding the potential labor claims that were to be asserted  
20 against it. It was never as to the merits of any claim against defendant  
21 Jay Nady.

22 So at no point was Jay Nady himself personally ever obligated  
23 to pay this. To the extent that there were directions that were made to  
24 pay Jay Nady, it was in his capacity as an employee of the business. I  
25 think Resolution Economics has to concede this. This was made in their



1 application. This was made in the order in August finding the defendant A  
2 Cab was supposed to pay. And so there was no basis to do that.

3 We've cited case law in our brief, *Wilson versus the United*  
4 *States*, that says that an employee or an officer of the business cannot be  
5 held liable simply because their -- of their relationship to the business  
6 without independent acts of their own, without an independent obligation  
7 to pay. It does not make him liable.

8 You have to find that there was an affirmative basis to pierce  
9 the corporate veil, which is a heavy burden and requires specific findings  
10 of fact and conclusions of law to be found in order to pierce the corporate  
11 veil. And that's what has to happen for Mr. Nady himself to be personally  
12 liable for the debts to Resolution Economics. And that hasn't been found  
13 yet.

14 It's not an ends oriented test. We don't get to -- we just have to  
15 pay these people no matter and whatever we have to do to get there is  
16 the appropriate step. That's not the case, particularly in light of the fact  
17 that the case against Jay Nady was himself personally severed. It is  
18 bifurcated, you know, separated for the case of convenience. These are  
19 two separate cases. And the decisions of the Court in the A Cab matter  
20 are separate and distinct from the -- the claims and the assertions and the  
21 issues in the Jay Nady matter that have been severed, himself personally.

22 And the reason for that is that's the way that they had to get a  
23 final judgment against A Cab, because the issues hadn't been determined  
24 against Jay Nady. So we have Jay Nady himself personally sitting out  
25

1 there in an unadjudicated case to which no claims have been awarded  
2 against him personally.

3 THE COURT: It seems like it all comes down to whether or not  
4 Mr. Nady could be made and should have been made to pay for the  
5 Special Master involved in the post-judgment, post summary judgment  
6 activity. I mean, that's what it all is, right. I mean, at the end of the day  
7 you're basically saying that was the error.

8 MR. SHAFER: Well I think we are -- we don't concede that the  
9 Special Master's award -- it was appropriate in the first place. But that  
10 issue is stayed. Because of the bankruptcy we can't really agree that and  
11 A Cab's liability to the Special Master or not. But you are correct. The  
12 issue is does Jay Nady, was at some point he ordered to pay personally.  
13 And at no point was there ever a finding that Jay Nady was personally  
14 responsible for the -- debts to it.

15 The concern that the Court repeated was that A cab wasn't  
16 paying the Special Master and that Jay Nady as an officer should have  
17 directed A Cab to pay, which is a separate and distinct thing. It's his  
18 liability as an officer and director versus his liability as an individual.

19 Does A Cab -- does he have a responsibility to direct A Cab to  
20 pay? Perhaps. Does he have a responsibility to pay out of his own  
21 pocket for the fees of Resolution Economics? And the answer is no. We  
22 haven't found a piercing of the corporate veil and there was no finding of  
23 him liable personally.

24

25

1 And that's what was in the judgment. Not just that he was in  
2 contempt as -- in his role as an officer. But there was an actual monetary  
3 judgment awarded against Jay Nady personally --

4 THE COURT: Right.

5 MR. SHAFER: -- which is causing him problems in his business  
6 because of the regulated nature of it. It's causing him problems trying to  
7 get bonds and to try to finance his businesses. And it's causing problems  
8 with other unrelated parties because of the nature of the judgement.

9 THE COURT: Which I understand, I mean, I know that the  
10 industry --

11 MR. SHAFER: Yeah.

12 THE COURT: -- is heavily regulated and yeah I get it.

13 MR. SHAFER: Yeah, and so and that's why we're concerned  
14 about this so vociferously is because there was never any application to  
15 amend the judgment to add Jay Nady himself personally. There was  
16 never any specific findings as to whether or not it should be pierced  
17 corporate or the veil should be pierced on a corporate level. There was  
18 no evidence presented. No testimony no affidavit presented to that that  
19 would allow the Court to make that determination that the corporate veil  
20 should have been pierced.

21 In fact that was a continuing problem with the law in it. Because  
22 when you have an issue of contempt there's an issue where the Court  
23 must find by clear and convincing evidence, this is on a civil contempt  
24 standard, that a party willfully did not pay, which means that you have to  
25 find that at the time of the decision that they had the ability but chose not

1 to pay. There was never in any of the hearings any evidence regarding  
2 the ability of A Cab or more specifically of Jay Nady's ability to pay.  
3 There's no evidence about his finances, no evidence, no testimony, no  
4 affidavit about whether or not he could have or should have paid. In fact -  
5 -

6 THE COURT: So when Judge Cory called that frankly  
7 ludicrous, you don't think he had a basis for that?

8 MR. SHAFER: I think that he was arguing that A Cab should  
9 have paid.

10 THE COURT: Okay.

11 MR. SHAFER: That it was ludicrous that A Cab shouldn't have  
12 paid. Because in light of what had happened was --

13 THE COURT: Yeah.

14 MR. SHAFER: -- plaintiffs had garnished \$250,000 out of the  
15 operating account of A Cab and some of the other related entities. Of  
16 course that's a whole other barrel of issues as to whether or not that was  
17 appropriate and should have been taken and belonged to A Cab or not.  
18 But that's not what we're here on. So I can see Judge Cory's frustration in  
19 that A Cab had not paid. And that he would have liked Jay Nady to direct  
20 A Cab to pay.

21 In fact we looked at the report of the Special Master and the  
22 report of the Special Master says there really wasn't the ability to pay at  
23 the time of the report. Now there may have been prior but there wasn't at  
24 the time of the report. And that's what we go by is at the time of the  
25 finding of the Court was there contempt? Was there an actual willingness

1 to pay at that moment; not was there willingness before, but whether there  
2 was it now. Because the purpose of civil contempt is to correct; it's to  
3 coerce; it's to cause a certain behavior. It's not to punish. So that is a  
4 separate and distinct consideration that the Court has to make--

5 THE COURT: Okay.

6 MR. SHAFER: -- that we aren't even approaching here.

7 THE COURT: This may be something that was covered in here  
8 but we'll do the best we can I assure you to look at everything.

9 MR. SHAFER: Yeah.

10 THE COURT: So if this was covered.

11 MR. SHAFER: Yeah.

12 THE COURT: And the question that I now ask seems to  
13 indicate that I didn't see it well that because I didn't if it was covered.

14 MR. SHAFER: Sure.

15 THE COURT: It just seems to me and I like to say what I think.  
16 It just seems to me that there probably is law, case law that talks about  
17 this concept, specifically the idea of if you have a contempt going on  
18 concerning an entity at first instance here the company A Cab right, that's  
19 the company. And it calls for the company to pay in this case for a  
20 Special Master that a Court in its wisdom decided to involve sort of post-  
21 judgment, right? That's a -- this is a post-judgment, summary judgment  
22 happened here, right? This is post-judgment activity. The Special Master  
23 is in here to sort through all the things that need -- that you need to sort  
24 through given the judgment is in place, right? That's what the -- that's  
25 your client so you know that's what the Special --

1 MR. DUBOWSKY: Yes, Your Honor.

2 THE COURT: -- you could tell me better, but that's -- just that's  
3 a pretty basic understanding of it, right?

4 MR. DUBOWSKY: Yes, Your Honor.

5 THE COURT: Okay. So it just seems to me there ought to be  
6 some law to say that if you have an entity that you feel as though needs to  
7 pay for the Special Master and that's not happening in your wisdom as a  
8 judge. There should be law to stand for the proposition of can you as a  
9 Judge -- I mean, this is what comes to my mind. I'm not trying to play Ken  
10 Cory.

11 MR. DUBOWSKY: Yeah.

12 THE COURT: But this is what comes to my mind if it were me.  
13 If it were me and I had a post-judgment Special Master appointment and I  
14 told a cab company to pay for that Special Master in whole or in part and  
15 they didn't and I entered an order saying they should, it would clearly call  
16 into my mind at some point the issue of well can I hold the officers and  
17 directors of the cab company in contempt, because companies can only  
18 operate through people, their officers and directors. They don't have any  
19 practical way of doing anything unless the officers or directors tell them to  
20 do things. So, I mean, that's obvious right?

21 So the cab company can only do things. They can only make a  
22 check out to the Special Master if directed within the organization itself.  
23 So the questions becomes if it were me I would probably say something  
24 like -- and I can't -- this is what I mean, if Ken Cory did this. You did this  
25 with him I just didn't see it yet so my apologies but.

1 MR. DUBOWSKY: Yeah.

2 THE COURT: Is there any law that stands for the proposition  
3 as to what the rules are? If a Judge turns in this case himself, because  
4 it's me and Ken Cory, himself to trying to get the cab company to pay the  
5 Special Master. Can a judge order an officer or director to do it or can a  
6 Judge hold that officer director, Mr. Nady, in contempt for failing to direct  
7 the company to do something. I mean, you know, --

8 MR. SHAFER: Yeah.

9 THE COURT: -- tell me about that, the law on that specific  
10 point.

11 MR. SHAFER: In the State of Nevada there's only a few cases  
12 that address that but they do address it. We cited both of these in our  
13 brief in *Eureka City* --

14 THE COURT: Okay, so it's -- it is in here.

15 MR. SHAFER: Yeah.

16 THE COURT: So it's obviously something --

17 MR. SHAFER: But it --

18 THE COURT: -- I need to look at more intently.

19 MR. SHAFER: Basically they found that a court can do so if it  
20 finds independent bad acts of the officer and director. It can also do so if  
21 there is a piercing of the corporate veil, if the person -- you know, the  
22 officer is treating the --

23 THE COURT: So independent bad acts of Mr. Nady or piercing  
24 the corporate veil --

25 MR. SHAFER: Correct.

1 THE COURT: -- in a traditional --

2 MR. SHAFER: Sure.

3 THE COURT: -- alter ego sense.

4 MR. SHAFER: Right.

5 THE COURT: The unity of interest and all that other stuff,  
6 right?

7 MR. SHAFER: Right.

8 THE COURT: Okay.

9 MR. SHAFER: In those scenarios it is possible to do so. If that  
10 were the case, and I take the Court's point that a corporation is a  
11 collection of people that act as through the officers and directors and  
12 doesn't have itself has any independent ability to pay. But that requires a  
13 -- it gets to the point where this judgement was against Jay Nedy himself  
14 personally. And not against himself as officer and director of the company  
15 to where he is coerced to force A Cab to do so. But to get to that point the  
16 Court needs to find at the moment that the contempt is ordered or within a  
17 reasonable time thereof that the judgment debtor or A Cab actually has  
18 the ability to pay and specifically that Jay Nady has the ability to have A  
19 Cab pay. That he has at that moment the ability to write a check or to tell  
20 somebody to do that or to get to make payments. There was never any  
21 findings on that point.

22 THE COURT: Yeah.

23 MR. SHAFER: That would -- that allows the Court to form the  
24 basis for that determination that he himself is liable for his own bad acts or  
25 his own personal refusal to do so and he had the ability to do so at that



1 moment in December of 2018 or February of 2018 at some point thereof.  
2 And that is I think the basis of it. Now getting --

3 THE COURT: So you're basically saying look the error that is  
4 made -- this is what you're saying. There error made by the Judge is  
5 there's no evidence that the Judge had in the record to show an -- any  
6 independent action by Mr. Nady one way or the other.

7 MR. SHAFER: Correct.

8 THE COURT: And then you're also saying there's no evidence  
9 to show the traditional things you have to have in alter ego scenario under  
10 the law.

11 MR. SHAFER: Correct.

12 THE COURT: There's a whole body of law talking about the  
13 things that you have to have in an evidentiary way to show the unity of  
14 interest, you know, whatever that test is. I've seen it a few times.

15 MR. SHAFER: Yeah.

16 THE COURT: There's different prongs to it.

17 MR. SHAFER: Yeah.

18 THE COURT: But you're saying there's no evidence of that  
19 either?

20 MR. SHAFER: That's correct.

21 THE COURT: And that you're saying that what Ken Cory did  
22 basically was he desired to have the cab company pay the Special  
23 Master. When that didn't happen and he didn't like it --

24 MR. SHAFER: Yeah.  
25

1 THE COURT: -- because he ordered it. That you say the error  
2 he then makes is he just basically says well then Mr. Nady has to pay it.

3 MR. SHAFER: Yes.

4 THE COURT: Because I'm now upset and I'm in a contempt  
5 mode and that's what I'm going to do. And you -- that's where the error  
6 comes in?

7 MR. SHAFER: Right, and I think that is somewhat  
8 understandable because there was some mis-precision as to the use of  
9 defendant versus defendants, because there are two A Cab defendants in  
10 their names. And the fact that we weren't shown the order before it was  
11 submitted to Judge Cory. Now the other complicating factor that wasn't  
12 briefed that I want to address too --

13 THE COURT: You weren't shown the order?

14 MR. SHAFER: What's that?

15 THE COURT: You weren't shown the order.

16 MR. SHAFER: No, not until it was signed by the Judge.

17 THE COURT: I think there's a Supreme Court case from not  
18 too long ago that says you have to be.

19 MR. SHAFER: That is my understanding, Your Honor.

20 THE COURT: I forget the name of the case, but I saw it come  
21 up at a CLE recently and I said well I didn't I know that. I learned it. I was  
22 just at a Judge CLE and I -- the case -- I have in my outlines I can go look  
23 it up.

24 MR. SHAFER: I'll have to look that up, Your Honor.  
25

1 THE COURT: But there's a case that says that you have to be  
2 given a copy of an order provided to a court.

3 MR. SHAFER: Yeah.

4 THE COURT: And if you're not then I think that that affects the  
5 order. I think it's a more recent case.

6 MR. SHAFER: Okay. I will have to look. I'm not aware of that  
7 specific case, Your Honor.

8 MR. WALL: I don't remember the name of the case. It was  
9 written by Judge Paraguirre and it raises the -- to the level of a due  
10 process violation.

11 THE COURT: Yeah, so that's a recent case that if you -- if that  
12 enters into this on top of everything it seems.

13 MR. SHAFER: I may have to look at that issue because  
14 certainly I think that's the case that -- the other issue is just in light of the  
15 bankruptcy one of the issues with contempt is there has to be an ability to  
16 pay. Right now Mr. Nady cannot have A Cab pay Resolution Economics  
17 because of the bankruptcy. Any payment that he authorizes that's beyond  
18 the scope of the stay would be set aside as a preferential transfer.

19 THE COURT: So this is against him personally?

20 MR. SHAFER: Correct.

21 THE COURT: So in theory that wouldn't have anything to do  
22 with the bankruptcy.

23 MR. SHAFER: I agree, Your Honor. But to the extent that it's  
24 even against him as an officer he doesn't the ability to direct the payment  
25 as of this time.

1 THE COURT: But it's not -- as I understand it's not against him  
2 in his capacity as an officer though.

3 MR. SHAFER: No.

4 THE COURT: I mean, as far as collecting a judgment, right?

5 MR. SHAFER: Correct, it is against him personally.

6 THE COURT: Personal bank accounts and everything else,  
7 right?

8 MR. SHAFER: Correct. It's been recorded as a lien against his  
9 home and which gives rise to potential slander of title issues, but we're  
10 here to try to address the cause of this before we go any further.

11 THE COURT: Uh-huh.

12 MR. SHAFER: So I think that's in summing up there -- the  
13 direction was clearly as to A Cab and because of mistakes there was  
14 issues. Unless the Court has any questions I'll save my time to respond  
15 to Mr. Dubowsky's response.

16 THE COURT: Okay. All right, Mr. Dubowsky, that's a lot to talk  
17 about but go ahead.

18 MR. DUBOWSKY: Yes, Your Honor, and let me clarify because  
19 there's been some confusion of this issue overall as to what's going on.  
20 First of all, Your Honor, one argument we did make which I think is  
21 important since Your Honor has pointed out that dates, we do content that  
22 under EDCR 2.24(b) the motion for reconsideration is not timely. And we  
23 did lay out the time. We did serve the notice of entry of order February  
24 5<sup>th</sup>. The 10 days including Presidents Day would have brought the time to  
25 February 20<sup>th</sup>. And this motion was not filed until February 25<sup>th</sup>. So Your

1 Honor, based upon that alone it should be denied because it's beyond the  
2 10 days. And that is in the brief, Your Honor, on page 4. So it's not timely  
3 so it's not even properly before the Court. Your Honor, could look at that  
4 see the time, and then say it's beyond the 10 days, I have to deny the  
5 motion based upon that.

6 THE COURT: Can you give me those dates again please?  
7 There's just too many moving parts.

8 MR. DUBOWSKY: Yes, sure, Your Honor.

9 THE COURT: So I'd like to have that repeated.

10 MR. DUBOWSKY: The notice of entry.

11 THE COURT: Notice of entry --

12 MR. DUBOWSKY: Electronically transmitted February 5<sup>th</sup>.

13 THE COURT: Okay.

14 MR. DUBOWSKY: And we've cited to that you don't do 3  
15 additional days under electronic filing Rule 9(f)(2). The 10 days would  
16 have brought it to February 20<sup>th</sup> which includes -- which includes not --  
17 which includes President's Day. In other words, we don't count  
18 weekends, holidays or President's Day would have been the intervening  
19 holiday.

20 THE COURT: Okay.

21 MR. DUBOWSKY: Based upon our calculation that would have  
22 put this at February 20<sup>th</sup> and they filed the motion for reconsideration  
23 February 25<sup>th</sup>.

24 THE COURT: Okay.  
25

1 MR. DUBOWSKY: Your Honor, let me explain also I think since  
2 you've seen a lot of things for the first time, well at least one thing for the  
3 first time in this cases. This case, Your Honor, is absolutely it's certainly a  
4 first for me. This case has been going on since 2012. I didn't know about  
5 the case until I believe October of 2018 when I was contacted at  
6 Resolution Economics. They said we were hired by the Special Master in  
7 a case. The defendants were ordered to pay us. They never paid us and  
8 the case now is getting closed out. They didn't -- weren't specific as to  
9 what happened but they said and it's being closed out and no one is  
10 paying us. We were hired by the Court.

11 And I said well let me take a look. And I had to go through  
12 pages and pages and pages to get myself caught up on the record to file  
13 the motion for my client to be paid for the judgment and for the contempt.  
14 And you can see, Your Honor, I think you've also had to experience going  
15 through pages and pages and pages of the case and try to get caught up  
16 on the history. I did to the best of my ability do that with a motion for  
17 application for compensation under NRCP 53, which is the applicable  
18 NRCP, NRCP 53.

19 And I admitted Your Honor I was a little naïve. I thought once I  
20 brought it to the Court's attention -- by the way you made a few orders,  
21 first a \$25,000 order then a \$41,000 order and not a dime was paid to my  
22 client. I thought that would take care of it. Instead we are here now  
23 months later. My client is not only out the money that they were not paid,  
24 but of course to get me involved and use my resources they've had to  
25 pay. And believe me, Your Honor this case has been nothing less than a

1 drain just going through the record, filing the motions, all the hearings, and  
2 being the hearings the involve the plaintiff and everything else. It's been  
3 quite a case.

4 But, Your Honor, you can imagine -- I hesitate to use the word  
5 victim because Your Honor sees criminal cases where there are real  
6 victims. But to the extension of a victim in a civil case my client's really  
7 the victim. They were brought into the case by the Judge. Defendants  
8 were ordered to pay and again it was in Judge Cory's wisdom that it would  
9 be defendants that had to pay. And that's in the brief, Your Honor. And --

10 THE COURT: I don't think there's really an issue with the Cab  
11 company being ordered to pay. The real issue is whether or not Mr. Nady  
12 as an individual and that decision that Ken Cory made.

13 MR. DUBOWSKY: Correct, Your Honor.

14 THE COURT: What do you want to say about that?

15 MR. DUBOWSKY: Yes, Your Honor. With regard to that, Your  
16 Honor, Mr. Nady individually was ordered to pay. Now let me just point  
17 out by the way as a procedural matter when they say A Cab, the A Cabs  
18 don't exist anymore, Your Honor. There is no such thing anymore as A  
19 Cab Taxi Service LLC. There is no entity anymore as A Cab LLC. I  
20 checked the Secretary of State as recently as this morning to make sure  
21 of that. So to say that A Cab would be the ones responsible is the same  
22 as saying you're not getting paid no matter what unfortunately.

23 In terms of who is ordered to pay, Mr. Nady is ordered to pay,  
24 Your Honor. I believe we have no less then -- well I didn't count all the  
25 citations. There were 32 footnotes, some -- a couple of those are cases.

1 But there are approximately 30 footnotes citing to the record stating that it  
2 was the defendants ordered to pay. And not only that, Your Honor, I don't  
3 believe at any time anyone got in front of the Judge to say, Your Honor,  
4 when you say Mr. Nady, when you say defendants you don't really mean  
5 Mr. Nady do you? Because it is absolutely clear from the record that he  
6 did say Mr. Nady individually. It is absolutely clear from the record that  
7 he's ordered to pay. And I don't see anywhere in the record that anyone  
8 is argued about Mr. Nady's individual liability from all the transcripts you  
9 can see there, Your Honor.

10 And with regard to that, Your Honor, the motion for  
11 reconsideration you can't bring up a new issue if you didn't argue it  
12 before. And we cited to the case that say just that. Reconsideration you  
13 can reargue something. But if you never argued that Mr. Nady should not  
14 be personally liable then you can't come in now and do it.

15 THE COURT: All right. I think what it really comes down to  
16 though is what's the legal basis for a Judge --

17 MR. DUBOWSKY: Thank you.

18 THE COURT: -- to find an individual who might be an officer,  
19 director of an entity personally in contempt for not essentially telling the  
20 entity to do something the Judge wanted the entity to do. That's really the  
21 point isn't it?

