

Case No. 85850

In the Supreme Court of Nevada

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

Appellant,

vs.

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

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

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

**APPELLANT'S APPENDIX
VOLUME 17
PAGES 4001-4250**

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

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

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

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

	Partial Summary Judgment, Direct A Prove Up Hearing, and Coordinate Cases			
201	Notice of Entry of Order Denying Plaintiffs Motion to Reconsider Award of Costs and Striking June 3, 2022 Order	11/23/22	22	5422–5429
9	Notice of Entry of Order Denying Plaintiffs’ Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)	05/29/13	1	70–73
62	Notice of Entry of Order Denying Plaintiffs’ Counter-Motion for Sanctions and Attorneys’ Fees and Order Denying Plaintiffs’ Anti-SLAPP Motion	07/31/17	5	1089–1092
75	Notice of Entry of Order Denying Plaintiffs’ Motion for Bifurcation and/or to Limit Issues for Trial per NRCP 42(B)	02/02/18	6	1333–1337
59	Notice of Entry of Order Denying Plaintiffs’ Motion for Partial Summary Judgment	07/17/17	5	1079–1084
169	Notice of Entry of Order Denying Plaintiffs’ Motion for Turnover of Property Pursuant to NRS 21.230 or Alternative Relief Without Prejudice	07/08/22	19	4671–4676
127	Notice of Entry of Order Denying Plaintiffs’ Motion to Allow Judgment Enforcement; Plaintiffs’ Motion to Distribute Funds Held by Class Counsel; and Plaintiffs’ Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320; and Order Granting Defendants’ Countermotion for Stay of Collection Activities	07/17/20	11	2676–2682

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

	Designated as Complex Litigation per NRCP 16.1(f)			
111	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Objections to Defendants' Claims of Exemption from Execution	12/18/18	10 11	2499–2500 2501–2502
15	Notice of Entry of Order Granting Motion to Serve and File a Second Amended and Supplemental Complaint	08/17/15	1	141–144
189	Notice of Entry of Order Granting Plaintiff's Motion for Entry of a Modified Judgment as Provided for by Remittitur	11/14/22	22	5338–5344
190	Notice of Entry of Order Granting Plaintiff's Motion for Entry of a Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	11/14/22	22	5345–5350
112	Notice of Entry of Order Granting Plaintiffs' Counter Motion for Judgment Enforcement Relief	01/02/19	11	2503–2510
116	Notice of Entry of Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs Pursuant to NRCP 54 and the Nevada Constitution	02/07/19	11	2529–2539
193	Notice of Entry of Order Granting Plaintiffs' Motion for Award of Attorney's Fees on Appeal	11/17/22	22	5377–5382
76	Notice of Entry of Order Granting Plaintiffs' Motion to Appoint a Special Master	02/08/18	6	1338–1345
24	Notice of Entry of Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP Rule 23 (b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to	02/10/16	2	413–430

	Appoint a Special Master Under NRCP Rule 53			
35	Notice of Entry of Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCP Rule 53 and Amended by this Court in Response to Defendant's Motion for Reconsideration Heard in Chambers on March 28,2016	06/07/16	3	529–546
83	Notice of Entry of Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment	08/22/18	7	1581–1646
78	Notice of Entry of Order Modifying Court's Previous Order of February 7, 2018 Appointing a Special Master	02/16/18	6	1377–1380
192	Notice of Entry of Order Modifying Final Judgment Entered on August 21, 2018	11/17/22	22	5356–5376
199	Notice of Entry of Order Modifying Order on February 6, 2019 Granting Plaintiffs an Award of Attorney's Fees and Costs	11/18/22	22	5404–5409
70	Notice of Entry of Order of Appointment of Co-Class Counsel Christian Gabroy	01/04/18	6	1262–1265
27	Notice of Entry of Order of Discovery Commissioner's Report and Recommendation	03/04/16	2	439–446
28	Notice of Entry of Order of Discovery Commissioner's Report and Recommendation	03/04/16	2	447–460
52	Notice of Entry of Order of Discovery Commissioner's Report and Recommendations	03/31/17	4	863–871