22 MR. DUBOWSKY: Your Honor, it's not piercing the veil. Your  
23 Honor, it's not piercing the veil. Mr. Nady was a party. And this again,  
24 Your Honor, we're not -- just a little bit of context.

25 THE COURT: Okay.



1 MR. DUBOWSKY: If you're coming now and this was a case  
2 against an LLC and then the judgment was willy-nilly against an officer  
3 without findings of piercing the veil I'd say yeah, okay that's an argument.  
4 But that's not what happened here, Your Honor.

5 THE COURT: Okay.

6 MR. DUBOWSKY: This - the Court did order Mr. Nady to pay  
7 individually. Under NRCP 53 the Special Master Compensation Rule, the  
8 Court has that broad discretion. So again, Your Honor, it's not like there's  
9 a pending case and there's discovery on the issue of who's liable to pay.  
10 No, Your Honor, when it comes to the Special Master and the Court's  
11 order the Court has inherent authority to order payment from one party.  
12 And Mr. Nady was a named party.

13 I -- again you heard arguments was he severed, not severed. It  
14 doesn't matter, he was a party to the case. And Judge Cory ordered Mr.  
15 Nady to pay. It's that simple, Your Honor. That's why under NRCP 53 the  
16 Court has that broad discretion to make that order. So it was correct for  
17 Mr. -- it was correct that Mr. Nady would pay. That was Judge Cory's  
18 order. That is in the record.

19 THE COURT: So you're saying that when the Judge did this he  
20 did it specifically as a party as opposed to in a capacity as an officer or  
21 director under a court piercing corporate veil theory or any other theory?

22 MR. DUBOWSKY: Correct, Your Honor.

23 THE COURT: And it relates to his capacity as an officer or  
24 director?

25

1 MR. DUBOWSKY: Correct, Your Honor. And that's why I said  
2 under Rule 53 he doesn't have to make specific findings. He is ordering  
3 payment of a Special Master that His Honor brought into the case. He  
4 doesn't have to make findings as to, you know, who's -- about piercing the  
5 veil. Mr. Nady was a party. And under Rule 53 Judge Cory had the  
6 discretion and broad discretion to order payment and order contempt.

7 Now let me just say this, Your Honor, the contempt. We've all  
8 heard the old joke about the person who killed their parents and then  
9 came to the court pleading for mercy because they're an orphan. That old  
10 joke applies here. For Mr. Nady to come in and say well we have to get  
11 rid of this contempt. Get rid of his contempt? You had opportunities to  
12 get rid of the contempt. You were ordered back a year -- or more than a  
13 year ago to make the payment. You could have made the payment.

14 And that leads us to the ability to pay which seems to be an  
15 argument that as you can see from the briefing that Judge Cory said this  
16 is frankly ludicrous using his words, frankly ludicrous. And on the one  
17 hand the defendants are arguing well he didn't have the ability to pay.  
18 And then after not having the ability to pay so called, they the plaintiffs in  
19 this case, not us, Your Honor, the plaintiffs executed on 233 or so  
20 thousand dollars from an account, so there was ability to pay.

21 Further, Your Honor, the -- Ms. Rodriguez at one of the  
22 hearings which we cited to said, Your Honor, I know you don't want to  
23 hear more argument on this but my client tried to pay. They said Mr.  
24 Nady went to the Clerk with a check to attempt to make a deposit with the  
25 Court. And the Court Clerk refused it. And this is cited to in the brief,

1 Your Honor. And this is -- after this is at the time of the contempt of Mr.  
2 Nady. They said no, no he tried to pay it.

3 So on the one hand when we're talking about the contempt the  
4 contempt is applicable. And I'm not sure how much you want to hear that.  
5 That's in the brief. Mr. Nady on one hand they say he couldn't pay but he  
6 had that ability based upon the execution. And on the other hand his  
7 attorney said they tried to pay but the Clerk wouldn't take the money,  
8 which of course Judge Cory said I don't think that ameliorates the  
9 contempt that your client has. Those are the words.

10 THE COURT: Okay.

11 MR. DUBOWSKY: So -- thank you, Your Honor. But again,  
12 Your Honor, the Court had the authority. It's not -- this is the inherent  
13 authority of the Court under 53 to bring in a Special Master and order  
14 payment of the Special Master. And there's no question, Your Honor.  
15 You can see clearly from the record Mr. Cory -- excuse me, Judge Cory  
16 intended Mr. Nady to be the one liable to make that payment in addition to  
17 the entities that no longer exist.

18 THE COURT: Okay. All right. I appreciate that argument. I  
19 understand what you're saying.

20 I do want to go back to something that's probably more  
21 threshold, Mr. Shafer, the EDCR 2.24 issue that Mr. Dubowsky brought  
22 up.

23 MR. SHAFER: Sure.

24 THE COURT: I think that's the rule. I have it here in my hand  
25 now. Parties seeking reconsideration must file a motion within 10 days

1 after service of written notice of the order unless the time is shortened or  
2 enlarged by order. So let's start with has there ever been an order  
3 shortening or enlarging time?

4 MR. SHAFER: No.

5 THE COURT: Okay, so that means you have -- the 10 day rule  
6 applies.

7 MR. SHAFER: That is correct.

8 THE COURT: So do you agree with the 10 days that Mr.  
9 Dubowsky gave, the notice of entry on February 5<sup>th</sup> up to February 20<sup>th</sup>  
10 and so you're about 5 days late on this.

11 MR. SHAFER: I don't agree that it's late.

12 THE COURT: Okay.

13 MR. SHAFER: I do agree with the calculation of the 10 days.  
14 But here's why it is not late.

15 THE COURT: Okay

16 MR. SHAFER: Because up until March 1<sup>st</sup> of 2019 the rule was  
17 that electronic filings were permitted 3 days for mailing. So by that day,  
18 the 20<sup>th</sup> takes us to a weekend and so the next day is the 25<sup>th</sup>, the day it  
19 was filed.

20 THE COURT: So do under the rules that were applicable at the  
21 time --

22 MR. SHAFER: That is correct.

23 THE COURT: -- it's timely.

24

25

1 MR. SHAFER: If this motion had been filed two weeks later and  
2 we were the under new NRCPs then Mr. Dubowsky would be correct  
3 there would not be 3 additional days for mailing.

4 THE COURT: Yeah, because it became effective March 1<sup>st</sup>.

5 MR. SHAFER: That is correct, Your Honor.

6 THE COURT: Okay, that's my answer to that question.

7 MR. SHAFER: Yeah.

8 THE COURT: Okay. So then anything you wanted to say in  
9 further support of your request here?

10 MR. SHAFER: Just briefly I'll just remind the Court. There was  
11 a hearing in May in which time the Judge ordered a severance of the  
12 case. That order wasn't entered until August. But in any event it was  
13 clearly before the motion for contempt was brought.

14 And so at the time it was brought this was not brought in the  
15 Nady severed portion but in the A Cab severed portion.

16 THE COURT: Okay, all right.

17 MR. SHAFER: I'll just address the writ issue, or excuse me,  
18 there was an attempt to pay to the Clerk. That was made in February of  
19 '18. A Cab, Mr. Nady himself personally but with A Cab funds went to try  
20 to deposit money with the Clerk of the Court, \$5,000 which was what it  
21 had at the table able to try to make this payment. The Clerk refused to  
22 accept the payment at that point. So that's what that issue is. Not that --  
23 but again that's as to A Cab --

24 THE COURT: Right.

25 MR. SHAFER: -- not as to Mr. Nady himself personally.

1 THE COURT: All right, your argument so far has centered on  
2 this idea of not piercing corporate veil and in other words all roads in your  
3 argument in my view seem to lead to this idea that Mr. Nady is an officer  
4 or director and that something would have to happen to pierce the  
5 corporate veil in alter ego sense is most of what your argument --

6 MR. SHAFER: Yeah.

7 THE COURT: -- anyway has been.

8 MR. SHAFER: Yeah.

9 THE COURT: But Mr. Dubowsky brings up something that I  
10 want you to react to. He says we don't need to even get to that  
11 essentially. We don't need to even get to this whole analysis of piercing  
12 corporate veils. Because under the NRCPs in dealing with appointing  
13 Special Masters and all Rule -- what was it Rule 50-something.

14 MR. DUBOWSKY: Your Honor, 53.

15 THE COURT: 53, Rule 53 that the Judge did this individually  
16 against Nady because he's and individual defendant. What do you make  
17 of that?

18 MR. SHAFER: Well I believe it's somewhat of a new argument  
19 but I'll respond in this way in that there was never such a finding. The  
20 order to pay as a Special Master was solely as against defendant A Cab.  
21 That is -- yeah, sure. I think Mr. Wall has an issue regarding 53 that he  
22 would be more prepared to address if the Court would permit him to --

23 THE COURT: Okay, Mr. Wall.

24 MR. WALL: Your Honor, Mr. Dubowsky, with all due respect, is  
25 very late to this proceeding. And the argument that he makes that he

1 repeatedly said Mr. Nady's a party, he's a named party, he's a party, he's  
2 a party is absolutely incorrect.

3 Judge Corey was in a road race and he had to get to a final  
4 judgment. He had only one way of doing that. He removed, specifically  
5 by order, Mr. Nady as a party to the action. He severed him out. He  
6 wasn't a party to the action at that time. And all of this followed final  
7 judgment. Mr. Nady's only participation in this is as an officer or director  
8 of A Cab. He was not a party at the time any of this went down.

9 THE COURT: So we're right back to the initial argument then in  
10 your view that is made that under the law --

11 MR. WALL: Correct, Your Honor.

12 THE COURT: -- it's either independent activity by Nady or  
13 pierce corporate veil. There has to be a record of that or else Ken Cory  
14 made error. Right, that's your argument essentially?

15 MR. WALL: That's correct.

16 MR. SHAFER: Yes.

17 THE COURT: Okay. Anything -- anybody want to say anything  
18 else?

19 MR. DUBOWSKY: Yes, Your Honor. Let me go back to the 10  
20 days on the motion for reconsideration.

21 THE COURT: Okay.

22 MR. DUBOWSKY: Again, Your Honor, the -- even though the  
23 changes to NRCP are irrelevant because Nevada Electronic Filing and  
24 Conversion Rule 9, subsection (f)(2), an additional 3 days must not be  
25 added to the time to respond. This is again in counting the days

1 everything here was done electronically, so therefore it does not change  
2 the fact that even though the new rule made it more clear as to what the  
3 dates were but the at the time it was in effect those 10 days had past,  
4 because the 10 days did not include the days for mailing. And that's not  
5 from -- that's -- and that's from the electronic filing rules, rule when  
6 counting those days.

7 THE COURT: Okay.

8 MR. DUBOWSKY: So yes it certainly was untimely.

9 Now with regard to the party again I -- admittedly I'm late --

10 THE COURT: I would have to say just to let you know  
11 something here now. I mean, it probably is stylistic in me, and you know,  
12 as time goes on I realize more and more there's things about the court  
13 that you're in that matter, you know. And so stylistically with me if I don't  
14 say this I'm just not telling you the truth. I in -- I would almost always find  
15 a way to let the merits of the motion be decided on something like this. If  
16 it -- you know, in other words there's a difference between us talking  
17 about the old rules, new rules and a day here, or two days, or three days.

18 I mean, I would normally just find a way to handle the merits  
19 than not -- I mean, I don't think I'd ever be the judge to say you know what  
20 there's a dispute on this. It's a day or two here or there. So I'm going to  
21 stand on this and say I'm not going to consider it. That would -- that  
22 normally wouldn't be something I would come up with. I'll just share with  
23 you. Normally I'd try to find a way to get to the merits of the motion.

24 MR. DUBOWSKY: But --  
25



1 THE COURT: In other words, even if that meant saying in live  
2 court well consider this an enlargement of time and it is. I mean, I -- you  
3 know, stylistically in me I don't -- I can't remember doing something like  
4 that since I've been here, saying you know I'm just going to not let you  
5 bring your motion that's briefed and argued for hours, you know, because  
6 it was a day late. That's -- I just haven't been that Judge. Just to share  
7 with you.

8 MR. DUBOWSKY: I appreciate that, Your Honor. And I  
9 understand that about Your Honor. When we were here at court last you  
10 said some of the local rules are suggestive and that's why my opposition  
11 was not just that -- was not just citing to the fact that it was late and  
12 leaving it alone. You can see I --

13 THE COURT: I don't see that there's bad faith here. I mean, I  
14 don't have a reason to doubt that these good lawyers, and they're good  
15 ones, think it was timely. And I also don't have a quibble with you looking  
16 at it and saying now wait a second there's this other little issue and the  
17 mailing and all. But there's no bad faith filing that I can see and it's right  
18 on -- it's close to right on time if it's not on time. So I think I just should do  
19 a decision on the merits of it to the best of my ability then.

20 MR. DUBOWSKY: Thank you, Your Honor. And just in terms  
21 of the merits and appreciate Mr. Wall pointing out I am linked to the case.  
22 You can see, Your Honor, again I'm boarding to try to help a party that  
23 you see is unpaid.

24 Again the severance is irrelevant, Your Honor. I believe the  
25 payment to the Special Master was first ordered as far back as February

1 2018. So again the order for payment and his order Judge Cory saying  
2 they have to pay, again it's independent of the severance. I believe it's  
3 prior to the severance anyway if I'm correct on that. So it's had nothing to  
4 do with the severance, so again Under 53, Your Honor.

5 THE COURT: Mr. Wall's saying it happened after the  
6 severance, I think.

7 MR. DUBOWSKY: Okay. Is that right?

8 THE COURT: I think that's what he's saying. Right, Mr. Wall?

9 MR. WALL: Your Honor.

10 THE COURT: In other words the contempt happens after  
11 severance.

12 MR. WALL: The first --

13 MS. RODRIGUEZ: I'm not going to make argument, Your  
14 Honor, but I did want to -- I have been involved from the beginning --

15 THE COURT: Yeah.

16 MS. RODRIGUEZ: -- so I would like to just clarify a couple of  
17 things --

18 THE COURT: Sure.

19 MS. RODRIGUEZ: -- in case there was some confusion.  
20 Because I know you asked Mr. Dubowsky if his client was post-judgment  
21 and he was not. There were actually have been three Special Masters  
22 appointed by Judge Cory in this matter. The first one was the local that's  
23 not involved, Piercy Bowler. Mr. Dubowsky's was the second Special  
24 Master appointed, Resolution Economics. And theirs was not post-  
25 judgment. It was for purposes of reviewing trip sheets.

1 And then Judge Cory appointed the third Special Master post-  
2 judgement, George Schwartz who was tasked with reviewing the financial  
3 records to determine if Mr. Dubowsky's, Special Master number two,  
4 could actually be paid. But on the very same day that he ordered Special  
5 Master number three, George Schwarz to figure out if there was money to  
6 pay number two was the same day that he issued the order of contempt.  
7 So that's -- there's a lot of confusion there. And then that was one of our  
8 basis as well --

9 THE COURT: Okay.

10 MS. RODRIGUEZ: -- is he didn't wait for the financial report to  
11 determine if there was money before he found the contempt.

12 MR. WALL: The contempt -- all of the contempt proceedings  
13 post-date the judgement and the severance. At that point Judge Cory  
14 didn't have personal jurisdiction over Jay Nady as a party.

15 MR. DUBOWSKY: But I believe -- just to clarify the orders to  
16 pay did proceed the severance I believe.

17 THE COURT: For the entity to pay?

18 MR. DUBOWSKY: No for both -- for the parties to pay, Your  
19 Honor, I -- when it says defendants referred to also to Mr. Nady  
20 individually. But I believe that predates the severance. Again, Your  
21 Honor, admittedly I'm new to this -- the case --

22 THE COURT: Yeah.

23 MR. DUBOWSKY: -- relatively speaking, but I believe that the -  
24 - the initials orders go back to February.

25

1 THE COURT: So the order to pay the Special Master you're  
2 saying included Mr. Nady as an individual defendant and the severance  
3 happens after that.

4 MR. DUBOWSKY: I believe so, Your Honor. And if I'm wrong  
5 on that I'll admit I'm wrong, but again because I did arrive late to the party  
6 on this one so to speak. But I do believe that the order to pay goes back  
7 to February and March of 2018. The March -- excuse me, May 23<sup>rd</sup> was a  
8 \$41,000. The \$25,000, Your Honor, is back to March 2018. And I do  
9 believe that predates the severance, but I'm open to someone to correct  
10 me on that.

11 THE COURT: Okay.

12 MR. SHAFER: Your Honor, I can point to in Resolution  
13 Economics' initial application in their order, they cite to the decision in the  
14 Court in both February -- in the February 7<sup>th</sup> order it was to be defendant  
15 A Cab. When you look at the final order that was entered on August 21<sup>st</sup>  
16 of 2018 it says the Court directed that A Cab pay for such Special Master.  
17 So it was the determination of the Court that A Cab should pay. The first  
18 time that it comes against Jay Nady is in his capacity as an officer and  
19 director in post-judgment and post-severance.

20 MR. DUBOWSKY: Your Honor, again if you read -- as far as  
21 the in the since I was still presenting, Your Honor. Again all of the  
22 transcripts it said approximately 30 citations to the record you can see it is  
23 clear that it was Mr. Nady individually, Mr. Nady for payment, Mr. Nady  
24 individually for contempt. And so, Your Honor, even the Special Master  
25 number 3, the one who did get paid found that my client could be paid

1 with if properly motivated. So there was money there to pay. The  
2 contempt was proper.

3 And again, Your Honor, you can see when it comes to contempt  
4 the Court has broad discretion to maintain the dignity of its own court.  
5 They can order contempt against the party. They can change a civil  
6 contempt to criminal contempt. We've cited to some cases on that --

7 THE COURT: Yeah, that's true. All those things could happen,  
8 but I guarantee you there's a lot of procedural things you have to get right  
9 if you're going to do contempt.

10 MR. DUBOWSKY: And we're not asking for criminal contempt,  
11 Your Honor.

12 THE COURT: That's an area wrought -- there's pit falls and I  
13 mean, I'd say that 75% of the time there's problems somewhere when  
14 you're trying to do contempt as a Judge, believe me.

15 MR. DUBOWSKY: Your Honor, and all I wanted to say was this  
16 Your Honor, look we're not a party. We are not a party to any, the big  
17 dispute that happened here. I was hired because my client never got  
18 paid. That's it. And Mr. Nady was ordered to pay. That is based upon  
19 you can see the record is replete with it.

20 THE COURT: All right.

21 MR. DUBOWSKY: And that's all, Your Honor.

22 THE COURT: All we can do is try to figure it out further and  
23 come up with some sort of an order that makes sense. I don't know what  
24 that's going to be yet but the argument helped. I made -- this is the first  
25 time I think I made notes and then as many notes as I have here and then

1 each note starts off with something that says but then look at this, then it  
2 says look at this. So it's a bit of a pathway I need to take. We'll do the  
3 best we can to go down that path and figure it out. That's all I can say.  
4 We'll try to do an order. I'm not going to promise a short -- a quick one.  
5 But it won't be, you know, a month or more. It won't be more than  
6 probably a couple weeks. Okay. All right.

7 MR. DUBOWSKY: Thank you, Your Honor.

8 MR. SHAFER: Thank you for the --

9 THE COURT: Okay.

10 MR. SHAFER: -- our extended period of argument. I  
11 appreciate it.

12 [Hearing concluded at 12:03 p.m.]

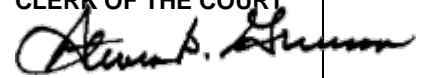
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20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23   
24 Jessica Kirkpatrick  
25 Court Recorder/Transcriber

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125



NOEJ  
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Attorney for Plaintiff

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C  
Individually and on behalf of others similarly) Dept No.: I  
situated )

Plaintiff,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,) **NOTICE OF ENTRY OF ORDER**  
and CREIGHTON J. NADY and DOES I-X and)  
ROE CORPORATIONS I-X, inclusive )

Defendants )

RESOLUTION ECONOMICS LLC )

Special Master, )

vs. )

A CAB TAXI SERVICE LLC, A CAB, LLC, )  
and CREIGHTON J. NADY and DOES I-X and )  
ROE CORPORATIONS I-X, inclusive )

Defendants )

Please take notice that on August 8, 2019, an ORDER DENYING DEFENDANTS'  
MOTION FOR RECONSIDERATION OF JUDGMENT AND ORDER GRANTING  
RESOLUTION ECONOMICS APPLICATION FOR ORDER OF PAYMENT OF SPECIAL



1 MASTER'S FEES AND ORDER OF CONTEMPT was entered by the Clerk of the Court in  
2 the above-referenced matter. A true and correct copy of the order is attached.

3 Dated: August 8, 2019

4 DUBOWSKY LAW OFFICE, CHTD.

5  
6 By: /s/Amanda C. Vogler-Heaton  
Amanda C. Vogler-Heaton, Esq.  
7 Attorney for Plaintiff

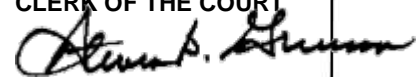
8  
9 **CERTIFICATE OF SERVICE**

10 Pursuant to N.R.C.P 5(b), I hereby certify that on the 8<sup>th</sup> day of August, 2019, I served a  
11 true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER upon those persons  
12 designated by the parties in the E-Service Master List for the above-referenced matter in the  
13 Eighth Judicial District Court eFiling System in accordance with the mandatory electronic  
14 service requirements of Administrative Order 14-2 and the Nevada Electronic Filing  
15 Conversion Rules:

16 Leon Greenberg, Esq.  
Attorney for Plaintiff

17 Esther C. Rodriguez, Esq.  
18 Attorney for Defendant

19  
20 /s/ Amanda C. Vogler-Heaton  
An employee of Dubowsky Law Office, Chtd.



ORDD  
Peter Dubowsky, Esq.  
Nevada Bar No. 4972  
Amanda Vogler-Heaton, Esq.  
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(702) 360-3500  
Fax (702) 360-3515  
Attorney for Special Master  
Resolution Economics LLC

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C  
Individually and on behalf of others similarly)   
situated ) Dept No.: 32

Plaintiff,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,)   
and CREIGHTON J. NADY and DOES I-X)   
and ROE CORPORATIONS I-X, inclusive )

Defendants

Date: May 21, 2019

Time: 10:30 a.m.

RESOLUTION ECONOMICS LLC

Special Master,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,)   
and CREIGHTON J. NADY and DOES I-X)   
and ROE CORPORATIONS I-X, inclusive )

Defendants

**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**

The Defendants' Motion For Reconsideration Of Judgment And Order Granting  
Resolution Economics Application For Order Of Payment Of Special Master's Fees And

JUL 11 2019

1 Order Of Contempt ("Motion") having been filed on February 25, 2019 for reconsideration  
2 of Judge Cory's Judgment and Order Granting Resolution Economics' Application for Order  
3 of Payment of Special Master's Fees and Order of Contempt ("Judgment/Contempt Order"),  
4 which Notice of Entry of Judgment/Contempt Order was electronically transmitted on  
5 February 5, 2019, and the hearing on the Motion having come before this Court on May 21,  
6 2019; and Special Master Resolution Economics having filed an Opposition, and Defendants  
7 not having filed a timely Reply to the Special Master Resolution Economics' Opposition<sup>1</sup>;  
8 and on May 8, 2019, Defendants having also filed a Brief Regarding Effect of Automatic  
9 Stay of 11 USC 362 Following Plaintiff's Petition for Involuntary Bankruptcy; followed by  
10 on May 9, 2019 by the Defendants filing of a Supplement to Brief Addressing Jurisdiction  
11 of this Court; and after hearing oral argument wherein Peter Dubowsky, Esq. of the  
12 DUBOWSKY LAW OFFICE, CHTD. appeared for Special Master Resolution Economics,  
13 and Jay A. Shafer of CORY READE DOWS and SHAFER, along with Esther C Rodriquez,  
14 Esq. of RODRIGUEZ LAW OFFICES, and Michael K. Wall, Esq. of HUTCHISON &  
15 STEFFEN, LLC all appearing for Defendants/Contemnors, and this Court having carefully  
16 considering the briefs and evidence, the Court finds as follows.  
17

18 Defendants' basis for this Motion to Reconsider is that Judge Cory's ruling is clearly  
19 erroneous because Judge Cory found Defendants A Cab Taxi Service LLC, A Cab and  
20 Creighton J. Nady individually guilty of contempt of Court for disobedience and/or  
21 resistance to the Court's lawful Orders to pay the Special Master's compensation.  
22

23 At the May 21, 2019 hearing, Defendants argued that Defendant Nady, individually,  
24 was not required to pay in accordance with the Department 1 Court Order and as such, could  
25

---

<sup>1</sup> The March 21, 2019 Minute Order states that the Defendants' Reply was due April 4, 2019.

1 not be held in contempt for failure to do so. In response, this Court took the matter under  
2 advisement to fully consider all former findings.

3 EDCR 2.24 (a) states, "No motions once heard and disposed of may be renewed in  
4 the same cause, nor may the same matters therein embraced be reheard, unless by leave of  
5 the court granted upon motion therefor, after notice of such motion to the adverse parties."

6 A district court may reconsider previously decided issue if substantially different evidence  
7 is subsequently introduced or decision is clearly erroneous. Masonry & Tile Contractors  
8 Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489  
9 (1997). Only in very rare instances in which new issues of fact or law are raised supporting  
10 a ruling contrary to the ruling already reached should a motion for rehearing be granted.  
11 Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976).

12 Judge Cory's Orders for payment were directed to the Defendants in the plural. For  
13 instance, the February 7, 2018 Order states, The Court also finds a compelling imperative to  
14 appoint in so appointing a Special Master, at defendants expense . . . On March 6, 2018,  
15 Judge Cory entered a Minute Order further ordering the Defendants to pay the initial  
16 \$25,000.00 to the Special Master, stating the Defendants should well be able to set aside the  
17 initial \$25,000.00 deposit, and are ordered to do so. Judge Cory's payment orders go back to  
18 March 2018, with warnings of contempt as far back as August 2018. In the August 2018  
19 Judgment Order, the Court found that the Defendants were in contempt: [T]he Court finds  
20 that Defendants' persistent failure to comply with Court orders . . . warrants holding  
21 defendants in contempt . . . Further on December 11, 2018, Judge Cory stated, "I do find  
22 that Mr. Nady and the corporate defendants have willfully violated Court orders."  
23  
24  
25



Courts have inherent power to enforce their decrees through civil contempt proceedings Matter of Water Rights of Humboldt River, 118 Nev. 901 (2002), thus, even if Mr. Nady was severed out, the Court had inherent power to order contempt on him as a named Defendant in this case. Therefore, this Court finds that the Defendants have failed to establish that this Court's decision was clearly erroneous.

As such, Defendants' Motion to Reconsider is hereby DENIED.

Dated: July 25, 2019

Respectfully submitted,

DUBOWSKY LAW OFFICE, CHTD.

By: [Signature]

Peter Dubowsky, Esq.  
Nevada Bar No. 4972  
Amanda C. Vogler-Heaton, Esq.  
Nevada Bar No. 13609  
300 South Fourth Street, Suite 1020  
Las Vegas, Nevada 89101  
(702) 360-3500  
Attorney for Special Master  
RESOLUTION ECONOMICS

Approved as to form and content,

HUTCHISON & STEFFEN, PLLC

By: [Signature]

Michael K. Wall, Esq.  
Nevada Bar No. 2098  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
(702) 385-2500  
Attorney for Defendants

[Signature]  
DISTRICT COURT JUDGE

JUDGE, DISTRICT COURT, DEPARTMENT 32  
Approved as to form and content,

CORY READE DOWS AND SHAFER

By: [Signature]

Jay A. Shafer, Esq.  
Nevada Bar No. 9184  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
(702) 794-4411  
Attorney for Defendants

Approved as to form and content,

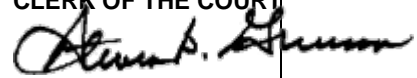
RODRIGUEZ LAW OFFICES, P.C.

By: [Signature]

Esther C. Rodriguez, Esq.  
Nevada Bar No. 6473  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
(702) 320-8400  
Attorney for Defendants

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1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 MICHAEL MURRAY,  
9 Plaintiff,  
10 vs.  
11 A CAB TAXI SERVICE LLC,  
12 Defendant.

CASE NO: A-12-669926-C  
DEPT. XXXII

13  
14 BEFORE THE HONORABLE ROB BARE, DISTRICT COURT JUDGE  
15 TUESDAY, DECEMBER 3, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
17 **ALL PENDING MOTIONS**

18  
19  
20 APPEARANCES ON PAGE 2:

21  
22  
23  
24  
25 RECORDED BY: KAIHLA BERNDT, COURT RECORDER

1 APPEARANCES:

2 For the Plaintiff(s):

LEON GREENBERG, ESQ.,  
DANA SNIEGOCKI, ESQ.

3

4

5 For the Defendant(s):

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

6

7

8

9 For the Special Master:

10

George C. Swarts

STEVEN J. PARSONS, ESQ.

11

12 ADDITIONAL APPEARANCES:

13 Defendant:

CREIGHTON J. NADY

14

15

16

17

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1 Las Vegas, Nevada; Tuesday, December 3, 2019

2  
3 [Hearing commenced at 11:57 a.m.]

4 [Colloquy between the Court and the Law Clerk]

5 THE COURT: All right, counsel would you all like to make  
6 your appearances, please?

7 MR. GREENBERG: Leon Greenberg and Dana Sniegocki for  
8 plaintiff, Your Honor.

9 MS. SNIEGOCKI: Good morning.

10 MS. RODRIGUEZ: Good morning, Your Honor, Esther  
11 Rodriguez for the defendants, and present in the courtroom is also Mr.  
12 and Mrs. Nady.

13 THE COURT: All right.

14 MR. SHAFER: Jay Shafer for defendants.

15 MR. WALL: And, Michael Wall for the defendants.

16 MR. PARSONS: Your Honor, if I may, I'm Steve Parsons, bar  
17 number 363. I'm here on behalf of the Court's predecessor, Judge  
18 Cory's appointment of George Swarts, as Special Master.

19 THE COURT: All right. All right, have a seat and relax  
20 everyone. Let's see, what can I say to be helpful here? There are a few  
21 things I could say. We're here on a defense motion to, sort of, resume  
22 court hearings, and Mr. Parsons, of course, is here representing the  
23 Special Master Swarts, who it's suggested should be reappointed or  
24 reemployed or re-motivated or re-energized again, to supervise the  
25 financials of the defense, to ensure they operate profitably, and there's

1 no improper withdrawals or transfers. I can tell you that that seems to  
2 be a reasonable request to me going into this, but could be I'll be  
3 persuaded otherwise.

4 The defense has come forth and said that they have an  
5 additional \$100,000 to add to the security, in addition to the money that  
6 the plaintiffs have in their trust account, which is another little bit more  
7 than \$200,000. So, that's about \$300,000. The plaintiffs indicate that  
8 the combined judgment is now about \$1.45 million. So, the question  
9 would be what's an adequate security?

10 The plaintiffs, I think rightly so, bring up that to this point the  
11 factors that you do see in this *Nelson versus Herr* case haven't really  
12 been discussed. Of course, those are factors having to do with the  
13 appropriateness of a supersedeas bond. And so, going into this, I see  
14 that. I don't see anywhere where the defense has talked about those  
15 factors with any level of writing or specificity in here, but you know,  
16 keep -- make a note, and maybe we'll talk further about that. The  
17 defense wants the matter to be stayed while they pursue some sort of  
18 appeal or declaratory relief, or something, from a higher court. And of  
19 course, they have a right to do that. The question would be what type of  
20 bond? So, if you have a sufficient bond, of course, I think that would  
21 allow for a stay; if there's a bond sufficient, and I think that's the issue  
22 here. Again, the \$200,000 plus the additional \$100,000, is that enough?  
23 And, let's see, what else?

24 The plaintiffs want me to allow them to distribute the monies  
25 that they do have. In other words, allow some, well, distribution of the

1 money that you have in your -- the \$203,000, or whatever it is. And, let's  
2 see, what else? The plaintiffs want some property to be turned over. I  
3 will share with you that at this point, I think that's probably premature. I  
4 respect the request, but I think that you should exhaust other judgment  
5 enforcement mechanisms, like judgment debtor exams, and other things  
6 you do in a post-judgment scenario before property is taken; that's just  
7 what I think going into this.

8 So, bottom line is, going into the hearing, I'm thinking that  
9 most likely we need to still do something more, by way of a supersedeas  
10 bond. We probably do need to have George Swarts reactivated. We  
11 probably will not -- I probably won't allow for property to be seized or  
12 taken. I would rather have, again, more conventional judgment debtor  
13 exam, post -- you know, collection activity take place. The idea of  
14 distributing the funds I agree with, going into this, but yet, a stay of a lot  
15 of this probably would happen if an appropriate supersedeas bond were  
16 put in place, consistent with an appeal of some sort.

17 So, let's see how it all works out, now that I've given some  
18 preliminary thoughts. And, let's see, who do we start with here? I guess  
19 I'll start with the defense side, since you're -- Ms. Rodriguez, sort of  
20 responsible for us being back here again, today.

21 MS. RODRIGUEZ: Yes, you have -- yes, that's correct, Your  
22 Honor, it was my motion on the -- to resume the hearings on some of the  
23 issues that weren't fully flushed out --

24 THE COURT: Okay.

25 MS. RODRIGUEZ: -- the last time.

1 THE COURT: Sure.

2 MS. RODRIGUEZ: Following that hearing, the defense did  
3 have an opportunity to sit down and kind of hash out some of those  
4 issues with Mr. Swarts, as well as, Mr. Parsons. And unfortunately, right  
5 before the commencement of the hearing, we were informed that Mr.  
6 Swarts was unable to be here this morning, but I think that Mr. Parsons  
7 can still address some of the issues that we felt it was important for the  
8 Court to hear directly from the Special Master. And, you've touched on  
9 the majority of those; the only thing I did want to mention is this issue of  
10 the bond. You know, looking at the *Nelson* case and looking at Rule 62,  
11 everything also -- points to the fact about maintaining the status quo,  
12 with the goal being also not to put the company, or the debtor, out of  
13 business entirely. And, I think that's one of the points that the Special  
14 Master can address, and has addressed, in the report that was provided  
15 about a year ago.

16 In addition to the two items that the Court mentioned about the  
17 \$200,000 or thereabouts, it's already in Mr. Greenberg's trust account.  
18 The additional \$100,000 that A Cab is now offering, which is different  
19 from the last hearing -- we came up with an additional funds on that.  
20 There's two other things that the Court -- we ask the Court to consider.  
21 One is that, again, A Cab, the defendants, would meet -- would remain --  
22 what we're proposing is that they would remain under the watchful eye  
23 of Mr. Swarts, with him having full access to the records, the activities, to  
24 make sure that there is nothing fishy going on, as the plaintiffs have  
25 alleged -- I think Your Honor passed me your throat issue.

1 THE COURT: Yeah.

2 MS. RODRIGUEZ: Excuse me.

3 THE COURT: Yeah, they've alleged that there was \$1.9  
4 million taken out --

5 MS. RODRIGUEZ: Right.

6 THE COURT: -- and that there was other things going on that  
7 they have concerns about. I mean, I liked the idea having, you know, a  
8 neutral, you know, receiver-style person over these situations when they  
9 occur. It makes sense to me.

10 But, let me ask you something about this \$100,000, because I  
11 don't know exactly how this would work, and I don't know how much it  
12 would take to get a -- how much would it take to get a supersedeas bond  
13 for the whole potential judgment amount -- or judgment amount; I guess  
14 it's not potential anymore. The \$1.4 million, or whatever it is, what kind  
15 of bond -- how much would it take to get that bond? Would \$100,000  
16 get that bond?

17 MS. RODRIGUEZ: No, Your Honor. That -- that's a really  
18 good point that I think goes to the heart of the issue is that, initially when  
19 A Cab tried to obtain the million dollar bond, or thereabouts -- and we  
20 provided verifications to the Court at that time; I can dig those up, again.  
21 But, everyone that Mr. Nady went to, to try to secure a bond, was  
22 requiring \$1,000,000 dollars, in cash. They wouldn't even accept  
23 property --

24 THE COURT: So, why would you get a bond if --

25 MS. RODRIGUEZ: -- or real estate. Exactly.

1 THE COURT: -- if that's --

2 MS. RODRIGUEZ: It wasn't making sense, but I think they  
3 were looking at the financial predicaments of -- they were looking at the  
4 same records that A Cab --

5 THE COURT: Mm-hmm.

6 MS. RODRIGUEZ: -- had at the time. And, that's what we  
7 presented to Judge Cory; we turned in the documentation showing that  
8 that -- they were -- had been rejected. I think they went to four different  
9 bonding companies, banking companies, and were rejected from  
10 basically turning over -- turning over \$1,000,000 dollars in cash to  
11 secure the bond. So, that was impossible.

12 THE COURT: A \$1.4 million dollar bond, or something like  
13 that?

14 MS. RODRIGUEZ: Correct.

15 THE COURT: Okay.

16 MS. RODRIGUEZ: Correct. And, I don't think --

17 THE COURT: Now wait, let me ask you a question that --

18 MS. RODRIGUEZ: -- that situation has changed.

19 THE COURT: I'm sorry to do this to you, but is that in some  
20 ways evidence reflective of what's going on with the company, then, that  
21 there's not a lot of confidence that bond companies have in the  
22 company?

23 MS. RODRIGUEZ: May I have Mr. Shafer speak to that?  
24 Because, he is basically the collection --

25 THE COURT: Okay, sure.

1 MS. RODRIGUEZ: -- expert --

2 THE COURT: Sure.

3 MS. RODRIGUEZ: -- in this area. And, I think he's more  
4 familiar with what -- but --

5 THE COURT: Okay, that's fine.

6 MS. RODRIGUEZ: Do you want to speak to that?

7 MR. SHAFER: I'll just briefly address that, and it is the  
8 standard and practice when you post a judgment bond like this, for a  
9 bonding company to require collateral for the full amount of the  
10 judgment. Essentially, they would have to show that there was liquidity  
11 of \$1.5 million dollars that could be attached within a day. Plus, you pay  
12 a premium of 5 to 10% above that, and plus --

13 THE COURT: Okay, so the answer is probably yes to my  
14 question --

15 MR. SHAFER: Yeah.

16 THE COURT: -- there's -- the bonding company wasn't sure  
17 whether --

18 MR. SHAFER: Well --

19 THE COURT: -- you know, if that faithful day ever came, but  
20 that kind of money could somehow be produced.

21 MR. SHAFER: And, that's not unique to this company, that's  
22 the standard across all --

23 THE COURT: Okay.

24 MR. SHAFER: -- all bonds.

25 THE COURT: Okay, I figured it was that way, but I just

1 wanted to ask and make sure. Okay, so --

2 MR. SHAFER: Okay.

3 THE COURT: -- the \$100,000, I take it, is an offer to give to  
4 Mr. Greenberg, to add to the \$203,000 or so, that they already have.  
5 Would you object to it being distributed?

6 MS. RODRIGUEZ: Oh yes, Your Honor. That -- I think that  
7 goes to the issues that we argued the last time and terms of it. Our  
8 proposal would be that it would be held in trust. Originally, it was  
9 deposited, I believe with the clerk, and then it was transferred. Judge  
10 Cory wasn't comfortable --

11 THE COURT: Okay.

12 MS. RODRIGUEZ: -- remaining, so --

13 THE COURT: And, just being quick --

14 MS. RODRIGUEZ: -- yeah.

15 THE COURT: -- with all these questions.

16 MS. RODRIGUEZ: Right.

17 THE COURT: If they have \$303,000 or so, how is that a  
18 sufficient security to -- for me to give a stay on a supersedeas bond  
19 issue?

20 MS. RODRIGUEZ: Well, it's combined with the other factors  
21 that we had talked about. First, making sure -- it's a deposit towards the  
22 judgment, and secondly, the next part of it with having George Swarts  
23 monitor the activities to make sure there aren't any additional -- or any  
24 transfers. I can represent to the Court, there haven't been any  
25 fraudulent transfers, as alleged; there's no proof of that.



1 But, to make sure that the plaintiff is comfortable that there  
2 aren't any things of that sort happening, we would agree to have George  
3 Swarts, and his counsel, continue to monitor anything to -- the records,  
4 full access to that. Additionally, the other item that we offered was that  
5 there are pending declaratory relief actions before Judge Williams right  
6 now, where our position has been as the defendants that that money  
7 isn't properly garnished in the first place; it is not supposed to -- it does  
8 not belong to the judgment debtor. And so, we would agree --

9 THE COURT: Okay.

10 MS. RODRIGUEZ: -- to stay and not try to transfer that  
11 money, or -- and not move forward with that dec-relief action in front of  
12 Judge Williams, pending the appeal, as well. So, we're not going to  
13 challenge that money, right now. So, that would be the additional offer  
14 to secure the judgment. I think the two goals for the supersedeas bond  
15 or -- is really to have something to secure the judgment --

16 [Colloquy between counsel]

17 MS. RODRIGUEZ: -- and actually, our proposal works  
18 towards that goal because if -- if the Court were to allow Mr. Greenberg  
19 to go full force, with full activity, and collect in his collection activities, I  
20 think, this is one of the things we wanted to have a Special Master speak  
21 to, because his report conveys that if the collection activities are  
22 unleashed upon the defendant, the defendant will essentially go out of  
23 business. So, there will no -- not be an ability to pay the judgment in the  
24 future. If you're maintaining the status quo, with initial -- with enough  
25 security of a deposit, the supervision of a Special Master, a stay on any

1 dec-relief action, that in itself would secure a judgment for the future, as  
2 opposed to the other alternative.

3 THE COURT: Your stay is also relevant to collection efforts  
4 themselves, isn't it?

5 MS. RODRIGUEZ: Exactly --

6 THE COURT: Yeah.

7 MS. RODRIGUEZ: -- that's really the -- that's the stay, but --  
8 in this case --

9 THE COURT: Yeah, right --

10 MS. RODRIGUEZ: -- in this particular case --

11 THE COURT: Yeah, okay.

12 MS. RODRIGUEZ: -- it would be the collection activities.  
13 Because, there's nothing further, really, to brief. The -- there is the  
14 separate judgment that is pending out there, or the separate action  
15 against Defendant Nady; that's been severed, and that's been stayed,  
16 and there's nothing happening on that --

17 THE COURT: Mmm.

18 MS. RODRIGUEZ: -- currently.

19 THE COURT: Okay, but it seems to me that, as far as  
20 evidence to give a Court a comfort level on the issue of whether  
21 collection efforts would put the company out of business, that would  
22 have to come from an independent source, namely George Swarts.

23 MS. RODRIGUEZ: Correct. And, I don't know if Your Honor  
24 is ever -- if you've had an opportunity to go back and review the report  
25 from Mr. Swarts, but you know, one of the things that he was

1 mentioning -- and of course, this was based on old information. He  
2 hasn't gone back and looked at the current information, but at the time,  
3 he was opining that the cash flows were very tight, and there were times  
4 that A Cab could -- it was ebbs and flows. Sometimes there was more  
5 cash available than other times.

6 But, I think his -- he was of the opinion that if you take their  
7 taxi cabs, they were unable to operate, and if you go full force with the  
8 collection activities, it would be detrimental to the company. And again,  
9 you know, I don't want to make representations other than what is  
10 already in Mr. Swarts's report, but perhaps Mr. Parsons may be in a  
11 position to speak to his client's opinion.

12 THE COURT: Okay, maybe it'd be helpful to have Mr.  
13 Parsons give comments to me before anybody else says anything,  
14 because maybe all roads, in some ways, go back to an opinion the Court  
15 would need to get, in any event, from Mr. Swarts. I don't know.

16 MR. PARSONS: Thank you, Your Honor. I'll go to the lectern.  
17 Your Honor, first of all, because it was the subject of misapprehension  
18 by the parties, apparently Mr. Swarts and I miscommunicated about his  
19 being here today, and he attended, instead, some personal  
20 commitments out of state.