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

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

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

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

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

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

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

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

54	Transcript re All Pending Motions	05/18/17	4 5	881–1000 1001–1011
101	Transcript Re All Pending Motions	10/22/18	9	2046–2142
77	Transcript re Appointment of Special Master	02/15/18	6	1346–1376
91	Transcript re Defendant’s Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening	09/26/18	8	1846–1913
92	Transcript re Defendant’s Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening, and Plaintiffs’ Response to Defendant’s Ex-Parte Motion to Quash Writ of Execution on OST and Countermotion for Appropriate Judgment Enforcement Relief	09/28/18	8	1914–1980
69	Transcript re Defendant’s Motion for Summary Judgment	01/02/18	5 6	1199–1250 1251–1261
2	Transcript re Defendant’s Motion to Dismiss Complaint	01/17/13	1	9–31
82	Transcript re Plaintiff’s Motion for Partial Summary Judgment	06/05/18	7	1509–1580
57	Transcript re Plaintiff’s Motion on Order Shortening Time and Extend Damages Class Certification and for Other Relief	06/13/17	5	1051–1072
55	Transcript re Plaintiff’s Re-Notice of Motion for Partial Summary Judgment	05/25/17	5	1012–1032
109	Transcript re Plaintiffs Ex Parte Motion for a Temporary Restraining Order and Motion on an Order Requiring the Turnover of Certain Property of the	12/13/18	10	2424–2475

	Judgment Debtor Pursuant to NRS 21.320			
80	Transcript re Plaintiffs' Motion for Miscellaneous Relief	05/23/18	6	1387–1463
44	Transcript re Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/16 to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions	02/14/17	4	807–826
14	Transcript re Plaintiffs' Motion to Certify This Case as a Class Action Pursuant to NCRP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53	08/11/15	1	108–140
81	Transcript re Plaintiffs' Motion to Hold Defendants in Contempt; Strike Their Answer	06/01/18	6 7	1464–1500 1501–1508
73	Transcript re Plaintiffs' Omnibus Motion in Limine 1-25, Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts	01/25/18	6	1276–1311
108	Transcript Re Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt	12/11/18	10	2406–2423
74	Transcript re Status Check on Appointment of Special Master	02/02/18	6	1312–1332
68	Transcript Re: Plaintiff's Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier	12/14/17	5	1140–1198

	Minimum Wage and Declare NAC 608.102(2)(b) Invalid			
29	Transcript Re: Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with that Order on OST; and Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs	03/16/16	2	461–476

CERTIFICATE OF SERVICE

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

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

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

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

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

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

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

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

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

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

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

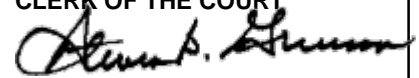
	A	B	C	D	E	F	G
852	3044	Welsh	Sylvia	\$150.95	\$22.25	\$173.20	
853	3616	Welzbache	Daniel	\$2,367.50	\$348.98	\$2,716.47	\$
854	3071	White	Donavan	\$2,061.42	\$303.86	\$2,365.28	\$
855	111878	White II	Prinest	\$153.22	\$22.59	\$175.81	
856	3117	Whitehead	Timothy	\$66.66	\$9.83	\$76.49	
857	2946	Whiteman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

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

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EXHIBIT "C"



MOT

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

Defendants.

Case No.: A-12-669926-C

Dept.: 2

**PLAINTIFFS' MOTION FOR
ENTRY OF A MODIFIED
JUDGMENT AS PROVIDED
FOR BY REMITTITUR**

HEARING REQUESTED

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this motion for the entry of a modified judgment on behalf of the
plaintiff class members as directed by the Nevada Supreme Court's Opinion in this
case.

MEMORANDUM OF POINTS AND AUTHORITIES

On the scope of the modified judgment to be entered.

The only modification of this Court's judgment entered on August 21, 2018, directed by the Supreme Court is for the time period prior to October 8, 2010; each class member's judgment must be reduced by the amount (if any) that was previously determined to be due from that time period.

Except for disallowing the award of damages for the time period prior to October 8, 2010, the Supreme Court affirmed all of the findings made in this Court's Judgment and order entered on August 21, 2018. (Ex. "A" Judgment). The damages this Court awarded in the Judgment were specified for each of 890 class members and set forth in the Ex. "A" schedule to the same, at Column "F" therein. *See*, Judgment, p. 33, ¶ C, directing the Clerk of the Court to enter judgment for each individual class member in such amounts. The Supreme Court's decision only modifies the amount of those damages to the extent they included amounts for the period pre-dating October 8, 2010. To modify the Judgment of August 21, 2018, in accordance with the Supreme Court's decision, requires this Court to enter a "modified judgment list" revising downward the figures set forth in that Ex. "A" schedule to the Judgment to eliminate the award (if any to a particular class member) that was for damages pre-dating October 8, 2010. No other aspect of that Judgment is to be modified and the Judgment has otherwise been fully affirmed by the Supreme Court.