21 THE COURT: Oh, don't worry about it. You -- I know --

22 MR. PARSONS: Correct.

23 THE COURT: -- you can speak on his behalf, so go ahead.

24 MR. PARSONS: Thank you. Let me portray to the Court the  
25 two extreme positions we find ourselves in as a neutral. We were not

1 able, after extensive effort, to come up with a plan where the parties can  
2 collaborate, cooperate, and stand down, if you will, while he gets his  
3 bearings. So, we have nothing to propose to the Court that's  
4 consensual. At the opposite extreme, I can report with absolute candor  
5 that these are strong personalities. They've taken very contentious  
6 positions that really don't lend to a lot of reconciliation. What we have  
7 portrayed to them, and I believe is within the ambit of this Court is, Mr.  
8 Swarts is prepared to continue his service as a Special Master.

9 But, I've kind of coined a new term, and that would be that he  
10 would be a receiver not in possession of A Cab. He would have all of  
11 the authority, have the discretion to act as a receiver, but Mr. Nady and  
12 the other management of A Cab would remain in place, subject to Mr.  
13 Swarts's total supervision and reportage to both the parties, and  
14 ultimately, to the Court.

15 THE COURT: What ultimately would Swarts tell a Court -- tell  
16 me, then, that in your view I would need to reconcile the items, today?

17 MR. PARSONS: I believe it is accurate that though the data is  
18 aged at this point, and when we met with A Cab, they did disclose that  
19 the trending was modestly better than it had been last year, Mr. Swarts  
20 was definitely of the opinion that any significant shifting of capital or  
21 assets away from the business, threatened the existence of the  
22 business. And, that's what he reported both to Judge Cory, and most  
23 recently, that's been his contention to me, that we are aware and  
24 independent of defendants.

25 I can assert to the Court that all of my experience indicates

1 that other than large publicly traded corporations with a special  
2 relationship with a surety, everybody else it's dollar for dollar the amount  
3 of the bond, plus an upcharge for fees; and in fact, that upcharge can be  
4 assessed annually, so it's an ongoing expense, as well. So, we don't  
5 believe that the posting of supersedeas is presently within the capacity  
6 of A Cab, but we have no essential present information to confirm that.

7 THE COURT: Mm-hmm.

8 MR. PARSONS: That was a held opinion as of February, I  
9 believe, was the latest information. Let me parenthetically note, without  
10 trying to kick anybody, the sheer start-up, gaining of the information, and  
11 assessing it, was very difficult. The way this business is maintained is a  
12 very sophisticated, interlocking series of LLCs, so as we think we'd have  
13 enough information, we'd have to go back for more. I don't think that  
14 anybody was attempting not to cooperate --

15 THE COURT: Mm-hmm.

16 MR. PARSONS: -- but clearly if he is reappointed, or re-  
17 upped, or whatever we come up with as a term, because it was  
18 contemplated by Judge Cory in his order, Mr. Swarts will have to have  
19 absolute authority to demand, and upon his demand, be provided all of  
20 the operational information --

21 THE COURT: Okay.

22 MR. PARSONS: -- otherwise he'll be back to this Court,  
23 quickly.

24 THE COURT: All right, I appreciate that, Mr. Parsons.

25 MR. PARSONS: Thank you, Your Honor.

1 THE COURT: And then, Mr. Greenberg, you've been silent,  
2 so far.

3 MR. GREENBERG: Yes, Your Honor.

4 THE COURT: Because, I've made you stay that way, so --  
5 but, it's not that what you have to say isn't important, it's just one at a  
6 time. But, you want to take this \$100,000 and put it in your trust  
7 account?

8 MR. GREENBERG: Your Honor, I do not want to see a stay  
9 issued in this case. I don't think it --

10 THE COURT: Okay, how about this?

11 MR. GREENBERG: -- is justified as a matter of law.

12 THE COURT: You take the \$100 -- let me suggest something  
13 to you, see if it's palatable, and if it's not, then talk to me. If -- they're  
14 offering another \$100,000 dollars. I would take -- I would say that I'll  
15 take Mr. Parson's word for the idea that if ultra-aggressive, or  
16 aggressive, collection efforts happened, that A Cab company could shut  
17 down. You don't want that, because you want the whole \$1.4 million at  
18 the end of the rainbow.

19 So, you take the \$100,000 that's offered, you put it in your  
20 trust account, and we get George Swarts back involved. And George  
21 Swarts then, gives further updated opinions to me, if necessary, unless  
22 everybody agrees to something that makes it such that we don't have to  
23 come back here, again. But, it -- with a view towards coming back,  
24 Swarts would provide a opinion on all the items here as to what a Court  
25 should do by way of further requirement of money to -- you know, can

1 they get a bond, can they post a bond, what can they even do?  
2 Because, we don't want the company to have to shut down, it seems;  
3 that's apparent to everybody here.

4 And so, we just -- then I think I would have to have what I  
5 would fashion, a limited stay, okay? A limited stay would be where, you  
6 know, from a discovery sense, things that you do in a post-judgment  
7 scenario, things like judgment debtor exams and all that, you could still  
8 do all that, okay? But, the actual collection activity that might  
9 accompany further good work from a collections lawyer, those would --  
10 that would be stayed, because we don't want to have a -- you know, Mr.  
11 Parsons says that, you know, that -- going to that level actually, you  
12 know, taking assets or taking monies in a collection sense, could cripple  
13 the business and put it out of business; so, we don't want that.

14 But, you still could do discovery, judgment debtor exams, and  
15 things to see what's out there and what you can maybe now use to  
16 actually collect later, if necessary. I mean, so it would be a limited stay.  
17 All discovery, you know, collection effort, again, is allowed, but actual  
18 collection of monies is stayed. That's a accommodation, that's what I'm  
19 referring to as a limited stay. The idea that Swarts is a receiver not in  
20 possession, okay; that's a good term of art. All that seems, under the  
21 circumstances, fairly reasonable to me, but you might disagree with  
22 some or all of it. So, go ahead.

23 MR. GREENBERG: Well, Your Honor, I respect your attempt  
24 here to find the right path forward. It is complicated. What I would  
25 propose to the Court, much in line with what Mr. Parsons was talking

1 about, having a receiver not in possession, is that Mr. Swarts needs to  
2 be empowered, not simply to monitor and to report, but there has to be  
3 an existing order in place in this Court, in this case, to the effect that all  
4 of the profits that are generated by the existence of the certificate of  
5 public convenience and necessity -- that's the CPCN, which is  
6 possessed by the judgment debtor. A Cab is the one who holds that.  
7 They are the judgment debtor. All of the profits generated from those  
8 activities, from those taxi medallions -- 120 taxi medallions, must be  
9 preserved and placed in trust.

10 The problem is the structure of the business, as Mr. Parsons  
11 was alluding to, is quite complex. Essentially, A Cab is giving away the  
12 medallions; it's leased them out to 200 or so different subseries LLCs.  
13 And so, the revenue from the taxi meter flows into one of those  
14 subseries LLCs and goes somewhere else. It never nominally arrives in  
15 the pocket of the judgment debtor. Do you understand, Your Honor?  
16 So, if Mr. --

17 THE COURT: Mm-hmm.

18 MR. GREENBERG: -- Swarts is going to be appointed  
19 receiver, he's not in possession, but simply, to let the defendants run the  
20 business. They know how -- they know the industry, they know how to  
21 run the business, I understand that. I'm not proposing that an outsider  
22 should come in and run the business. But, my client's interests --

23 THE COURT: Mm-hmm.

24 MR. GREENBERG: -- are protected by seeing two things.  
25 First of all, the profits from the operation of those taxi medallions are



1 preserved for their benefit, and that A Cab stops using the profits from  
2 the business to harass my clients and obstruct judgment collection.  
3 They have two other litigations they've instituted against my clients,  
4 against a witness who provided information in the proceedings against  
5 them; they're completely frivolous and pointless. And, they know they're  
6 not going to collect any money from those actions, but they're brought  
7 simply to harass my clients, and to take up my time and effort, and  
8 they're financing those activities from the profits of the business.

9 So, Your Honor, if I can't get them to post the supersedeas  
10 bond, which they should do; they took out \$1.9 million dollars. The  
11 owners of A Cab have the money to post the supersedeas bond, or to  
12 pledge a guarantee on a loan to get that bond. They don't want to do it,  
13 Your Honor. They took out that money from 2016 to 2018. So, this idea  
14 that they don't have the money is just not true.

15 But, my client's interests are best served by seeing that the  
16 money is gotten to pay their judgment, Your Honor. The company is  
17 clearly profitable to the tune of about a half million dollars to a million  
18 dollars in 2019. I have additional financials. I have the financials from  
19 2016, 2015, that were furnished in litigation. They're confidential, I'm not  
20 going to discuss them in the record, unless Your Honor authorizes that  
21 or I could approach and show you them; we could discuss it in more  
22 detail. But, the public information, which I discuss in my opposition, in  
23 my declaration, at Exhibit E, is from the taxi authority. Their profit -- their  
24 meter fares are up 33% this year. They're going to have passenger  
25 meter revenue of over \$10 million dollars.

1 THE COURT: Mm-hmm.

2 MR. GREENBERG: The taxi authority says the typical profit  
3 margin of a taxi business in Las Vegas is over 9%.

4 THE COURT: What about the idea of certain amount of  
5 profits being kept safe? Because, you know, they're going to want to  
6 pay their lawyers, and I know you think that some of the things that are  
7 happening are frivolous, but we're here, they got lawyers, today.

8 MR. GREENBERG: Your Honor, I was not proposing -- I  
9 mean look, they have an appeal they're prosecuting. I understand they  
10 have appellate rights. I have to have --

11 THE COURT: Yeah.

12 MR. GREENBERG: -- some sense of compromise and  
13 accommodation to the pragmatic realities of the business and the  
14 process here, Your Honor.

15 THE COURT: Yeah.

16 MR. GREENBERG: I wasn't proposing that the receiver have  
17 the power to restrain them from paying their appellate counsel to  
18 continue their appeal. They do have a right to appeal, I understand that.  
19 I --

20 THE COURT: So, what I'm suggesting is maybe they would  
21 agree -- and, I feel like I'm running a settlement conference in some  
22 ways here, today. But, maybe they would agree to segregating a certain  
23 percentage of profits designed to pay the judgment, if after all the  
24 appellate process you prevail. Now, you'd have the \$100,000 that  
25 they're offering now; that'd give you \$303 on a \$1.4 million dollar

1 judgment, or whatever it is -- I realize, that's not even half, yet, but that's  
2 better than nothing.

3 And then, they reach an agreement that since the objective is  
4 to keep the company going -- there's two objectives, keep the company  
5 going, and then also, pay your judgment. If you prevail, they're going to  
6 appeal it, obviously. So, that's a reasonable accommodation, I think, to  
7 the situation. In other words, you take the \$100 grand; that gives you  
8 \$303. Maybe they would say, you know what, a certain percentage of  
9 profits we'll segregate as further security, frankly, to pay this judgment.  
10 And, that's a forward thinking security; but nonetheless, it is some type  
11 of security that's better than no security.

12 Swarts gets involved -- Swarts gives a report to the Court,  
13 consistent with everything I need to know to really make any further  
14 decisions on this whole shooting match. And, that -- and then, there's a  
15 limited stay on your collection efforts. You can do all discovery,  
16 judgment debtor exams, requests for financial documents, and all that.  
17 You just can't go any further than that while a stay's in place to collect  
18 monies, because that could cripple the business, unless Swarts, you  
19 know, he'll tell you -- he'll tell me whatever he's going to tell me, to  
20 balance this. You know, you get security, they get to run their business,  
21 they appeal the -- all the legal activity that's taken seven years or  
22 whatever it's been to get to this point, and other judges. And you know, I  
23 mean, I don't have a brother so you don't have to worry about me, okay?

24 MR. PARSONS: Your Honor, if I could briefly just interject. I  
25 have difficulty negotiating on Mr. Swarts's behalf. But, I can share with

1 the Court that what term is being used, the profits be stayed, is not  
2 without controversy. And so, if I were doing the best job I could for Mr.  
3 Swarts --

4 THE COURT: Mm-hmm.

5 MR. PARSONS: -- I know that his mission is to not leave any  
6 assets in the business that should be applied to the judgment. But, I  
7 think definitionally, that's part of the job that he has to --

8 THE COURT: Could he --

9 MR. PARSONS: -- come forth with.

10 THE COURT: -- let me interrupt you. Could he give an  
11 opinion to the Court as to this idea, what if any percentage of profits  
12 could be segregated to be a further security along the way?

13 MR. PARSONS: I am convinced he can do that.

14 THE COURT: Why don't we just do that, then?

15 MR. PARSONS: Yeah --

16 THE COURT: That sounds great.

17 MR. PARSONS: -- that's why I think definitionally --

18 THE COURT: Yeah.

19 MR. PARSONS: -- there's a certain rhetorical problem. This  
20 is a continuous loop, and everybody wants to stop and just show their  
21 part of that loop, and advocate for it. I'm not trying to pick sides, but I  
22 would tell the Court that simply because we've spent the last six months  
23 trying to find a consensual way of doing this, but have failed, it's going to  
24 take him a little bit of start-up time --

25 THE COURT: Okay.

1 MR. PARSONS: -- to get the current information --

2 THE COURT: Well, good.

3 MR. PARSONS: -- and report.

4 THE COURT: I appreciate it. And, by the way, I've heard of  
5 juror questions, but this is ridiculous. Okay, Mr. --

6 MR. GREENBERG: Your Honor --

7 THE COURT: -- Mr. Greenberg.

8 [Colloquy between the Court and the Law Clerk]

9 MR. GREENBERG: -- to try to respond to your questions and  
10 thoughts, Your Honor. I don't understand and agree with the idea that  
11 there should be some amount of the profits that would be earmarked or  
12 put in trust, through the course of the receivership.

13 THE COURT: Okay, I understand you don't agree --

14 MR. GREENBERG: I'm not --

15 THE COURT: -- with that.

16 MR. GREENBERG: I'm not disputing that the defendants  
17 should be allowed to retain sufficient funds to prosecute their appeal.  
18 The only -- I would ask that they have to seize their collateral litigation  
19 involving the judgment against my clients. If they have issues regarding  
20 the judgment, they should bring them before Your Honor in this case.  
21 And likewise, we have a fraudulent conveyance action that is pending --

22 THE COURT: Okay.

23 MR. GREENBERG: -- against the other parties, which we will  
24 agree -- which is on a stay right now, but we will also agree to keep on  
25 hiatus while the profits are deposited in trust. I would also request that

1 the Court authorize the distribution of the \$203,000 dollars as I've  
2 requested that I currently hold in the trust.

3 THE COURT: What happens if they win the appeal? If --  
4 even if you do that, if you distribute \$200,000 or \$300,000?

5 MR. GREENBERG: Your Honor, they can post the full bond if  
6 they don't want to face that possibility. The principles of the company --

7 THE COURT: They can't.

8 MR. GREENBERG: -- have \$1.9 million dollars.

9 THE COURT: As I understand it, even from counsel for the --  
10 Mr. Swarts, they can't -- they don't have the ability to do it.

11 MR. GREENBERG: Well --

12 THE COURT: Mr. Shafer's told me they've been to, you  
13 know -- I get a feeling they -- the company doesn't have the  
14 wherewithal --

15 MR. GREENBERG: Your --

16 THE COURT: -- to get that kind of bond, I mean, that's what I  
17 get the feeling on.

18 MR. GREENBERG: I know, Your Honor. But, Your Honor is  
19 just simply going by a feeling, there's no actual record here. Under  
20 *Nelson* they need to come in with something more to establish this.

21 THE COURT: Yeah.

22 MR. GREENBERG: The issue is preserving my client's rights  
23 and position as judgment creditor.

24 THE COURT: All right.

25 MR. GREENBERG: If the judgment --

1 THE COURT: Yeah.

2 MR. GREENBERG: -- is affirmed, and I'm back to where I am  
3 right now, we're talking, again, this Gordian knot of all of these subseries  
4 LLCs, all of this evasion of keeping property in the judgment debtor's  
5 name that I'm going to have to come back and start at ground -- day one  
6 to collect on, in a very lengthy, involved process. This is clearly --

7 THE COURT: Okay.

8 MR. GREENBERG: -- what *Nelson* says the Court needs to  
9 consider. If they were clearly going to be in a position to pay, on -- upon  
10 affirming of the judgment, then the Court could just say okay look, you  
11 guys are good for the money, you don't need to post the bond. But, they  
12 say, we don't have the money. Trying to collect the money is extremely  
13 intricate and involved here, Your Honor. None of the criteria are made  
14 out to waive the supersedeas bond. I'm talking about some cooperative  
15 understanding between the parties, where we put the receiver in place.

16 Clearly, the money in the business, Your Honor, at this point,  
17 is in it as it's an ongoing operation, not in its liquidation value. The  
18 money's -- because the \$1.9 million has gone out of the business since  
19 2016, that's what Mr. Swarts determined. So, the money's been taken  
20 out of the business already. I don't need -- I don't want to continue to  
21 litigate on fraudulent conveyance; that's a separate action. Let's put in  
22 place a protocol to assure that the income coming in from the operation  
23 of those taxi medallions, which is really the only asset of the judgment  
24 debtor, goes into trust --

25 THE COURT: Okay.

1 MR. GREENBERG: -- so it'll be available for my clients.

2 THE COURT: All right, I think I understand the situation as  
3 well as I'm going to understand it. So, let me go ahead and give you the  
4 Court's order regarding all the matters in front of the Court here, today.

5 MR. GREENBERG: Yes, Your Honor.

6 THE COURT: All right, first --

7 [Colloquy between counsel]

8 THE COURT: -- it seems like both sides agree, and Mr.  
9 Parsons agrees, that George Swarts ought to be reactivated, re-  
10 motivated, reinstalled, but this time under this moniker of receiver not in  
11 possession of A Cab. And so, the Court will order that. That makes  
12 sense. And then, maybe Mr. Parsons can tell me the time period under  
13 which the Court could receive a report from Mr. Swarts, which gives the  
14 Court further comfort, and evidence, and guidance on what to do under  
15 the circumstances.

16 In other words, what percentage, if any, of profits could  
17 possibly be segregated in a trust account, to potentially deal with the  
18 judgment, you know, and everything else that came up in Court today,  
19 so I don't have to repeat it. I know you paid good attention -- anything  
20 that the Court would need to make effective decisions on the post-  
21 judgment activity that we're dealing with here.

22 Also, the \$100,000 that's been offered, I am going to order  
23 that that be given to Mr. Greenberg and placed in your trust account, to  
24 take the total now to \$300 and whatever, \$303 or \$302,000, whatever --  
25 take that and put it in your trust account, that goes towards the



1 potentiality of you prevailing at the end of the day. And, how long would  
2 it take for the defense to provide that?

3 [Colloquy between counsel]

4 MR. WALL: Ten days.

5 THE COURT: Okay, so ten days is?

6 THE CLERK: December 13.

7 THE COURT: So, by close of business that day you'll have  
8 the extra -- you'll have that additional \$100,000 dollars. I don't -- I do not  
9 believe now -- and, for one thing that I agree *Nelson versus Herr*, the  
10 parameters of that case weren't really even discussed much in here, but  
11 it's -- it is apparent to me that at this time the defendants cannot post a  
12 supersedeas bond for the \$1.4 million, or whether -- whatever the  
13 amount is, with specificity, but it's around that amount.

14 And so, I cannot -- I can't grant a stay for all purposes on  
15 everything, because they can't post the bond at this point. But, they  
16 have posted a partial security, the \$300,000 now, with -- which soon will  
17 be \$300,000. So, I think a limited stay is in effect; it would be  
18 appropriate. The scope of that limited stay would be that, again, you can  
19 do any and all discovery, in a post-judgment collection sense, judgment  
20 debtor exams, requests for documents, and anything else that could -- a,  
21 you know, collections attorney would do, short of actually now either  
22 taking property or taking funds, short of actually get -- taking those  
23 items.

24 So, that does mean your motion requiring, you know, any sort  
25 of transfer of property, and what have you, I'm going to deny that as

1 premature, in that I do think, again, this judgment debtor's exam process  
2 should be -- you can pursue it whichever way you'd like, short of actually  
3 taking property or funds. All right, so that's the limited stay. The appeal,  
4 you know, you could ask the higher Court for a stay for all purposes if  
5 you want. The -- I know that typically people ask for stays at the District  
6 Court, and you either get it or you don't; that doesn't mean you still can't  
7 get a stay from the higher Court, because you could.

8 And then, Mr. Parsons is going to tell me in a minute how long  
9 it'll take to get some sort of report to the Court, and of course, furnished  
10 to all parties, relevant to really what we're trying to do, and that is,  
11 provide security for the judgment to the plaintiffs. You'll have \$300,000.  
12 Maybe part of the profits ongoing can be secured, and if you win, in  
13 other words, they don't prevail in their appeal, well then, you'll have that  
14 available to you, as time goes on. If you don't, well, then you don't.  
15 That means I'm not going to allow for distribution of funds, at this time,  
16 so that part of your -- the plaintiff's motion is denied.

17 But, when I hear from Swarts, you know, it could be that  
18 something will happen that will put a solid procedural course in play,  
19 which will allow the cab company to health -- be healthy and continue,  
20 and it's good to hear they're doing, you know, well in their finances,  
21 going forward as a cab company. But, I would like to know, you know,  
22 how in Swarts's opinion, I can do things to now further have a security  
23 put in place that gets, you know, closer if not all the way up to the  
24 amount of the judgment. Because, right now, you have about a third of  
25 it, a little less than a third of it, with the \$300,000 that you'll have. And,

1 we'll just have to keep going forward with a view towards, again,  
2 allowing the company to continue to exist in a healthy way, but at the  
3 same time, security to potentially pay judgment, that should you prevail  
4 on the appeal, you know, will be put in place.

5 If there's any good news on this, if that happens, and your  
6 idea to maybe have a portion of the profits preserved as further security  
7 along the way, it's going to probably take time for the appellate court to  
8 reconcile all this anyway. And so, maybe what Swarts will come up with  
9 is a certain percentage, given the health of the business, and over time,  
10 maybe that will amount to, you know, half, three quarters, and then all  
11 the way up to the judgment amount, somehow being kept in some -- in  
12 these trust accounts, to potentially pay the judgment.

13 So, that would be my preference as to where this thing ends  
14 up. That's the best I can do, given that, you know, I appreciate -- I want  
15 to tell you, Mr. Parsons, I really appreciate what you've given me here,  
16 today, because what you've said to me is, you know, be conservative,  
17 be careful, don't do -- let too much aggressive collection effort take  
18 place, because the company will shut down. But at the same time, let's  
19 do something to evaluate, make sure there's no further -- I'm not saying  
20 there were any, but further, unauthorized transfers, or you know, make  
21 sure the accounting's safe, basically. So, that's -- that -- I think that's  
22 everything I need to do here, today, to give a effective order that makes  
23 sense to the best of my now somewhat tired ability, okay?

24 MR. PARSONS: There's two small claims up, if I may.

25 THE COURT: Okay.

1 MR. PARSONS: First, there was a motion pending that we be  
2 forced as Special Master under Judge Cory's order, to discourage the  
3 financial information we received, which was subject to an embargo  
4 giving it to plaintiffs. It's so historically old now, and I suggest that any  
5 turns over from Mr. Swarts await some further protocol that he proposes  
6 to the Court.

7 THE COURT: So, how long you think all that would take, for  
8 the --

9 MR. PARSONS: You know, I'd have to give a little --

10 THE COURT: -- fine -- for this supplemental order -- a  
11 supplemental report, is what it would be, from Swarts.

12 MR. PARSONS: I'm thinking 75 to 90 days.

13 THE COURT: Okay, well how about you pick one or the  
14 other? Do you know which --

15 MR. PARSONS: Ninety days from today --

16 THE COURT: Ninety days, because there's holidays and all  
17 that.

18 MR. PARSONS: -- the only thing we would vary on that is if  
19 we find that we cannot get the cooperation of A Cab, we'll be quick to  
20 report that.

21 THE COURT: Okay, good. And, so 90 days is?

22 THE CLERK: March 3, 2020.

23 THE COURT: Okay, so by March 3<sup>rd</sup> of 2020, or right at that  
24 time, Swarts is going to cause a report to be provided to the Court and  
25 all parties, and I agree, that's the appropriate time to handle any of the

1 other concerns, okay? Anything else?

2 MR. PARSONS: Yes, and that is that while I've been loathed  
3 to bring it up to both parties, we have been working without  
4 compensation since approximately April. We blew through an awful lot  
5 of money, both on an original payment that was made by plaintiffs out of  
6 the trust fund, and then a subsequent payment made by A Cab, but I  
7 believe I stopped billing when there was about \$12-\$1500 left. I'm not  
8 so much crying as I've kept until we have the Court's authority raising  
9 that issue, I didn't want to appear an extortionate, but we do have both  
10 the ongoing cost of Mr. Swarts of \$300 --

11 THE COURT: Well, you know, these business court Judges  
12 probably would say, who's paying for the receiver, who's paying for the  
13 Swarts --

14 MR. PARSONS: Yeah.

15 THE COURT: -- so, let's talk about that. I mean --

16 MR. PARSONS: Yeah. And again, I have -- both of us have  
17 moderated our billing. He's at \$300 per hour. As a courtesy, I've  
18 reduced my billing to \$300 an hour, because I understand the exigencies  
19 of both parties.

20 THE COURT: What's your view as to what the protocol's  
21 been by way of the payment along the way? It's --

22 MR. PARSONS: It's been sporadic and kind of inappropriate.

23 THE COURT: No, whose responsibility is it?

24 MR. PARSONS: I think it's both parties.

25 THE COURT: Okay.

1 MR. PARSONS: I think we've got a situation where --

2 THE COURT: They're splitting it 50/50?

3 MR. PARSONS: I think that's an appropriate -- I think that  
4 lends itself to less criticism, less suspicion, and it makes everybody be  
5 more compliant with making sure that he's effective.

6 MR. GREENBERG: Your Honor, we're the judgment  
7 creditors, here. The funds we've collected are on our judgment. We  
8 would forego the appointment -- we requested the appointment of a  
9 receiver. We would -- and we put up \$20,000 dollars of what we  
10 collected to jumpstart that process.

11 THE COURT: Mm-hmm.

12 MR. GREENBERG: But, we would forego having a receiver  
13 appointed, and simply continue with enforcement efforts, take our  
14 chances at shutting down the business. If the principles of the business  
15 want to maintain it, they'll find the money to post the bond, in my view.  
16 But, I don't need to go down that road. I'd much rather see the business  
17 continue to operate, see those profits be earmarked for my clients, let  
18 the process go through orderly; that's what should happen here.

19 But, we should not be responsible for paying the receiver from  
20 this point forward, Your Honor. We're the creditors here; we're getting  
21 the money from them to pay the receiver. They should have to pay the  
22 receiver. They're the ones who don't want to post the bond. They're the  
23 ones who have the judgment entered against them. It shouldn't be our  
24 responsibility.

25 THE COURT: Okay.

1 MR. GREENBERG: And, Your Honor, I don't think it would be  
2 proper for you to direct us to pay from the \$200,000 dollars we're holding  
3 in trust or any of the money that's in trust, further amounts on the  
4 receiver, if we don't believe it's in our interest as creditors.

5 THE COURT: All right, let me ask Ms. Rodriguez to weigh in  
6 on that. And, I ask you because I've said this to you, actually probably  
7 more than most lawyers in the Court, but I know you've been, you know,  
8 experienced in this area, so what do you think about this?

9 MS. RODRIGUEZ: Well, Your Honor, as Mr. Greenberg just  
10 said, he was the original one to request the appointment of Mr. Swarts --

11 THE COURT: Mm-hmm.

12 MS. RODRIGUEZ: -- and then he has continued to push for  
13 his appointment as a receiver. I think he's receiving everything that he's  
14 been asking for, and he is the beneficiary -- or the plaintiffs are the  
15 beneficiary in this, so I think the Court's original proposal, that the parties  
16 split it 50/50 --

17 THE COURT: Mm-hmm.

18 MS. RODRIGUEZ: -- is a fair proposal. Thus far, even  
19 though he said he parted with the \$20,000 dollars to transfer it per Judge  
20 Cory's order --

21 THE COURT: Mm-hmm.

22 MS. RODRIGUEZ: -- that was A Cab's money, that wasn't the  
23 plaintiff's money.

24 THE COURT: Great. Okay, anybody else -- you want to say  
25 something else on this item?

1 MR. GREENBERG: Your Honor, we agreed to that as part of  
2 the process in negotiations. We've been in extensive negotiations, the  
3 parties. They haven't, unfortunately, resulted in an understanding. I'm  
4 not here to point fingers; that's not productive --

5 THE COURT: Okay.

6 MR. GREENBERG: -- I understand that, Your Honor. But  
7 again, I don't believe it would be proper --

8 THE COURT: Okay.

9 MR. GREENBERG: -- for us to be required to saddle any  
10 portion of that against our --

11 THE COURT: Okay, you -- earlier --

12 MR. GREENBERG: -- consent.

13 THE COURT: -- I think, in the hearing, I said something about  
14 having feelings, and you said something that you can't base decisions  
15 on feelings. Well, if I can't do that, I might as well just quit today. I'll be  
16 honest with you, because a lot of things happen that you get a feeling  
17 for. Those feelings, though, come from what the law is in Nevada, not  
18 just my personal feelings; I don't do anything based upon my personal  
19 feelings, really. When I say I have feelings, it's -- I think that's [sic]  
20 means what I'm doing as a judge would be consistent with the facts and  
21 the law; that's my way of saying, I feel like this is the right way to go. So,  
22 just so you know that.

23 All right, but on this one, I don't know the answer. I don't like  
24 to do anything of some -- of importance, material importance, unless I  
25 know the answer. I don't know, as I sit here, maybe because I'm not a



1 business court Judge -- it's always interesting to me, these business  
2 court Judges, God love them, you know. I mean, they're the best. I  
3 mean, I go to Mark Denton any time I have a concern about anything, so  
4 I have no criticism with business court Judges, believe me. I used to go  
5 to Ted Williams, but I think he got tired of me.

6 But anyway, I don't know the answer on this, as a matter of  
7 law. I just don't know. When you appoint a, sort of, receiver not in  
8 possession, or a receiver, you know, what is the statute or the case, or  
9 whatever, that talks about ordering who pays for that receiver? As I sit  
10 here now, I just don't know, and there's a dispute on this. You say you  
11 don't have to pay; they say you should. Mr. Parsons, on behalf of the --  
12 of Swarts wants paid, so I'd like to say whatever the obligation is, let's  
13 get the -- you know, to the extent I can order it, I will. But --

14 MR. PARSONS: Your Honor, I'm --

15 THE COURT: -- you should be paid for your efforts because  
16 I'm a -- you know, you're working on behalf of the Court to assist the  
17 Court, really is what you're doing. Your obligations are to the Court.

18 MR. PARSONS: And, I think the Court has just seen more  
19 now of why I didn't raise it before today, because I knew the contentions.

20 THE COURT: Yeah.

21 MR. PARSONS: I'm not saying that either party is wrong in  
22 what they contend. I think that the one absence of Mr. Swarts's  
23 appearance today is that, he probably could tell the Court both the  
24 relevant statute and the practice. If you wish to leave that open, by the  
25 letter to the Court, we can inform the Court and the parties what might

1 otherwise be typical, and the statutory provision of it.

2 THE COURT: Okay. The key is, let's get him going --

3 MR. PARSONS: Yeah.

4 THE COURT: -- and I'll give you an order that he has to be  
5 paid. As far as who pays for him, I don't know. I don't know, as I sit  
6 here, because I don't know what the affirmative answer is when parties  
7 dispute who's paying for that receiver. If I should know, sorry, I don't  
8 know. And, if I don't know, I'm going to tell you, I don't know.

9 MR. GREENBERG: I understand, Your Honor. And, Your  
10 Honor does have to be guided by your feelings and sense of justice, and  
11 the facts, and the law. And, the policy and purpose of the receiver is to  
12 protect the ongoing status of the debtor's business, here, for  
13 presumably, for the benefit of both parties, and for the benefit --

14 THE COURT: You may be right --

15 MR. GREENBERG: -- of the --

16 THE COURT: -- okay.

17 MR. GREENBERG: -- the benefit of the creditor.

18 THE COURT: You may be --

19 MR. GREENBERG: But, if we're saying we don't care, let him  
20 go out of business, we shouldn't be forced to foster the cost of keeping  
21 them in business. We are prepared to simply have the stay listed, we  
22 will not appoint a receiver, we will proceed to execute against the  
23 business. If the principles want to come in and rescue it, they can get a  
24 loan to post that bond; they have \$1.9 million dollars. They can pledge  
25 their personal guarantee for a loan to raise that money for the bonding

1 company; they'll save the business. If they don't want to, and it goes out  
2 of business, they go out of business. That's our prerogative as the  
3 judgment creditor, Your Honor.

4 I don't believe the Court is properly interjecting itself, in terms  
5 of the decision we may choose to make there. We are willing, certainly,  
6 to agree to the appointment of a receiver, along the lines we've  
7 discussed, if the burden is on A Cab to pay for the receiver, and the  
8 receiver is put in place in a fashion to see that those taxi medallions'  
9 revenue is going to go to benefit my client, which is where it should be  
10 going.

11 THE COURT: And, it could be that after considering whatever  
12 the law is on this -- though I've admitted I don't know what it is, because  
13 I don't deal with it, I don't remember ever dealing -- I don't remember  
14 ever having the issue come up where there's a dispute on paying for a  
15 receiver, and I have to reconcile who's responsible for that payment. If it  
16 did, I just don't remember it, okay?

17 But -- and so, as I sit here, this didn't seem to be part of any of  
18 the pleadings for today, in addition to all this, so normally what judges  
19 would do is say, file some kind of supplement on the issue. And so, Mr.  
20 Greenberg I'll agree with you that you have a colorable argument. And  
21 you know, if it's such that you don't have to make any payments, then I'll  
22 order that, and then, if the defense says, well, we're not paying either,  
23 then I would have to now stop whatever Swarts is doing, I imagine, and  
24 let the chips fall where they may. I just don't know what the right answer  
25 is, as I sit here.

1 All I can do is say that, I think that the appointment of the  
2 receiver, which at least was acknowledged for most of the hearing today,  
3 and stipulated to, I thought, and agreed to -- you said things consistent  
4 with the utility for Swarts's involvement. I think that's a good decision to  
5 have Swarts involved with the -- in this limited scope. Plus, I don't think  
6 the costs are going to be what they would have been, or could have  
7 been, in the past, anyway, because there is so much -- somewhat of a  
8 limited scope here, to help the Court with these issues.

9 All I'm saying is, in fairness to the receiver, I would order that  
10 costs -- his cost be, you know -- and Mr. Parsons's fees be paid; they're  
11 reasonable. So, I don't know what else to say for now. Either you want  
12 to what -- either the lawyers weigh in with supplemental pleadings on  
13 this one limited thing, or you don't. I'm not -- you know, I don't want to  
14 have you run up more fees now, on this -- you know, filing supplements,  
15 fighting over paying for a receiver. But, if you want to do that, I guess  
16 you could.

17 MR. GREENBERG: Your Honor, again, it would be my  
18 position that we should just dispense with the receiver and lift the stay  
19 and proceed with execution, and let the cards fall where they may, rather  
20 than have my clients --

21 THE COURT: Okay, I understand that. I understand.

22 MR. GREENBERG: -- be required to pay. If the Court is not  
23 willing to take that approach and defendants are not willing to assume  
24 responsibility to pay the receiver -- if they do, then we would proceed  
25 with the receiver with my consent, under these circumstances -- then I'll

1 file an additional brief with the Court in two weeks, if that's acceptable?

2 THE COURT: How about we just do that? You file your brief  
3 in two --

4 MR. GREENBERG: On that issue, regarding the receiver's  
5 compensation --

6 THE COURT: -- right.

7 MR. GREENBERG: -- and who should pay for him.

8 THE COURT: Good.

9 MR. GREENBERG: And the Court will --

10 THE COURT: I appreciate you doing that. So --

11 MR. GREENBERG: Thank you, Your Honor.

12 THE COURT: -- what's two weeks from now?

13 THE CLERK: December 17.

14 THE COURT: So, Mr. Greenberg to file a supplement along  
15 the lines of what he's argued here, today. You want to respond to that?

16 MS. RODRIGUEZ: I would, Your Honor. And just, I think one  
17 of the things that may be a blocking point, is the word receiver, because  
18 we were in here many times before arguing about that terminology, and  
19 that's why Mr. Swarts was actually named a Special Master. We didn't  
20 want to talk about a receiver where he would take control of the  
21 company. Now, I think we're calling him receiver not in possession, but  
22 as Your Honor's probably --

23 THE COURT: Mm-hmm.

24 MS. RODRIGUEZ: -- familiar, normally when there's a  
25 Special Master appointed, then -- and that's usually a number of parties,

1 like 30 different parties, everybody splits the bill for the payment of the  
2 Special matters -- Master's duties. I think we're just now asking the  
3 Special Master to take on additional duties, or to continue, but I'll be  
4 happy to brief that, but I would -- just wanted to point that out to the  
5 Court, that on the terminology of receiver versus Special Master, that --  
6 you know, that might be an important point in the terms that we're using,  
7 as opposed to focusing --

8 THE COURT: Okay, fine. I mean, if you want to file a  
9 supplement once he files his, you have two weeks to do that.

10 MS. RODRIGUEZ: Okay.

11 THE COURT: What's that time frame?

12 THE CLERK: December 31.

13 THE COURT: All right.

14 [Colloquy between counsel]

15 THE COURT: Here comes another feeling from me. Maybe  
16 you can do something to not have to file these supplements. And,  
17 maybe that something is the defense just pays for this, okay? I mean,  
18 that's part of what could just happen here. Maybe Mr. Parsons could  
19 soon just simply say this is about a fair approximation of this. And, the  
20 reason I say that is because filing all these supplements might be close  
21 to what it's going to cost anyway; so, what's the point? You know what I  
22 mean? I mean, maybe defense ought to just pay for it. And, if you want  
23 to just do that --

24 MR. NADY: No, I don't want to do it. But -- Your Honor, but I  
25 think that George Swarts should be the person to tell who -- tell us who

1 does it. And, I don't know what he's going to say, but he's been  
2 reasonable before.

3 THE COURT: Okay.

4 MR. NADY: And, I think he --

5 THE COURT: Well --

6 MR. NADY: -- knows more about it than I do.

7 THE COURT: -- if he wants to make a recommendation, Mr.  
8 Parsons says that Swarts knows exactly what I could consider. He's not  
9 a lawyer, right? But, anyway --

10 MR. PARSONS: He has to have one.

11 THE COURT: But, we have a plan for supplements on this  
12 issue of the -- who's going to pay for the receiver. I'm going to --

13 MS. RODRIGUEZ: Mm-hmm.

14 THE COURT: -- you know, receive all that. I'm just simply  
15 saying that if the parties, leaving the courtroom now, tomorrow, soon,  
16 talk to each other and say, you know what -- and talk with Mr. Parsons --  
17 say, rather than all this [sic] supplements on who's going to pay for  
18 Swarts, let's go ahead and get the Swarts items done, and some -- you  
19 know, maybe the defense pays for it. I said maybe. I didn't order you to  
20 do it. I just -- I don't know, you've been here, I've noticed, you know, this  
21 gentleman here, Mr. Naggy [sic] --

22 MS. RODRIGUEZ: Yes.

23 THE COURT: -- Nady?

24 MS. RODRIGUEZ: Nady.

25 THE COURT: Nady. Mr. Nady; not that you're naggy -- Nady.

1 And, you know, you've been here a lot. I hope you get a feel for,  
2 whether people like it or not, I do try to get stuff right, and give ideas out,  
3 and I say things, and sometimes it gets me in trouble. And, I -- you  
4 know, there were some things that happened, that maybe even  
5 somebody in the back of the Court know about. I will tweak my way in  
6 some ways, but not totally. I'm -- I always try to help people, I give  
7 editorial comments, and I try to help, you know? If you don't want a  
8 judge that does that, then file a pre-empt and get another one, okay?  
9 But, that's what I do.

10 MR. PARSONS: Your Honor, I think that what could be  
11 helpful to the Court, from whatever we call Mr. Swarts, is upon gleaning  
12 from him both the statutory authority and practice, I'll convey that to the  
13 parties; that may staunch their desire --

14 THE COURT: Good.

15 MR. PARSONS: -- to be further --

16 THE COURT: I appreciate it. I appreciate that you were here,  
17 because I think -- I really get a feel for what you're doing, Mr. Parsons, is  
18 what you should -- in that maybe it's also consistent with your physical  
19 location in the courtroom. You're trying to stay neutral. You're not over  
20 there, you're not over here.

21 MR. PARSONS: I think --

22 THE COURT: So -- and you're close to me. So --

23 MR. PARSONS: I think --

24 THE COURT: -- I appreciate that.

25 MR. PARSONS: And, that's by design. And, thank you, but I



1 think it's also proving to me why I don't ever want to be on the bench,  
2 and I'm not suitable for it. But, you can see the perils of how this case  
3 management is extraordinarily difficult and very pointed.

4 THE COURT: Yeah.

5 MR. PARSONS: The minute somebody perceives a change,  
6 they're up in arms. So, let's see if we can tamp it down --

7 THE COURT: Okay, I appreciate you doing that. I think you  
8 get the clear message --

9 MR. PARSONS: Yes.

10 THE COURT: -- here. And I think some -- I really think that  
11 something good is going to happen when all these -- when they all talk  
12 to each other here in the next week or so. Okay?

13 MR. PARSONS: Thank you, Your Honor.

14 MR. GREENBERG: Your Honor --

15 MS. RODRIGUEZ: Thank you, Judge.

16 MR. GREENBERG: -- just two points, or three. First of all, if  
17 I'm going to be maintaining funds in trust, can I have authority from the  
18 Court to deposit them in an interest bearing trust account --

19 THE COURT: Sure.

20 MR. GREENBERG: -- they've been in my -- an old account --

21 THE COURT: I don't -- yeah, that's fine.

22 MR. GREENBERG: -- because we thought they were for  
23 short term deposits.

24 THE COURT: Okay.

25 MR. GREENBERG: Okay. Do we -- can we proceed with the

1 Court's orders as given in the transcript here, or should we submit a  
2 written order for the Court regarding the stay, regarding --

3 THE COURT: Yeah some --

4 MR. GREENBERG: -- the --

5 THE COURT: -- I just -- I didn't mention that, yet. That's  
6 usually my final thing is, some -- who's going to prepare the order for  
7 today?

8 MR. GREENBERG: I think I should prepare an order, but I  
9 need to have Mr. Parsons and Mr. Swarts obviously involved, regarding  
10 the language --

11 THE COURT: Okay, no doubt.

12 MR. GREENBERG: -- in terms of Mr. Swarts's appointment,  
13 and --

14 THE COURT: And, circulate it amongst everybody, and --

15 MR. GREENBERG: -- we will circulate it.

16 THE COURT: Okay.

17 MR. GREENBERG: I was going to ask, finally Your Honor,  
18 there was a request that Your Honor order judgment debtor --

19 THE COURT: Mm-hmm.

20 MR. GREENBERG: -- examination. You said this was part of  
21 what Your Honor was improving of today to proceed, but was not  
22 otherwise going to direct distribution or judgment enforcement.

23 THE COURT: Right.

24 MR. GREENBERG: Can I approach, Your Honor?

25 THE COURT: What's that?

1 MR. GREENBERG: This is a draft order that was presented  
2 to the Court previously, regarding the judgment debtor examination.  
3 This was actually granted back in December of last year, Your Honor.