ARGUMENT

- I. Reducing the damage amounts of certain class member as directed by the Supreme Court involves a simple arithmetical calculation using information already in the record without making any new findings; the modified judgment list is now presented with an appropriate proposed order to modify the Judgment.**
- A. The Judgment incorporated a separate calculation already made for the pre-October 8, 2010 damages period and placed in the record; the modified judgment will deduct those already calculated damages from the amounts entered in the Judgment, no additional findings are necessary or proper.**

In modifying the Judgment the only issue is the amount the Judgment must be reduced because it improperly awarded damages accruing prior to October 8, 2010. Yet it is expected that defendants will argue there are other findings that need to be made, such as their entitlement to a further reduction of the judgment owing to United States Department of Labor settlement payments it made (the “USDOL settlement”); to “disallow” damages of \$211.72 that may have previously been awarded for the period from June 24, 2014, to December 31, 2015 as claimed in their motion filed on February 10, 2022; or based upon a judgment entered in, and settlement payments allegedly made in, other litigation (the *Dubric* case). All of that is untrue; such motion and assertions are made to confuse the Court and delay the entry of a modified judgment for what is now, with post-judgment interest, an over \$800,000 unpaid minimum wage liability of A Cab.

The USDOL settlement payments were fully accounted for in the Judgment (at p. 19-22, ¶¶ 27-29) and that portion of the Judgment was affirmed, they cannot be subject to additional findings. Whatever issue A Cab may have wanted to raise regarding the damages originally awarded for the period after June 24, 2014, had to be raised prior to entry of the Judgment or during its appeal. The Supreme Court has fully affirmed the entirety of the judgment entered for the 2013-2015 period and no

1 portion of that can now be reexamined or recalculated. The *Dubric* case (currently on
2 appeal) is irrelevant to the Judgment and cannot modify it.¹

3 All that needs to be performed to enter the modified judgment is a simple
4 “subtraction” of the erroneously included, and already determined, damages amounts
5 pre-dating October 8, 2010, from the August 21, 2018, Judgment’s Ex. “A” schedule
6 amounts. If that results in a class member’s previously awarded damages being
7 reduced (many class members’ damages are not affected because they were never
8 awarded damages pre-dating October 8, 2010), their award of pre-judgment interest
9 also needs to be recalculated. That award of interest will be smaller because, although
10 calculated in the same percentages and for the same time period as in the Judgment, it
11 must be calculated on a smaller damages award (principal). No other modification of
12 the Judgment is needed or permitted under the Supreme Court’s decision.

13 **1. The amount of the Judgment’s reduction has**
14 **already been determined and is in the record.**

15 On June 20, 2018, plaintiffs filed with the Court their counsel’s declaration and
16 Exhibits setting forth complete calculations on the amount due each class member, as
17 broken down for the time period prior to October 8, 2010, and after that date, along
18 with all properly awarded pre-judgment interest. The calculation of the total amounts
19 due each class member, and the itemization of those calculated amounts for the pre and
20 post-October 8, 2010, periods, and the correctness of those calculations², were

21
22 ¹ The unmodified portions of the Judgement stand just as originally entered.
23 See, Ex. “B” Order of the Supreme Court of February 3, 2022, in this case. If A Cab
24 alleges payments it has made since the Judgement’s entry, either in *Dubric* or for any
25 other reason, should act towards its satisfaction it must address that by a separate
26 motion as A Cab cannot obtain any satisfaction of any Judgment amounts without an
Order from the Court in this case. See, Judgement, Ex. “A”, p. 33-34, ¶ D.

27 ² The calculations made by Charles Bass and contained in his June 14, 2018,
28 declaration and its Exhibits are not subject to review or examination. The Supreme
Court affirmed the Judgment’s finding those calculations were properly relied upon.

1 established by the June 14, 2018, declaration of Charles Bass, Ex. "C" to that
2 submission, and at Exhibits "1" to "5" of his declaration (bates numbers 57 through
3 762). For ease of reference, the Charles Bass declaration of June 14, 2018, with only
4 the first page of Exhibits "1" to "5" thereto showing the resulting class member totals
5 (but not the remaining 690 pages of charts/exhibits with the detailed per class
6 member/per pay period amount) is annexed hereto as Ex. "C."