4 THE COURT: Okay, has everybody seen this thing?

5 MR. SHAFER: No.

6 MR. GREENBERG: Yes, you have, Your Honor.

7 THE COURT: She says she hasn't.

8 MS. RODRIGUEZ: I don't know which one this is.

9 MR. GREENBERG: There was correspondence with the  
10 Court about this. We --

11 MS. RODRIGUEZ: I think then we submitted a --

12 MR. GREENBERG: And, defendants had opposed the  
13 execution of the order; they wanted to essentially re-argue this. This is  
14 addressed in correspondence with October 14<sup>th</sup>, which I sent to you,  
15 Your Honor, with the objections and there was a response of October  
16 16<sup>th</sup>. This was put on actually --

17 THE COURT: Okay, let me have it.

18 MR. GREENBERG: -- for our last hearing, Your Honor.

19 THE COURT: Yeah.

20 MR. GREENBERG: If you -- this is -- the order was submitted  
21 in chambers, and Your Honor said, well, I'm going to take care of this  
22 when we come in, when we were here --

23 THE COURT: Oh, okay.

24 MR. GREENBERG: -- I guess it was about three weeks ago.

25 THE COURT: So, is there any objection to me -- oh, do you

1 have it here? So, we do have it. Any objection to me signing this?

2 MR. SHAFER: Yes, Your Honor. And, if I could address  
3 some of that. We don't necessarily have an objection to a judgment  
4 debtor exam proceeding. The objection is preliminary as to the demand  
5 for documents, both in the timeline and the subject of it. This order  
6 requires a delivery in ten days, of --

7 THE COURT: Okay, how much time do you need?

8 MR. SHAFER: Well, I think it requires it be twenty-something  
9 things, and also the scope of that. So, as far as time, I mean, thirty days  
10 would be a normal amount of time as to the appropriate scope of  
11 documents. I don't want there to be an order, that when this -- our issue  
12 has not been ruled upon by the Court, regarding the propriety of the  
13 scope of the documents. We made an objection, and then it hasn't been  
14 ruled upon.

15 For example, they ask for a copy of the documents which  
16 were submitted to George Swarts. And, all of those financial  
17 information -- that -- the information that was submitted to George  
18 Swarts includes not only the property of A Cab, but the property of other  
19 separate entities that was submitted to them. It also provides for  
20 documents which are subject to attorney-client privilege. The  
21 documents which are subject to --

22 THE COURT: Okay --

23 MR. SHAFER: -- protective order.

24 THE COURT: -- so the scope issue is not even in front of me  
25 right now, that I know of. I can sign an order for thirty days. And, how

1 can I do that to allow this to happen and still deal -- and have to -- and  
2 now I have to figure out this scope issue, somehow.

3 MR. SHAFER: If I might suggest a solution, Your Honor, you  
4 can sign an order permitting them to take the judgment debtor exam,  
5 and permitting written requests for productions, which are then sent to  
6 us. We then have thirty days to respond, and either object or provide  
7 the documents as permitted under a standard post-judgment discovery.  
8 And, I think that's appropriate and provides for both an expedited return  
9 of the appropriate documents to them, and allows for the scope issues  
10 that we're being concerned about, to have their fair day in Court.

11 THE COURT: Okay, that -- Mr. -- let's see, Greenberg?

12 MR. GREENBERG: Your Honor, this is discussed in my letter  
13 of October 14<sup>th</sup>.

14 [Colloquy between the Court and the Law Clerk]

15 MR. GREENBERG: Judge Cory issued an -- from the bench,  
16 you have the transcript; he heard their objections regarding the scope  
17 and the transcript.

18 [Colloquy between the Court and the Law Clerk]

19 MR. GREENBERG: And, he directed that their concerns  
20 regarding confidentiality were sufficiently protected by the protective  
21 order, which is that the materials will come to me; they're not going to --

22 THE COURT: Okay.

23 MR. GREENBERG: -- go anywhere. So, he directed that he  
24 was overruling their objections regarding the scope of the production of  
25 the financial information, and so forth. Your Honor is imposing a stay on

1 further judgment execution activity. So, I'm not going to actually be  
2 taking action on any of the information that's disclosed. The way the  
3 order I gave Your Honor is structured is it calls for appearance here in  
4 the department, on a particular date. Obviously, if the parties can agree,  
5 we can modify that and cause for the production of the attached items  
6 ten days prior. We can simply put that date for the appearance for the  
7 examination into February, and say the production will be, you know,  
8 thirty days or twenty days prior to the --

9 THE COURT: Okay.

10 MR. GREENBERG: -- appearance date. They'll have thirty  
11 days, forty days to get -- to gather and produce the materials, but the  
12 financial materials should be produced. They don't have any privilege  
13 against the production --

14 THE COURT: Okay.

15 MR. GREENBERG: -- they're in their possession.

16 THE COURT: All right, this item Q, that's in the proposed  
17 order, if the defendants can look at it. Item Q, it's on the last page, page  
18 6, that's what we're talking about, right? A copy of all materials  
19 furnished to George Swarts, during the term of his appointment. Provide  
20 these materials in the same form. That's what we're talking about, I  
21 think, on this item that you object to scope, right?

22 MR. SHAFER: That is one of the significant items.

23 THE COURT: Would you agree -- I mean, it's been  
24 represented to me that -- and it's always great when you take cases  
25 from other judges, but it's been represented that Judge Cory already

1 decided this point.

2 MR. GREENBERG: This did -- he did, Your Honor, oral  
3 argument was taken. We moved to have --

4 THE COURT: Do you --

5 MR. GREENBERG: -- the judgment debtor examination  
6 compelled.

7 THE COURT: Do you agree with that, or --

8 MR. SHAFER: No.

9 MR. GREENBERG: It's discussed in my October 14<sup>th</sup> letter, I  
10 handed you my copy there, Your Honor.

11 MR. SHAFER: We --

12 MR. GREENBERG: The transcript from Judge Cory is  
13 attached to my -- as an exhibit to my --

14 THE COURT: Okay.

15 MR. GREENBERG: -- October 14<sup>th</sup> letter, Your Honor.

16 THE COURT: All right.

17 MR. GREENBERG: And, he said -- and these objections  
18 regarding the documents were raised to him, and he said, I've reviewed  
19 them, and I think I'm overruling them, and your interests are guarded by  
20 the protective order. This information isn't going anywhere.

21 THE COURT: Okay, well I can look at it and do some pen and  
22 ink changes on this thing within the next few days, and --

23 MR. GREENBERG: Okay, if it --

24 THE COURT: -- I'll either change it, or I won't. One thing I'll  
25 change is the thirty day; I'll probably go with thirty instead of ten.

1 MR. GREENBERG: Yes, and --

2 THE COURT: Right.

3 MR. GREENBERG: -- the date in February, or even March  
4 could be set for the testimony and -- just to give plenty of time, and if  
5 that's -- for that to happen, and for the documents to be produced.

6 THE COURT: Actually, what I might just do, so I don't screw it  
7 up, is a little minute order within the next few days, on this point; just a  
8 little -- a minute order --

9 MR. GREENBERG: And --

10 THE COURT: -- that tells you, you know, what I think about  
11 this scope issue, okay?

12 MR. GREENBERG: And then, I can submit a new order to  
13 the --

14 THE COURT: Right, that's what I think --

15 MR. GREENBERG: -- department or --

16 THE COURT: -- I think that'd be better than me doing  
17 changes to it, so --

18 MR. GREENBERG: Okay. Or --

19 [Colloquy between the Court and the Law Clerk]

20 MR. GREENBERG: -- if it would help, I can send the  
21 department a Word document to work off of, as well.

22 THE COURT: Well, I'll just do a minute order, and leave it --

23 MR. GREENBERG: Okay.

24 THE COURT: -- to you, okay? So, a minute order to issue on  
25 this, within the next few days, probably. I'll make a note so I'll make sure



1 I do that on scope.

2 [Colloquy between counsel]

3 THE COURT: And then, I'll use thirty days. Okay, anything  
4 else? Is -- I'll tell you what, if anybody says anything else, then you're  
5 going to have to get my group, each one of these people, a \$25 dollar  
6 Starbucks card, so proceed at your own risk. Because, they've been  
7 here since 9:30, not stopped; I don't care about me. I actually do,  
8 because the dinner plans with wife, not going to happen tonight. I just  
9 won't be in a good mood. So, but they -- another minute with them,  
10 that's Starbucks cards, I think.

11 MR. GREENBERG: There's always more, Your Honor. Let's  
12 save it for another time.

13 MR. SHAFER: And, if I could just in one sentence is one --  
14 we're preserving our objections to these requests for productions, on  
15 this. That's all I'm going to say.

16 ///

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1 THE COURT: Okay, good. All right, well that's it for today,  
2 then. Have a good day.

3 MR. GREENBERG: Thank you for your patience, Your Honor.

4 MS. RODRIGUEZ: Thank you, Your Honor.

5 [Hearing concluded at 1:00 p.m.]

6 \* \* \* \* \*

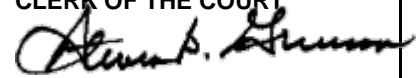
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my  
23 ability.

24 

25 Kaihla Berndt  
Court Recorder/Transcriber

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*Attorneys for Defendants*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

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

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

*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* was entered by the Court on July 17, 2020. A copy of the Order is attached hereto.

DATED this 17<sup>th</sup> day of July, 2020.

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

/s/ Esther C. Rodriguez, Esq.  
 Esther C. Rodriguez, Esq.  
 Nevada State Bar No. 006473  
 10161 Park Run Drive, Suite 150  
 Las Vegas, Nevada 89145  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

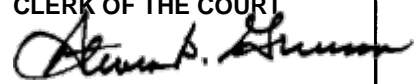
I HEREBY CERTIFY on this 17<sup>th</sup> day of July, 2020, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

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

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*Attorneys for Defendants*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

10 **IT IS HEREBY ORDERED** that:

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

16 **FURTHER THE COURT ORDERS:**

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

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

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*Murray v. A Cab, LLC, et al; District Court Case A-12-669926-C*

The Court further instructs the parties to provide additional briefing as to whether the additional fees incurred by the Special Master should be borne equally between the parties.

Plaintiffs' response on this issue is due December 17, 2019; and Defendants' response is due December 31, 2019. After reviewing the briefs, the Court ORDERS that Special Master's fees shall be equally borne by the parties.

DATED this 17th day of July, 2020.

**DISTRICT COURT JUDGE**

**ROB BARE**

*HL*

Submitted by:

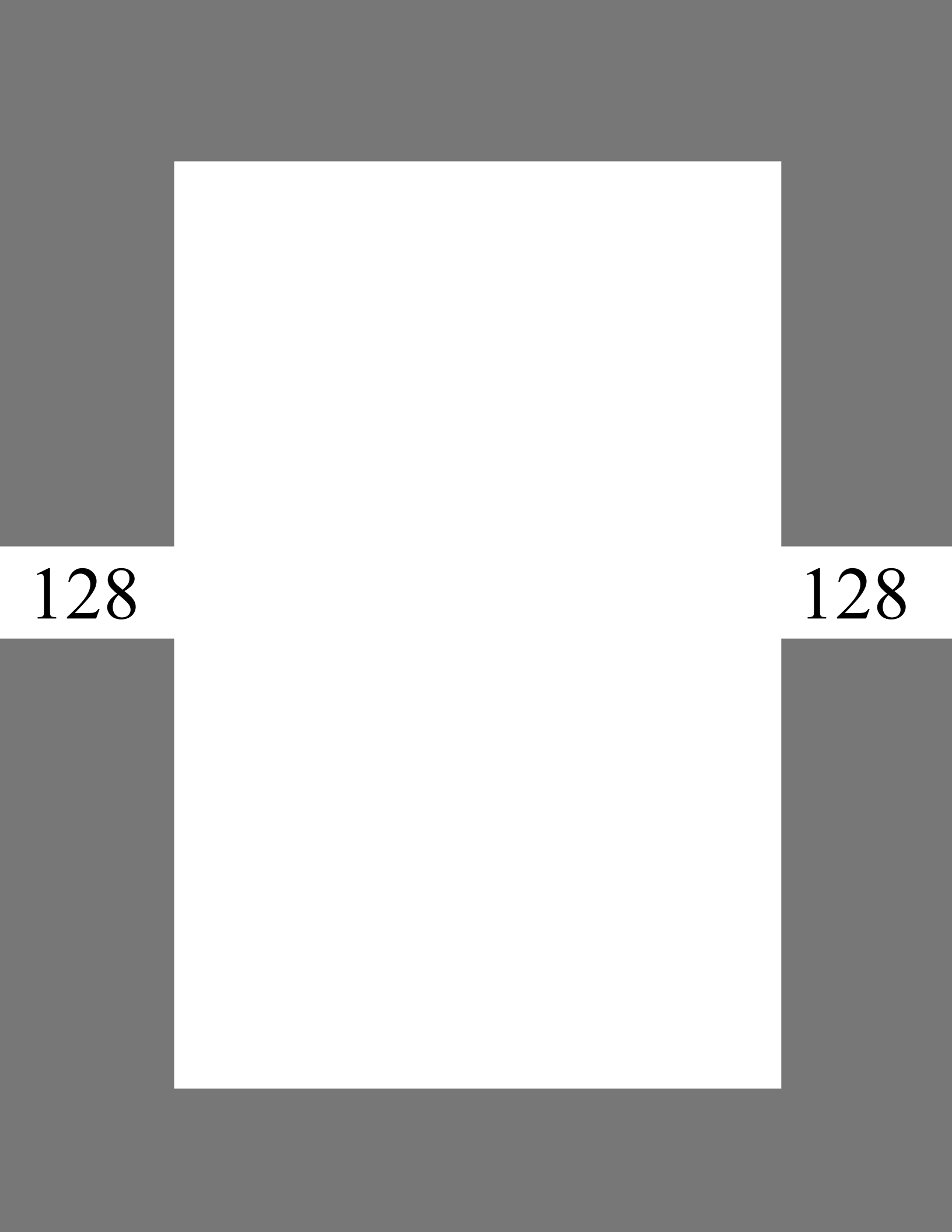
**RODRIGUEZ LAW OFFICES, P.C.**

Approved as to form and content:

**LEON GREENBERG PROFESSIONAL CORPORATION**

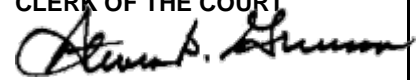
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Attorneys for Plaintiffs

**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.: 32

NOTICE OF APPEAL

Notice is hereby given that MICHAEL MURRAY, and MICHAEL RENO, Individually and on behalf of others similarly situated, plaintiffs above named, by and through their counsel of record Leon Greenberg, Esq., hereby appeal to the Supreme Court of Nevada from the District Court's 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 such Order entered on July 17, 2020 and the prior Orders orally made and entered in this case at or pursuant to the hearing held by the Court on December 3, 2019 as set forth in the transcript of that hearing and/or the Court's minutes issued for that date and

hearing and as incorporated into or modified by the July 17, 2020 Order.

Dated: August 12, 2020

Submitted by

Leon Greenberg Professional Corporation

*/s/ Leon Greenberg*

\_\_\_\_\_  
Leon Greenberg, Esq.  
LEON GREENBERG PROFESSIONAL  
CORPORATION  
Attorney for the Plaintiffs  
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[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)

PROOF OF SERVICE

The undersigned certifies that on August 12, 2020, he served the within:

NOTICE OF APPEAL

by court electronic service to:

TO:

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

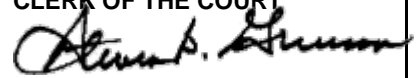
Jay Shafer, Esq.  
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*/s/ Leon Greenberg*

\_\_\_\_\_  
Leon Greenberg

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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.: 32

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

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

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

Honorable Rob Bare, Department 32

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

Michael Murray and Michael Reno . Represented by Leon Greenberg, 2965  
South Jones Boulevard, Suite E3, Las Vegas, Nevada 89146, (702) 383-6085

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

All Respondents: represented by Esther C. Rodriguez, Esq. 0161 Park Run

1 Drive, Suite 150 Las Vegas, Nevada 89145; Michael K. Wall, Esq., Hutchison &  
2 Steffen, LLC, 10080 West Alta Drive, Suite 200, Las Vegas, Nevada 89145 and Jay A.  
3 Shafer, Esq., Cory Reade Dows & Shafer, 1333 North Buffalo Drive, Suite 210 Las  
4 Vegas, Nevada 89128.

5 5. Indicate whether any attorney identified above in response to question 3 or  
6 4 is not licensed to practice law in Nevada and, if so, whether the district court granted  
7 that attorney permission to appear under SCR 42 (attach a copy of any district court  
8 order granting such permission):

9 All are admitted to practice law in Nevada.

10 6. Indicate whether appellant was represented by appointed or retained  
11 counsel in the district court:

12 Appellants were represented by retained counsel.

13 7. Indicate whether appellant is represented by appointed or retained counsel  
14 on appeal:

15 Appellants are represented by retained counsel.

16 8. Indicate whether appellant was granted leave to proceed in forma  
17 pauperis, and the date of entry of the district court order granting such  
18 leave:

19 Not applicable.

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

22 This action was commenced in the District Court on October 8, 2012.

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

26 This is a class action lawsuit for unpaid minimum wages pursuant to Article 15,  
27 Section 16 of the Nevada Constitution. A monetary judgment in favor of the plaintiffs  
28 was rendered by the District Court and entered on August 21, 2018. A post-judgment



Order was entered by the District Court on February 6, 2019 awarding fees and costs to plaintiffs' counsel. This appeal concerns the District Court's post-judgment Orders as finalized in its July 17, 2020 Order that is subject to this appeal. Such Orders denied relief requested by appellants and their counsel in respect to: the enforcement of the judgment; the enforcement of the post judgment Order awarding fees and costs to plaintiffs' counsel; the appointment of a receiver (or granted that appointment on improper terms or conditions); and to the distribution of funds held in trust by appellants' counsel from collections made on such judgment and subject to control by the District Court. Such Orders also granted defendants' motion to stay judgment collection.

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

This case has been previously under the caption "A Cab LLC and A Cab Series LLC, Appellants v. Michael Murray and Michael Reno, Individually and on behalf of all others similarly situated, Respondents" Supreme Court Case No. 77050

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

The complaint does not involve child custody or visitation.

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

Appellants do not believe settlement of this appeal is possible.

Dated: August 12, 2020

Submitted by

Leon Greenberg Professional Corporation

/s/ Leon Greenberg

Leon Greenberg, Esq.  
LEON GREENBERG PROFESSIONAL  
CORPORATION  
Attorney for the Plaintiffs  
2965 South Jones Boulevard - Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085

PROOF OF SERVICE

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The undersigned certifies that on August 12, 2020, he served the within:

CASE APPEAL STATEMENT

by court electronic service to:

TO:

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

Jay Shafer, Esq.  
Premier Legal Group  
1333 North Buffalo Drive - Suite 210  
Las Vegas, NV 89128

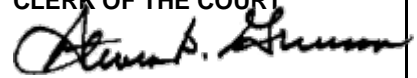
/s/ *Leon Greenberg*

---

Leon Greenberg

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LEON GREENBERG, ESQ., SBN 8094  
Leon Greenberg Professional Corporation  
2965 South Jones Blvd- Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@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.: 32

AMENDED  
CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

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

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

Honorable Rob Bare, Department 32

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

Michael Murray and Michael Reno . Represented by Leon Greenberg, 2965  
South Jones Boulevard, Suite E3, Las Vegas, Nevada 89146, (702) 383-6085

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

All Respondents: represented by Esther C. Rodriguez, Esq. 0161 Park Run

1 Drive, Suite 150 Las Vegas, Nevada 89145; Michael K. Wall, Esq., Hutchison &  
2 Steffen, LLC, 10080 West Alta Drive, Suite 200, Las Vegas, Nevada 89145 and Jay A.  
3 Shafer, Esq., Cory Reade Dows & Shafer, 1333 North Buffalo Drive, Suite 210 Las  
4 Vegas, Nevada 89128.

5 5. Indicate whether any attorney identified above in response to question 3 or  
6 4 is not licensed to practice law in Nevada and, if so, whether the district court granted  
7 that attorney permission to appear under SCR 42 (attach a copy of any district court  
8 order granting such permission):

9 All are admitted to practice law in Nevada.

10 6. Indicate whether appellant was represented by appointed or retained  
11 counsel in the district court:

12 Appellants were represented by retained counsel.

13 7. Indicate whether appellant is represented by appointed or retained counsel  
14 on appeal:

15 Appellants are represented by retained counsel.

16 8. Indicate whether appellant was granted leave to proceed in forma  
17 pauperis, and the date of entry of the district court order granting such  
18 leave:

19 No.

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

22 This action was commenced in the District Court on October 8, 2012.

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

26 This appeal is limited to the District Court's Post Judgment Order entered on  
27 July 17, 2020. That Order also incorporated, modified and finalized certain decisions  
28 of the District Court set forth in the transcript and minute order of the hearing held on

December 3, 2019. The July 17, 2020 Order appealed from resolved the following four (4) motions and counter motions heard by the District Court on December 3, 2019 and decided as follows:

Motion of Plaintiffs/Appellants to Allow Judgment Enforcement: Denied

Motion of Plaintiffs/Appellants Requiring Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320: Denied

Motion of Plaintiffs/Appellants to Distribute Funds Held by Class Counsel: Denied

Counter Motion of Defendant/Respondent to Stay Collection Activities: Granted

The July 17, 2020 Order appealed from also ordered that the parties were to equally pay for the expenses and fees of George Swarts who was appointed by the District Court as “receiver not in possession of A Cab” as set forth in the transcript and minute order of the hearing held on December 3, 2019.

The nature of this case is that it is a class action lawsuit for unpaid minimum wages pursuant to Article 15, Section 16 of the Nevada Constitution. It resulted in a monetary judgment in favor of the plaintiffs by the District Court against respondent A Cab entered on August 21, 2018 in the amount \$1,033,027.81 A post-judgment Order was also entered by the District Court on February 6, 2019 awarding fees and costs to plaintiffs’ counsel in the amount of \$614,599.07.