7 **2. Every element comprising the Judgment was properly**
8 **calculated and placed in the record, it must only be**
9 **reduced by the previously properly calculated, but**
 improperly awarded, portion for the time period pre-
 dating October 8, 2010.

10 As discussed in the June 14, 2018, declaration of Charles Bass, Ex. "C" hereto,
11 ¶ 2, the amount of damages owed to A Cab's taxi drivers for the time period prior to
12 October 8, 2010, were calculated and set forth in Ex. "1" and "2" of that declaration.
13 As he further discussed in that declaration, he included those amounts in the
14 "combined per person" table he prepared (at Ex. "5" of that declaration) that set forth
15 the damages over \$10.00 per taxi driver for the entire time period covered by the
16 Judgment, including pre-judgment interest. Ex. "C" hereto, ¶ 4.

17 At no point did A Cab dispute, by presenting evidence of any arithmetical or
18 other errors, the accuracy of the June 14, 2018, calculations prepared by Charles Bass.
19 The Judgment entered by the Court would have conformed completely to those
20 calculations except for one reason: A Cab subsequently produced evidence that it had
21 made payments as part of the USDOL settlement to 191 of the 900 taxi drivers who
22 had been determined by the June 14, 2018, calculations to be owed at least \$10.00 in
23 unpaid minimum wages. Those USDOL settlement payments required a final
24 modification of the June 14, 2018, calculations, which were placed in the record on
25 August 3, 2018, by plaintiffs' supplemental submission. For ease of reference, that
26 submission, through the first page of Ex. "B" thereto, is at Ex. "D" hereto (the
27
28

1 remaining omitted 85 pages are the proposed Judgment and the Judgment list
2 ultimately adopted).

3 As discussed in plaintiffs' August 3, 2018, supplement, A Cab's USDOL
4 settlement payments completely eliminated the claims of 10 drivers and reduced the
5 claims of 181 other drivers, as previously calculated on June 14, 2018, leaving 890
6 class member awards totaling, with pre-judgment interest, \$1,033,027.81. The Court
7 adopted those calculations, and that list of judgment amounts presented on August 3,
8 2018 (Ex. "B" thereto), by placing them at Ex. "A" of the Judgment entered on August
9 21, 2018.

10 **B. A properly arrived at modified judgment list has been**
11 **prepared and a modified judgment is ready for entry.**

12 Annexed at Ex. "E" is the February 11, 2022, declaration of Charles Bass. As
13 discussed in that declaration, he has created a modified judgment list that complies
14 with the Supreme Court's modification of the judgment by excluding the damages
15 awarded for the pre-October 8, 2010, time period. That modified judgment list is at
16 Ex. "2" of such declaration. He used the exact same information he used to prepare
17 the June 14, 2018, calculations, to arrive at those damages amounts, which are
18 calculated to include the USDOL settlement payment information for 191 taxi drivers,
19 information that was unavailable to him on June 14, 2018. The amount of those
20 USDOL settlement payments are also in a separate list at Ex. "1" of his declaration.
21 Plaintiffs' counsel, in his annexed declaration at Ex. "F," verifies that such list of
22 USDOL settlement payments at Ex. "1" to the Charles Bass declaration sets forth the
23 same information on those payments used to arrive at the class member damage
24 amounts in the Judgment entered on August 21, 2018.
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1 **C. A proposed Order modifying the judgment is provided.**

2 A proposed Order modifying the judgment is provided at Ex. "G." It includes
3 the above discussed modified judgment list at Ex. "A" thereto that will displace the
4 Ex. "A" schedule annexed to the August 21, 2018, Judgment.

5 **CONCLUSION**

6 For all the foregoing reasons, plaintiffs' motion should be granted.

7
8 Dated: February 14, 2022

9 LEON GREENBERG PROFESSIONAL CORP.

10
11 /s/ Leon Greenberg
12 Leon Greenberg, Esq.
13 Nevada Bar No. 8094
14 2965 S. Jones Boulevard - Ste. E-3
15 Las Vegas, NV 89146
16 Tel (702) 383-6085
17 Attorney for the Class

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PROOF OF SERVICE

The undersigned certifies that on February 14, 2022, she served the within:

**PLAINTIFFS' MOTION FOR ENTRY OF A MODIFIED JUDGMENT
AS PROVIDED FOR BY REMITTITUR**

by court electronic service to:

TO:

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

Jay A. Shafer, Esq.
PREMIER LEGAL GROUP
1333 North Buffalo Drive, Suite 210
Las Vegas, NV 89128

/s/ Ruthann Devereaux-Gonzalez

Ruthann Devereaux-Gonzalez

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EXHIBIT “D”

1 LEON GREENBERG, ESQ.
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3 Leon Greenberg Professional Corporation
4 2965 South Jones Boulevard - Suite E-3
5 Las Vegas, Nevada 89146
6 (702) 383-6085
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8 leongreenberg@overtimelaw.com
9 Attorneys for Plaintiffs

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

DEPT.: II

DECLARATION OF CHARLES BASS

Charles Bass hereby affirms, under penalty of perjury,
that:

1. I am offering this declaration to supplement my declaration of February 11,
2022, and to correct an error in Ex. "2" of that declaration.

2. Ex. "2" of my February 11, 2022, declaration contains a listing at line 427 for
"Murray, Michael P." and on line 428 for "Murray, MichaelP." Each of those lines
otherwise contains identical information in each column on that person's "EE number"
(their employee number in A Cab's records) and the amount (\$883.88) they are owed.
This is a duplicate listing for the same person. There is only one Michael P. Murray

1 with this employee number (2018) owed a single amount of \$883.88.

2 3. I have corrected the modified judgment list that was attached as Ex. “2” to
3 my declaration of February 11, 2022, by removing this duplicate entry for Michael P.
4 Murray and creating, at Ex. “1” to this declaration, the modified judgment list in the
5 fashion discussed at paragraph 2 of my declaration of February 11, 2022. That Ex. “1”
6 list indicates in Column “F” \$685,886.60 in unpaid minimum wages and interest is
7 owed to 661 taxi drivers who are each owed at least \$10.00. That list also indicates in
8 Column “D” the amount of minimum wages owed to those 661 taxi drivers (total
9 \$597,772.48); the amount of interest they are owed on their Column “D” amount of
10 unpaid minimum wages in Column “E” (a total of \$88,114.12 in interest); and in
11 Column “H” the amount of the “Set Off from USDOL Settlement” (if any for a taxi
12 driver), a total of \$71,568.24, that reduced the minimum wage shortage (amount
13 otherwise owed) to each taxi driver and set forth in Column “G” (a total of
14 \$669,340.72). The attached Ex. “1” modified judgment list is otherwise identical to the
15 one prepared and produced with my declaration of February 22, 2022.

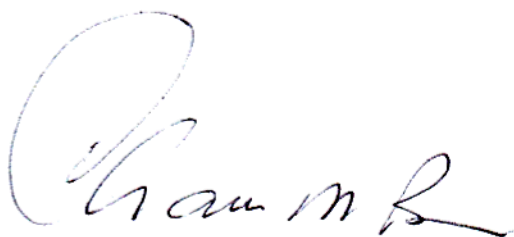
16 4. The duplicate listing error of Michael P. Murray in the modified judgment
17 list provided with my February 22, 2022, declaration arose from a typographical error
18 in A Cab’s records. Those records identified that person using two different spellings:
19 “Murray, MichaelP” and “Murray, Michael P.” Certain records of wages paid and shifts
20 worked were produced by A Cab for this person using each of those spellings and all
21 such records used the same employee identification number (2018). When I processed

1 A Cab's records to create the modified judgment list, as I discussed in my declaration
2 of February 22, 2022, I did so by referencing each employee name, not their employee
3 identification number. This resulted in each differently spelled named being treated as
4 a separate employee and Michael P. Murray being entered on the modified judgment
5 list accompanying my February 22, 2022, declaration (and the original judgment list
6 entered on August 21, 2018) twice, reflecting the two different spellings used for his
7 name. In creating the modified judgment list attached as Ex. "1" to this declaration, I
8 avoided any such error by referencing each A Cab taxi driver's unique employee
9 identification number. There are no such errors in that list as each line on that list is for
10 a unique A Cab taxi driver's employee identification number. Michael P. Murray was
11 also the only A Cab taxi driver who appeared on more than one line (more than once)
12 on the judgment lists I previously produced for this case.

13 I have read the foregoing and affirm under penalty of perjury that the same is true and
14 correct.
15

16 Affirmed this 28th day of March, 2022

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A handwritten signature in blue ink, appearing to read "Charles M. Bass", is written over the signature line.