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

1 This case is currently before the Supreme Court under the caption "A Cab LLC  
2 and A Cab Series LLC, Appellants v. Michael Murray and Michael Reno, Individually  
3 and on behalf of all others similarly situated, Respondents" Supreme Court Case No.  
4 77050.

5 This case has been previously before the Supreme Court under the caption "A  
6 Cab LLC and Creighton J. Nady, Appellants v. Michael Murray and Michael Reno,  
7 Individually and on behalf of all others similarly situated, Respondents" Supreme  
8 Court Case No. 72691.

9 This case has been previously before the Supreme Court under the caption "A  
10 Cab LLC A Nevada Limited Liability Company and Creighton J Nady An Individual,  
11 Petitioners v. The Eighth Judicial District Court of the State of Nevada, In And For  
12 The County of Clark; And The Honorable Kenneth C. Cory, District Judge,  
13 Respondents, and Michael Murray and Michael Reno, Individually and on behalf of all  
14 others similarly situated, Respondents Real Parties in Interest" Supreme Court Case  
15 No. 73326.

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

17 This case does not involve child custody or visitation.

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

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

21 Dated: August 20, 2020

22 Submitted by

23 Leon Greenberg Professional Corporation

24 /s/ Leon Greenberg

25 Leon Greenberg, Esq.  
26 LEON GREENBERG PROFESSIONAL  
27 CORPORATION  
28 Attorney for the Plaintiffs  
2965 South Jones Boulevard - Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085

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

MICHAEL MURRAY; AND MICHAEL RENO,  
INDIVIDUALLY AND ON BEHALF OF  
OTHERS SIMILARLY SITUATED,  
Appellants,  
vs.  
A CAB TAXI SERVICE LLC; A CAB, LLC; AND  
CREIGHTON J NADY,  
Respondents.

**Supreme Court No. 81641**  
District Court Case No. A669926

**FILED****DEC 15 2020**

*Elizabeth A. Brown*  
CLERK OF COURT

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED"

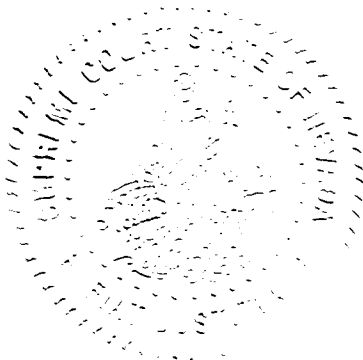
Judgment, as quoted above, entered this 9th day of November, 2020.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
December 04, 2020.

Elizabeth A. Brown, Supreme Court Clerk

By: Sandy Young  
Deputy Clerk

A-12-669926-C  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4938269



## IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

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

No. 81641

**FILED**

NOV 09 2020

ELIZABETH A. STOWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

## ORDER DISMISSING APPEAL

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

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

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

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

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

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

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

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

---

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

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

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

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

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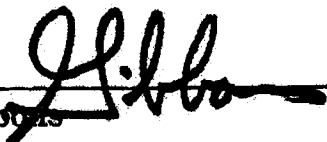
an appealable special order after final judgment. *See generally Morrel v. Edwards*, 98 Nev. 91, 92, 640 P.2d 1322, 1324 (1982) (amendment that merely struck an award of costs from a judgment "did not affect the legal rights and obligations of the parties" in the substance of the judgment and, therefore,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

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

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

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

ORDER this appeal DISMISSED.

 J.  
Gibbons

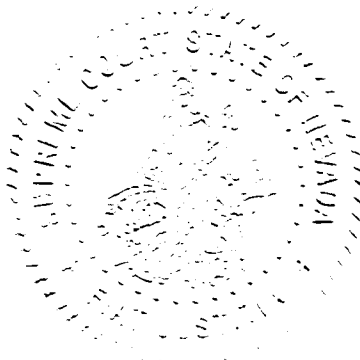
 J.  
Stiglich

 J.  
Silver

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

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**CERTIFIED COPY**

This document is a full, true and correct copy of  
the original on file and of record in my office.

DATE: 12/4/20

Supreme Court Clerk, State of Ala.

By S. Young



# IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; AND MICHAEL RENO,  
INDIVIDUALLY AND ON BEHALF OF  
OTHERS SIMILARLY SITUATED,  
Appellants,  
vs.  
A CAB TAXI SERVICE LLC; A CAB, LLC; AND  
CREIGHTON J NADY,  
Respondents.

**Supreme Court No. 81641**  
District Court Case No. A669926

## REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: December 04, 2020

Elizabeth A. Brown, Clerk of Court

By: Sandy Young  
Deputy Clerk

cc (without enclosures):

Hon. Rob Bare, District Judge  
Leon Greenberg Professional Corporation \ Leon M. Greenberg  
Rodriguez Law Offices, P.C. \ Esther Rodriguez  
Hutchison & Steffen, LLC/Las Vegas \ Michael K. Wall  
Cory Reade Dows & Shafer \ Jay A. Shafer

## RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on DEC 15 2020.

HEATHER UNGERMANN  
Deputy District Court Clerk

RECEIVED  
APPEALS

DEC 10 2020

CLERK OF THE COURT

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that I am over 18 years of age and that on the 22 day of February, 2021, I transmitted a true and correct copy of the NOTICE OF ENTRY OF ORDER, in the following manners:

- ☐ to be hand delivered;  
☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the

Eighth Judicial Court's electronic filing and service system, with the date and time of the electronic service substituted for the date and place of deposit in the mail to the attorneys and/or parties listed below at the address and/or facsimile number indicated below:

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

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

  
A Representative of CORY READE DOWS & SHAFER

*Heather S. Shuman*  
CLERK OF THE COURT

**ORDR**

Jay A. Shafer, Esq.  
Nevada Bar No. 9184  
CORY READE DOWS & SHAFER  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Telephone: (702) 794-4411  
Fax: (702) 794-4421  
jshafer@crdslaw.com  
Attorney for Defendants

**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 and A CAB,  
LLC, and CREIGHTON J. NADY,

Defendants.

) Case No. : A-12-669926-C

) Dept. No.: II

) **ORDER ON PLAINTIFFS' MOTION**

) **FOR APPOINTMENT OF A**

) **RECEIVER TO AID JUDGMENT**

) **ENFORCEMENT OR**

) **ALTERNATIVE RELIEF**

) Date of Hearing: February 1, 2021

) Time of Hearing: Chambers

Plaintiffs' Motion for Appointment of a Receiver to Aid Judgment Enforcement, having been heard on February 1, 2021, with Plaintiffs represented by Leon Greenberg. Defendants were represented by Jay Shafer. Having considered Plaintiffs' Motion for Appointment of a Receiver to Aid Judgment Enforcement or Alternative Relief, Defendants' Opposition to the same and Plaintiffs' Reply in support, the Court rules as follows: Plaintiffs' motion is DENIED on several grounds. The Court hereby makes the followings findings of fact and determination of law.

First, EDCR 7.12 provides, "When an application or a petition for any writ or order shall have been made to a judge and is pending or has been denied by such judge, the same application, petition or motion may not again be made to the same or another district judge,

1 except in accordance with any applicable statute and upon the consent in writing of the judge to  
2 whom the application, petition or motion was first made". In reviewing the lengthy history of  
3 this case, plaintiffs have brought forth the same motion seeking the same relief multiple times  
4 before Judge Kenneth Cory and Judge Rob Bare, which were all denied as appointment of  
5 receiver was not deemed appropriate when considering the entire circumstances of the case. *See*  
6 Bowler v. Leonard, 269 P.2d 833 (1954) ( The Court must consider the entire circumstances of  
7 the case when considering the appointment of a receiver. ) The instant motion was first brought  
8 before Judge Cory on December 13, 2018. Judge Cory denied the request to appoint a receiver  
9 but granted to a limited extent in the form of an appointment of special master. The relief was  
10 brought forth again on January 30, 2019, which in the March 4, 2019 Order, the Court approved  
11 the Special Master appointment, and endorsed the report as well as the ongoing service and  
12 reappointment of the special Master. The matter was stayed due to bankruptcy, but once that was  
13 lifted, plaintiffs brought the same request before Judge Bare, who reactivated the role of Special  
14 Master Swarts. Thus, plaintiffs failed to comply with EDCR 7.12 as there is no indication written  
15 consent was sought before this duplicative and untimely motion was submitted.

16 Second, the Court fully reviewed the briefings of the parties and finds this is a motion for  
17 reconsideration and not a new motion. As noted above, it has been litigated numerous times.  
18 Thus, it is governed by EDCR 2.24. Under EDCR 2.24(a)-(b), there is no right to a rehearing or  
19 motion for reconsideration without leave of the Court. A party seeking reconsideration of a  
20 ruling of the court, other than any order that may be addressed by motion pursuant to NRCP  
21 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written  
22 notice of the order or judgment unless the time is shortened or enlarged by order. Here, the issue  
23 on the ruling of the receiver must have been brought for reconsideration by March 17, 2019. The  
24 Supreme Court of Nevada even noted this point in its recent order stating the district court's  
25 [July 17, 2020] post judgment order reactivated a special master pursuant to a prior order of the  
26 court. Thus reconsideration of the denial for a receiver must have been brought by January 2,  
27 2019, or if by the March 3, 2019 order, by March 17, 2019.

1 Third, relief under NRCP 60(b) is time-barred. NRCP 60(b) allows relief from a final  
2 judgment, order, or proceeding for the following potential reasons: (1) mistake, inadvertence,  
3 surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence,  
4 could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud  
5 (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an  
6 opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or  
7 discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it  
8 prospectively is no longer equitable; or (6) any other reason that justifies relief. Importantly,  
9 motions on grounds (1), (2), or (3) must be brought within 6 months. NRCP 60(c)(1) holds, the  
10 time for filing the motion cannot be extended under Rule 6(b). The other three reasons outside  
11 NRCP 60's 6-month limitation do not apply here nor have plaintiffs argued they apply here.  
12 Absent good cause, an untimely motion for reconsideration will be denied. Carmar Drive Tr. v.  
13 Bank of Am., N.A., 386 P.3d 988 (2016).

14 Additionally, in Geller v. McCowan, the Nevada Supreme Court held re-hearings are not  
15 granted as a matter of right and are not allowed for the purpose of re-argument, unless there is a  
16 reasonable probability that the court may have arrived at an erroneous conclusion. 177 P.2d 461  
17 (1947). Here, plaintiffs stated Judge Bare's July 17, 2020 Order was clearly erroneous, however,  
18 plaintiffs did not provide substantive argument to support this assertion. The record reflects  
19 Judge Bare was careful in his decision and he did factor in the Nelson factors before rendering a  
20 limited stay as defendants had posted a partial security of nearly \$300,000.

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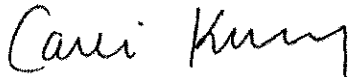


1 Finally, plaintiffs have put forth no good cause argument to support its almost two year  
2 delay in bringing the instant motion. Thus, under EDCR 2.24 and NRCP 60, the instant motion is  
3 DENIED.

4 IT IS SO ORDERED.

5  
6 Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

7 Dated this 22nd day of February, 2021

8 

9 DISTRICT COURT JUDGE

10 7CA B39 FA1B 4F3C  
11 Carli Kierny  
12 District Court Judge

13 Submitted by:

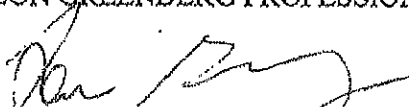
14 CORY READE DOWS & SHAFER

15 By: 

16 JAY A. SHAFER  
17 Nevada Bar No. 6184  
18 1333 North Buffalo Drive, Suite 210  
19 Las Vegas, Nevada 89128  
20 (702) 794-4411  
21 Fax: (702) 794-4421  
22 jshafer@crdslaw.com

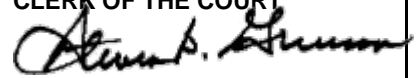
23 Approved as to Form and Content:

24 LEON GREENBERG PROFESSIONAL CORP.

25  2/17/21  
26 Leon Greenberg, Esq. NSB-8094  
27 LEON GREENBERG PROFESSIONAL CORP.  
2965 S. Jones Boulevard - Ste. E-3  
Las Vegas, NV 89146  
Tel (702) 383-6085  
Attorney for the Plaintiffs

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1 **NOAS**  
2 LEON GREENBERG, ESQ., SBN 8094  
3 Leon Greenberg Professional Corporation  
4 2965 South Jones Blvd- Suite E3  
5 Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
Attorneys for Plaintiffs

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: 2

NOTICE OF APPEAL

14 Notice is hereby given that MICHAEL MURRAY, and MICHAEL RENO,  
15 Individually and on behalf of others similarly situated, plaintiffs above named, by and  
16 through their counsel of record Leon Greenberg, Esq., hereby appeal to the Supreme  
17 Court of Nevada from the District Court's ORDER DENYING PLAINTIFFS'  
18 MOTION FOR APPOINTMENT OF A RECEIVER TO AID JUDGMENT  
19 ENFORCEMENT OR ALTERNATIVE RELIEF such Order entered on February 22,  
20 2021.

21 Dated: February 23, 2021

Submitted by

Leon Greenberg Professional Corporation

/s/ Leon Greenberg

Leon Greenberg, Esq.

LEON GREENBERG PROFESSIONAL  
CORPORATION

Attorney for the Plaintiffs

2965 South Jones Boulevard - Suite E3

Las Vegas, Nevada 89146

(702) 383-6085

[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)

The undersigned certifies that on February 23, 2021, he served the within:

## NOTICE OF APPEAL

by court electronic service to:

TO:

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

Jay Shafer, Esq.  
Premier Legal Group  
1333 North Buffalo Drive - Suite 210  
Las Vegas, NV 89128

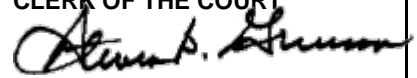
/s/ *Leon Greenberg*

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Leon Greenberg

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ASTA  
LEON GREENBERG, ESQ., SBN 8094  
Leon Greenberg Professional Corporation  
2965 South Jones Blvd- Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
Attorneys for Plaintiffs

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL MURRAY, and MICHAEL ) Case No.: A-12-669926-C  
RENO, Individually and on behalf of )  
others similarly situated, )

Plaintiffs,

Dept.: 2

vs.

CASE APPEAL STATEMENT

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

Defendants.

1. Name of appellants filing this case appeal statement:

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

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

Honorable Carli Kierny, Department 2

002711

002711

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

4           Michael Murray and Michael Reno. Represented by Leon Greenberg, 2965  
5 South Jones Boulevard, Suite E3, Las Vegas, Nevada 89146, (702) 383-6085  
6

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

9           All Respondents: represented by Esther C. Rodriguez, Esq. 0161 Park Run  
10 Drive, Suite 150 Las Vegas, Nevada 89145; Michael K. Wall, Esq., Hutchison &  
11 Steffen, LLC, 10080 West Alta Drive, Suite 200, Las Vegas, Nevada 89145 and Jay A.  
12 Shafer, Esq., Cory Reade Dows & Shafer, 1333 North Buffalo Drive, Suite 210 Las  
13 Vegas, Nevada 89128.  
14

15           5.     Indicate whether any attorney identified above in response to question 3 or  
16                     4 is not licensed to practice law in Nevada and, if so, whether the district court granted  
17                     that attorney permission to appear under SCR 42 (attach a copy of any district court  
18                     order granting such permission):  
19

20           All are admitted to practice law in Nevada.  
21

22           6.     Indicate whether appellant was represented by appointed or retained  
23                     counsel in the district court:  
24

25           Appellants were represented by retained counsel.  
26  
27

1 7. Indicate whether appellant is represented by appointed or retained counsel  
2 on appeal:  
3

4 Appellants are represented by retained counsel.

5 8. Indicate whether appellant was granted leave to proceed in forma  
6 pauperis, and the date of entry of the district court order granting such  
7 leave:  
8

9 No.  
10

11 9. Indicate the date the proceedings commenced in the district court (e.g.,  
12 date complaint, indictment, information, or petition was filed):  
13

14 This action was commenced in the District Court on October 8, 2012.

15 10. Provide a brief description of the nature of the action and result in the  
16 district court, including the type of judgment or order being appealed and the relief  
17 granted by the district court.  
18

19 This appeal is limited to the District Court's Post Judgment Order entered on  
20 February 22, 2021. That Order denied the plaintiffs/appellant's motion to appoint a  
21 receiver to aid judgment enforcement or alternative relief.  
22

23 The nature of this case is that it is a class action lawsuit for unpaid minimum  
24 wages pursuant to Article 15, Section 16 of the Nevada Constitution. It resulted in a  
25 monetary judgment in favor of the plaintiffs by the District Court against respondent A  
26  
27



1 Cab entered on August 21, 2018 in the amount \$1,033,027.81 A post-judgment Order  
2 was also entered by the District Court on February 6, 2019 awarding fees and costs to  
3 plaintiffs' counsel in the amount of \$614,599.07.  
4

5  
6 11. Indicate whether the case has previously been the subject of an appeal to or  
7 original writ proceeding in the Supreme Court and, if so, the caption and Supreme  
8 Court docket number of the prior proceeding:  
9

10  
11 This case has been previously before the Supreme Court under the caption  
12 "Michael Murray and Michael Reno, Individually and on behalf of all others similarly  
13 situated,, Appellants v. A Cab Taxi Service LLC, A Cab, LLC and Creighton J. Nady,  
14 Respondents" Supreme Court Case No. 81641.  
15

16 This case is currently before the Supreme Court under the caption "A Cab LLC  
17 and A Cab Series LLC, Appellants v. Michael Murray and Michael Reno, Individually  
18 and on behalf of all others similarly situated, Respondents" Supreme Court Case No.  
19 77050.  
20

21  
22 This case has been previously before the Supreme Court under the caption "A  
23 Cab LLC and Creighton J. Nady, Appellants v. Michael Murray and Michael Reno,  
24 Individually and on behalf of all others similarly situated, Respondents" Supreme  
25 Court Case No. 72691.  
26  
27

1 This case has been previously before the Supreme Court under the caption "A  
2 Cab LLC A Nevada Limited Liability Company and Creighton J Nady An Individual,  
3  
4 Petitioners v. The Eighth Judicial District Court of the State of Nevada, In And For  
5 The County of Clark; And The Honorable Kenneth C. Cory, District Judge,  
6  
7 Respondents, and Michael Murray and Michael Reno, Individually and on behalf of all  
8 others similarly situated, Respondents Real Parties in Interest" Supreme Court Case  
9 No. 73326.

10  
11 12. Indicate whether this appeal involves child custody or visitation:

12 This case does not involve child custody or visitation.

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

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

17  
18 Dated: February 23, 2021

19 Submitted by  
Leon Greenberg Professional Corporation

20  
21 */s/ Leon Greenberg*

22 \_\_\_\_\_  
Leon Greenberg, Esq.  
LEON GREENBERG PROFESSIONAL  
23 CORPORATION  
24 Attorney for the Plaintiffs  
25 2965 South Jones Boulevard - Suite E3  
26 Las Vegas, Nevada 89146  
(702) 383-6085

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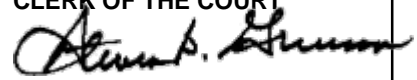
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**MCOS**  
Esther C. Rodriguez, Esq.  
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[info@rodriguezlaw.com](mailto:info@rodriguezlaw.com)

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Las Vegas, Nevada 89128  
702-794-4411  
[jshafer@premierelegalgroup.com](mailto:jshafer@premierelegalgroup.com)  
*Attorneys for Defendants*

**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. II

Plaintiffs,

vs.

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

HEARING REQUESTED

Defendants.

**DEFENDANTS' MOTION FOR COSTS**

Defendants A Cab, LLC and A Cab Series, LLC, by and through their attorneys of record,  
ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and JAY A. SHAFER, ESQ., of CORY  
READE DOWS AND SHAFER hereby respectfully move this Court for costs incurred in the appeal of  
this matter pursuant to NRAP 39 and NRS 18.060.

...

...

...

**MEMORANDUM OF POINTS AND AUTHORITIES**

**A. Appellants Rightfully Seek an Award of Costs from the District Court Pursuant to NRAP 39 and NRS 18.060.**

Pursuant to NRAP 39, the following costs on appeal are taxable in the district courts:

- (1) preparation and transmission of the record;
- (2) the reporter's transcript, if needed to determine the appeal;
- (3) preparation of the appendix;
- (4) premiums paid for a supersedeas bond or other bond;
- (5) the fee for filing the notice of appeal. **NRAP 39(e)**

Appellant has incurred these said costs in having to appeal the judgment entered in error in this matter. The decision rendered by the Nevada Supreme Court at 137 Nev. Adv. Op. 84 on December 30, 2021, reversed the judgment in part and remanded the case back to this District Court for further proceedings. In its decision, the Nevada Supreme Court found numerous issues of error made by the prior District Court judge which it determined could only be remedied by a reversal and remand.

**NRS 18.060** Costs of appeal to Court of Appeals or Supreme Court; discretion of court. In the following cases the costs of an appeal to the Court of Appeals or the Supreme Court shall be in the discretion of the court:

1. Where a new trial is ordered.
2. **When a judgment is modified.**

In the event no order is made by the court relative to the costs in the two instances mentioned in this section, **the party obtaining any relief shall have his or her costs.**

Such is the case here. Appellant was forced to incur costs in the pursuit of bringing these errors to the attention of the Nevada Supreme Court, and rightfully prevailed in having the judgment reversed and remanded.

Appellant's costs are supported by the verified Memorandum of Costs and accompanying receipts. **Exhibit 1.**

The following costs are requested:

1. Reporter's transcripts which are part of the Record on Appeal and necessary to the

appeal of this matter pursuant to NRAP 39(e)(2):

<b>Reporter's Transcript, if needed to determine the appeal</b>		<b>\$6,764.87</b>
Transcript of November 3, 2015 Proceeding	\$864.92	
Department Transcriber's fee of November 3, 2015 Proceeding	\$160.00	
Transcript of February 8, 2017 Proceeding	\$135.00	
Transcript of February 14, 2017 Proceeding	\$76.00	
Department Transcriber's fee of February 14, 2017 Proceeding	\$40.00	
Transcript of February 14, 2017 Proceeding (Dubric Injunction)	\$270.00	
Transcript of May 18, 2017 Proceeding	\$656.31	
Department Transcriber's fee of May 18, 2017 Proceeding	\$160.00	
Transcript of June 13, 2017 Proceeding	\$110.22	
Department Transcriber's fee of June 13, 2017 Proceeding	\$40.00	
Transcripts of December 14, 2017 and January 2, 2018 Proceedings	\$463.60	
Department Transcriber's fee of 12/14/17 & 01/02/18 Proceedings	\$200.00	
Transcript of 01/25/18 and 02/02/18 Proceedings	\$216.60	
Department Transcriber's fee of 1/25/18 and 02/02/18 Proceedings	\$80.00	
Transcript of February 15, 2018 Proceeding	\$117.80	
Department Transcriber's fee of February 15, 2018 Proceeding	\$40.00	
Transcript of June 5, 2018 Proceeding filed July 12, 2018	\$273.60	
Department Transcriber's fee of 6/05/18 Proceeding filed 7/12/18	\$80.00	
Transcript of 1/17/13, 8/11/15, 3/16/16, 5/23/18, 6/01/18, 9/26/18 and 9/28/18 Proceedings	\$1,250.00	
Department Transcriber's fee of 1/17/13, 8/11/15, 3/16/16, 5/23/18, 6/01/18, 9/26/18 and 9/28/18 Proceedings	\$480.00	
Transcript of October 22, 2018 Proceeding	\$368.00	
Department Transcriber's fee of October 22, 2018 Proceeding	\$122.00	
Transcript of December 4, 2018 Proceeding	\$410.82	

<b>Reporter's Transcript, if needed to determine the appeal</b>		<b>\$6,764.87</b>
Department Transcriber's fee of December 4, 2018 Proceeding	\$80.00	
Transcript of December 11, 2018 & December 13, 2018 Proceedings	\$70.00	

2. The premiums paid for the supersedeas bond pursuant to NRAP 39(e)(4):

<b>Premiums Paid for Supersedeas bond or other bond</b>	<b>\$1,000.00</b>	
03/23/17 District Court Cost Bond (Writ re: SOL)	\$500.00	
10/02/18 District Court Cost Bond (MSJ appeal)	\$500.00	

3. The fee for filing the notice of appeal pursuant to NRAP 39(e)(5):

<b>Fees for Filing the Notices of Appeal</b>	<b>\$822.50</b>	
03/20/17 Notice of Appeal Fee (Minimum Wage Issue)	\$24.00	
03/20/17 Notice of Appeal Filing Fee	\$3.50	
03/20/17 Case Appeal Statement Filing Fee	\$3.50	
03/24/17 Cost Bond Filing Fee	\$3.50	
03/31/17 Nevada Supreme Court Appeal Fee	\$250.00	
06/23/17 Nevada Supreme Court Appeal Fee (Injunction)	\$250.00	
09/21/18 Notice of Appeal Fee (MSJ)	\$24.00	
09/21/18 Notice of Appeal Filing Fee	\$3.50	
09/27/18 Nevada Supreme Court Appeal Fee	\$250.00	
10/02/18 Cost Bond Filing Fee	\$3.50	
01/15/19 Amended Notice of Appeal Filing Fee	\$3.50	
03/06/19 Amended Notice of Appeal Filing Fee	\$3.50	

**2. Defendants Are the Prevailing Party in Reversing the District Court's Errors; the NSC Recognized That Reversal and Remand Were Necessary.**

Defendants' request for costs is at the discretion of the District Court, and the rule does not provide for appeal of this Honorable Court's discretion. However, Appellants respectfully assert that



1 it should be evident to this Court that an extraordinary amount of fees and costs were incurred in  
 2 having to bring this case to the attention of the Nevada Supreme Court. The requested amount of  
 3 costs is a mere fraction of the financial hit that Appellants incurred in fighting the entry of an  
 4 erroneous judgment.

5 With its decision, the Nevada Supreme Court substantially extinguished Defendants' liability  
 6 for damages by eliminating more than three (3) years of claimed damages which were far outside any  
 7 statute of limitations. The Nevada Supreme Court determined that the District Court had not  
 8 followed its clear guidance that these minimum wage claims are limited to a 2 year statute of  
 9 limitations as outlined in *Thomas v. Nev. Yellow Cab Corp.*, 130 Nev. 484, 327 P.3d 518 (2014).

10 Following the Supreme Court's guidance, Appellants moved the District Court exactly on  
 11 this issue in August 2015, and again in November 2016, but were repeatedly and erroneously denied.  
 12 See *Defendant's Motion for Declaratory Order Regarding Statute of Limitations*, filed August 10,  
 13 2015 (**Exhibit 2**); *Defendant's Motion for Judgment On the Pleadings Pursuant to NRCP 12(c) With*  
 14 *Respect to All Claims for Damages Outside the Two Year Statute of Limitations*, filed November 17,  
 15 2016 (**Exhibit 3**). As a result of the District Court's erroneous path, Defendants were forced to  
 16 defend a claim for payments as far back as July 1, 2007. These District Court rulings completely  
 17 changed the disposition of the litigation with neither party wanting to or having the financial ability  
 18 to fund an analysis of thousands of tripsheets dating back to 2007.

19 The ramifications of the Supreme Court's remand has a staggering reduction in Defendants'  
 20 liability. Per the decision and order, the only items which remain for Plaintiffs' claimed damages are  
 21 from October 8, 2010 (2 years prior to the filing of their Complaint) through December 31, 2015.  
 22 An analysis of this time period will demonstrate that these damages are minuscule and/or have  
 23 already been paid and satisfied:

- 24 1. There is no liability after June 26, 2014 when *Thomas v. Nev. Yellow Cab Corp.*, 130  
 25 Nev. 484, 327 P.3d 518 (2014) was published, as the company changed its procedures  
 26 for full compliance by excluding tips in its calculations of minimum wage (testified  
 27 by the company's Person Most Knowledgeable and believed to be undisputed by  
 28 Plaintiffs). Any liability that exists after this time frame would be de minimus and

arising from a clerical error.

2. Defendants have already paid out any alleged underpayment for the time period of October 1, 2010 to October 1, 2012 through a settlement with the Department of Labor which agreed that \$139,988.80 was the underpayment for a two year time period. These monies have already been paid in full. **Exhibit 4** *Perez v. A Cab*, USDC Case No. 2:14-cv-1615, p. 3.
3. Any remaining liability for the time period of April 1, 2009 through July 2, 2014 has already been settled through the matter of *Jasminka Dubric v. A Cab, LLC*, District Court Case No. A-15-721063-C. Final Order Approving Class Action Settlement, entered by Hon. Kathleen Delaney, **Exhibit 5**.

As a result of these existing judgments, any remaining liability for claimed damages in this present case will be reduced to those claimed by the 2 class representatives and the 2 drivers who were specifically excluded from the *Dubric* class settlement (Michael Sargeant and Richard Clark). See page 4 and Exhibit 1 to Delaney Order (Exhibit 5). Despite notices sent to the drivers, Richard Clark was the only driver who opted out of the settlement. Plaintiffs have not provided a calculation of damages for what remains, but in the proceedings and in the findings from the Department of Labor, Michael Murray was due \$130.70. **Exhibit 6**; and Michael Reno was due \$1048.94. **Exhibit 7**.

### Conclusion

These facts support that Appellants are indeed the prevailing party in this appeal, and should be awarded their costs.

DATED this 13<sup>th</sup> day of January, 2022.

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

/s/ Esther C. Rodriguez, Esq.  
 Esther C. Rodriguez, Esq.  
 Nevada State Bar No. 006473  
 10161 Park Run Drive, Suite 150  
 Las Vegas, Nevada 89145  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this 13<sup>th</sup> day of January, 2022, 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

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

**MEMO**

Esther C. Rodriguez, Esq.  
 Nevada Bar No. 6473  
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 10161 Park Run Drive, Suite 150  
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 702-320-8400  
[info@rodriguezlaw.com](mailto:info@rodriguezlaw.com)

Jay A. Shafer, Esq.  
 Nevada Bar No. 006791  
 CORY READE DOWS & SHAFER  
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 Las Vegas, Nevada 89128  
 702-794-4411  
[jshafer@crdslaw.com](mailto:jshafer@crdslaw.com)  
*Attorneys for Defendants*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

**DEFENDANTS' VERIFIED**  
**MEMORANDUM OF COSTS**  
**AND DISBURSEMENTS**

Description	Cost	
<i>Preparation and transmission of the record</i>	n/a	
<b>Reporter's Transcript, if needed to determine the appeal</b>		<b>\$6,764.87</b>
Transcript of November 3, 2015 Proceeding	\$864.92	
Department Transcriber's fee of November 3, 2015 Proceeding	\$160.00	
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Transcript of February 14, 2017 Proceeding	\$76.00	
Department Transcriber's fee of February 14, 2017 Proceeding	\$40.00	

Description	Cost	
Transcript of February 14, 2017 Proceeding (Dubric Injunction)	\$270.00	
Transcript of May 18, 2017 Proceeding	\$656.31	
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Department Transcriber's fee of 12/14/17 & 01/02/18 Proceedings	\$200.00	
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Transcript of October 22, 2018 Proceeding	\$368.00	
Department Transcriber's fee of October 22, 2018 Proceeding	\$122.00	
Transcript of December 4, 2018 Proceeding	\$410.82	
Department Transcriber's fee of December 4, 2018 Proceeding	\$80.00	
Transcript of December 11, 2018 & December 13, 2018 Proceedings	\$70.00	
<i>Preparation of the Appendix</i>	n/a	
<b>Premiums Paid for Supersedeas bond or other bond</b>	<b>\$1,000.00</b>	
03/23/17 District Court Cost Bond (Writ re: SOL)	\$500.00	
10/02/18 District Court Cost Bond (MSJ appeal)	\$500.00	
<b>Fees for Filing the Notices of Appeal</b>	<b>\$822.50</b>	
03/20/17 Notice of Appeal Fee (Minimum Wage Issue)	\$24.00	
03/20/17 Notice of Appeal Filing Fee	\$3.50	
03/20/17 Case Appeal Statement Filing Fee	\$3.50	

Description	Cost	
03/24/17 Cost Bond Filing Fee	\$3.50	
03/31/17 Nevada Supreme Court Appeal Fee	\$250.00	
06/23/17 Nevada Supreme Court Appeal Fee (Injunction)	\$250.00	
09/21/18 Notice of Appeal Fee (MSJ)	\$24.00	
09/21/18 Notice of Appeal Filing Fee	\$3.50	
09/27/18 Nevada Supreme Court Appeal Fee	\$250.00	
10/02/18 Cost Bond Filing Fee	\$3.50	
01/15/19 Amended Notice of Appeal Filing Fee	\$3.50	
03/06/19 Amended Notice of Appeal Filing Fee	\$3.50	
<b>TOTAL:</b>	<b>\$8,587.37</b>	

1 ESTHER C. RODRIGUEZ, ESQ., being duly sworn, states:

2 That affiant is the attorney for the Defendants in the above matter and has personal  
3 knowledge of the above costs and disbursements expended; that the items contained in the above  
4 memorandum are true and correct to the best of this affiant's knowledge and belief; and that the said  
5 disbursements have been necessarily incurred and paid in this action.

6 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is  
7 true and correct.

8 EXECUTED this 13<sup>th</sup> day of January, 2022.

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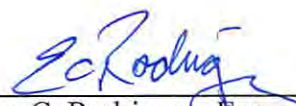
24

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26

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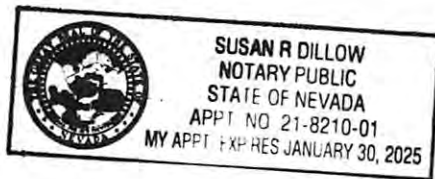
  
\_\_\_\_\_  
Esther C. Rodriguez, Esq.  
Nevada Bar No. 6473  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145

STATE OF NEVADA

COUNTY OF CLARK

Signed and sworn to (or affirmed) before me on January 13, 2022 by ESTHER C.

RODRIGUEZ, ESQ.



  
\_\_\_\_\_  
Notary Public

002728





# Invoice

Date	Invoice #
3/21/2016	1844

Esther C. Rodriguez, Esq.  
 Rodriguez Law Office, P.C.  
 10161 Park Run Drive, Suite 150  
 Las Vegas, NV 89145

Terms	Due Date
Due on receipt	3/21/2016

Description	Qty	Rate	Amount
Transcript of hearing held on 11/3/2015 Motions Hearing	166	5.01	831.66
Credit Card Processing Fee	1	33.26	33.26
In Re Murray, et al. vs. A Cab Taxi Service, LLC, et al. Case No. A-669926, Dept. 1 District Court, Clark County, Nevada			
<b>Phone #</b>	<b>Fax #</b>	<b>E-mail</b>	<b>Total</b>
303-798-0890	303-797-0432	Julie@VerbatimDigitalReporting.Com	\$864.92
			<b>Payments/Credits</b>
			-\$864.92
			<b>Balance Due</b>
			\$0.00

002729

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray v A Cab Taxi Service				
<b>HEARING DATE:</b>	11/3/15				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b>	Esther C. Rodriguez, Esq.				
<b>FIRM:</b>					
<b>EMAIL:</b>	susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
		Civil CDs @ \$65 each (per hour)			
	4	hours @ \$40 an hour recording fee =			\$160.00
		pages @		per page of trans.	\$
	Total				\$160.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

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## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray v. A Cab				
<b>HEARING DATE:</b>	February 8, 2017				
<b>DEPARTMENT - RECORDER:</b>	DISCOVERY - FRANCESCA HAAK, EXT. 4642				
<b>ORDERED BY:</b>	Esther C. Rodriguez, Esq. [By: Susan]				
<b>FIRM:</b>	Rodriguez Law				
<b>EMAIL:</b>	<a href="mailto:susan@rodriguezlaw.com">susan@rodriguezlaw.com</a> 702-320-8400				
<b>PAYABLE TO:</b>	<p><b>Make check payable to:</b>  <b>Clark County Treasurer</b>  County Tax ID#: 88-6000028  Include case number on check  <b>Mailing Address:</b>  Regional Justice Center  Fiscal Services - Attn: Jennifer Garcia  200 Lewis Ave.  Las Vegas, NV 89155</p> <p><b>Or pay by credit card by calling</b>  <b>702-671-4507</b></p>				
<b>BILL AMOUNT:</b>		CDs @ \$25 each =			\$
	1	hours @ \$40 an hour recording fee			\$ 40.00
	19	pages	\$5.01	per pg transcript	\$ 95.19
	Total				<b>\$135.19</b>
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to:				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPT/CD WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

**IT IS NOT ADVISED TO MAIL YOUR CHECK. IF YOU CHOOSE TO MAIL YOUR CHECK, PLEASE EXPECT DELAYS IN PROCESSING.**

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926			
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.			
<b>HEARING DATE:</b>	2/14/17			
<b>DEPARTMENT #</b>	1			
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Michael K. Wall, Esq. Hutchison & Steffen cpittsenbarger@hutchlegal.com			
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Avenue Las Vegas, NV 89155			
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =		\$
	1	Civil CDs @ \$65 each (per hour)		
		hours @ \$40 an hour recording fee		\$40.00
		pages @	per page of trans.	\$
	Total			\$40.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a			
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans \$
<b>DATE PAID:</b>				
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED				

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**LGM Transcription Service**

License # NV20111327288

Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

May 18, 2017

TO: Michael K. Wall, Esq.  
Hutchison & Steffen  
10080 W. Alta Drive, #200  
Las Vegas, NV 89145

**INVOICE**No. 1371

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray v. A Cab Taxi Service, LLC A669926	2/14/17	20	\$3.80	\$76.00
			<b>TOTAL DUE:</b>	\$76.00

*This invoice is due upon receipt*

002733

002733

HUTCHISON STEFFEN  
10080 W. ALTA #200  
LAS VEGAS, NEVADA 89145

DATE: 6/4/2018

HOWARD & HOWARD REPORTING  
4732 VINCENT HILL COURT  
N. LAS VEGAS, NEVADA 89013  
(702) 234-9394  
TAX ID #20-1909491

INVOICE

DUBRIC vs. A CAB

DATES

AMOUNT

2/14/2017

Transcript

270.00

TOTAL: \$270.00

\* Mail your payment to the address listed  
for Howard & Howard Reporting.

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Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

May 25, 2017

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices, P.C.  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1373

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service LLC A669926	5/18/17	131	\$5.01	\$656.31
<i>(4-day expedite)</i>				
			<b>TOTAL DUE:</b>	\$656.31

*This invoice is due upon receipt*

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	5/18/17				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	4	Civil CDs @ \$65 each (per hour)			
		hours @ \$40 an hour recording fee			\$160.00
		pages @		per page of trans.	\$
	Total				\$160.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

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Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

June 16 2017

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices, P.C.  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1384

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service LLC A669926	6/13/17	22	\$5.01	\$110.22
<i>(4-day expedite)</i>				
			<b>TOTAL DUE:</b>	\$110.22

***This invoice is due upon receipt***

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	6/13/17				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	1	Civil CDs @ \$65 each (per hour)			\$40.00
		hours @ \$40 an hour recording fee			
		pages @		per page of trans.	\$
	Total				\$40.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

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Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

February 2, 2018

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1474

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service, LLC A669926	12/14/17 1/02/18	59 63	\$3.80	\$463.60
			<b>TOTAL DUE:</b>	\$463.60

*This invoice is due upon receipt*

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	12/14/17; 1/2/18				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	5	Civil CDs @ \$65 each (per hour)			
		hours @ \$40 an hour recording fee			\$200.00
		pages @		per page of trans.	\$
	Total				\$200.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

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Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

February 20, 2018

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1483

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service, LLC A669926	1/25/18 2/02/18	36 21	\$3.80	\$216.60
			<b>TOTAL DUE:</b>	\$216.60

*This invoice is due upon receipt*

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	1/25/18; 2/2/18				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	2	Civil CDs @ \$65 each (per hour)			\$80.00
		hours @ \$40 an hour recording fee			
		pages @		per page of trans.	\$
	Total				\$80.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

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Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

March 1, 2018

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1485

<b>Transcript: Dept. I Case Name &amp; Number</b>	<b>Date of Hearing</b>	<b># of Pages</b>	<b>Rate per page</b>	<b>Total</b>
Michael Murray, et al v. A Cab Taxi Service, LLC A669926	2/15/18	31	\$3.80	\$117.80
			<b>TOTAL DUE:</b>	\$117.80

*This invoice is due upon receipt*

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## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	2/15/18				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	1	Civil CDs @ \$65 each (per hour)			
		hours @ \$40 an hour recording fee			\$40.00
		pages @		per page of trans.	\$
	Total				\$40.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

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Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

July 2, 2018

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1515

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service, LLC A669926	6/5/18	72	\$3.80	\$273.60
			<b>TOTAL DUE:</b>	\$273.60

*This invoice is due upon receipt*

## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	6/5/18				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	2	Civil CDs @ \$65 each (per hour)			\$80.00
		hours @ \$40 an hour recording fee			
		pages @		per page of trans.	\$
	Total				\$80.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

002746

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**LGM Transcription Service**

License # NV20111327288

Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

April 15, 2019

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1587

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service, LLC A669926	1/17/13	23	\$3.80	\$1,250.20
	8/11/15	33		
	3/16/16	16		
	5/23/18	77		
	6/01/18	45		
	9/26/18	68		
	9/28/28	67		
		329	<b>TOTAL DUE:</b>	\$1,250.20

*This invoice is due upon receipt*

002747

002747

## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	1/17/13; 8/11/15; 3/16/16; 5/23/18; 6/1/18; 9/26/18; 9/28/18				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b>	Esther C. Rodriguez, Esq.				
<b>FIRM:</b>					
<b>EMAIL:</b>	<a href="mailto:susan@rodriguezlaw.com">susan@rodriguezlaw.com</a>				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
<b>BILL AMOUNT:</b>		Criminal CDs @ \$25 each =			\$
	12	Civil CDs @ \$65 each (per hour)			
		hours @ \$40 an hour recording fee			\$480.00
		pages @		per page of trans.	\$
	Total				\$480.00
<b>PAYABLE TO OUTSIDE TRANSCRIBER:</b>	Make check payable to: n/a				
<b>BILL AMOUNT:</b>		pages @	\$	per page of trans	\$
<b>DATE PAID:</b>					
<b>TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED</b>					

002748

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**LGM Transcription Service**

License # NV20111327288

Tax I.D. # 26-0738542

Liz Garcia

689 Ladywood Lane

Henderson, NV 89002

(702) 558-3682

lgm-51@embarqmail.com

November 19, 2018

TO: Esther C. Rodriguez, Esq.  
 Rodriguez Law Offices  
 10161 Park Run Drive, Ste. 150  
 Las Vegas, NV 89145

**INVOICE**No. 1554

Transcript: Dept. I Case Name & Number	Date of Hearing	# of Pages	Rate per page	Total
Michael Murray, et al v. A Cab Taxi Service, LLC A669926	10/22/18	97	\$3.80	\$368.60
			<b>TOTAL DUE:</b>	\$368.60

*This invoice is due upon receipt*

## DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

## TRANSCRIBER'S BILLING INFORMATION

<b>CASE #</b>	A669926				
<b>CASE NAME:</b>	Murray, et al. v A Cab Taxi Service, et al.				
<b>HEARING DATE:</b>	10/22/18				
<b>DEPARTMENT #</b>	1				
<b>ORDERED BY:</b> <b>FIRM:</b> <b>EMAIL:</b>	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
<b>PAYABLE TO COUNTY:</b>	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Pay by CC by calling (702)671-4507 <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Jennifer Garcia 200 Lewis Avenue Las Vegas, NV 89155				
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	3	Civil CDs @ \$65 each (per hour)			
		hours @ \$40 an hour recording fee			\$120.00
		pages @		per page of trans.	\$
	Total				\$120.00
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