Charles M. Bass

EXHIBIT "1"

EXHIBIT "1"

	A	B	C	D	E	F	G	H
1		Totals for All Class Members		\$597,772.48	\$88,114.12	\$685,886.60	\$669,340.72	(\$71,568.24)
2	Employee			Total Lower Tier Minimum Wages Owed 10/8/2010 - 12/31/2015 After Set Off and Over	Interest from 1/1 2016 through	Total with	Total 10/8/2010 - 12/31/2015	Set Off from USDOL
3	Number	Last Name	First Name	10.00	6/30/2018	Interest	Shortage	Settlement
4	3861	Abarca	Enrique	\$815.12	\$120.15	\$935.27	\$815.12	\$0.00
5	3638	Abdella	Juhar	\$178.63	\$26.33	\$204.96	\$319.03	(\$140.40)
6	105408	Abdulle	Abdirashid	\$165.36	\$24.38	\$189.74	\$165.36	\$0.00
7	3606	Abebe	Tamrat	\$3,010.66	\$443.78	\$3,454.44	\$3,010.66	\$0.00
8	3302	Abraha	Tesfalem	\$411.83	\$60.70	\$472.53	\$411.83	\$0.00
9	105813	Abt	Daniel	\$891.35	\$131.39	\$1,022.74	\$891.35	\$0.00
10	2640	Abuel	Alan	\$26.99	\$3.98	\$30.97	\$259.30	(\$232.31)
11	3513	Abuhay	Fasil	\$199.88	\$29.46	\$229.34	\$390.89	(\$191.01)
12	100221	Ackman	Charles	\$385.21	\$56.78	\$441.99	\$385.21	\$0.00
13	3853	Acosta	Lorrie	\$135.08	\$19.91	\$154.99	\$135.08	\$0.00
14	3609	Adamian	Robert	\$794.61	\$117.13	\$911.74	\$995.17	(\$200.56)
15	3896	Adams	Michael	\$193.46	\$28.52	\$221.98	\$283.69	(\$90.23)
16	3641	Adamson	Nicole	\$1,012.32	\$149.22	\$1,161.54	\$1,306.43	(\$294.11)
17	25411	Adhanom	Tewoldebrhan	\$124.16	\$18.30	\$142.46	\$124.16	\$0.00
18	3846	Agacevic	Ibnel	\$299.99	\$44.22	\$344.21	\$299.99	\$0.00
19	100821	Agostino	Nicholas	\$1,436.35	\$211.72	\$1,648.07	\$1,436.35	\$0.00
20	3684	Ahmed	Ahmed	\$926.12	\$136.51	\$1,062.63	\$1,290.23	(\$364.11)
21	3678	Alemayehu	Tewodros	\$42.09	\$6.20	\$48.30	\$42.09	\$0.00
22	3692	Alessi	Anthony	\$13.62	\$2.01	\$15.63	\$13.62	\$0.00
23	3712	Alexander	Darvious	\$63.13	\$9.30	\$72.43	\$63.13	\$0.00
24	3869	Alfaro	Joe	\$300.71	\$44.33	\$345.03	\$300.71	\$0.00
25	3661	Ali	Abraham	\$2,224.87	\$327.95	\$2,552.82	\$2,224.87	\$0.00
26	104525	Allegue	Yusnier	\$1,414.77	\$208.54	\$1,623.31	\$1,414.77	\$0.00
27	2903	Allen	Otis	\$6,359.32	\$937.39	\$7,296.71	\$6,359.32	\$0.00
28	25979	Alnaif	Abdul	\$711.15	\$104.83	\$815.98	\$743.50	(\$32.35)
29	3787	Altamura	Vincent	\$503.89	\$74.28	\$578.17	\$503.89	\$0.00
30	103822	Alvarado	Santiago	\$94.08	\$13.87	\$107.95	\$94.08	\$0.00
31	3769	Alves	Mary	\$988.61	\$145.72	\$1,134.33	\$988.61	\$0.00
32	3645	Ameha	Samuale	\$244.82	\$36.09	\$280.91	\$244.82	\$0.00
33	24038	Anantagul	Kamol	\$154.39	\$22.76	\$177.15	\$154.39	\$0.00
34	3564	Anastasio	James	\$111.24	\$16.40	\$127.63	\$111.24	\$0.00
35	29709	Andersen	Jason	\$1,197.51	\$176.52	\$1,374.03	\$1,968.47	(\$770.96)
36	106828	Anderson	Calvin	\$1,353.44	\$199.50	\$1,552.95	\$1,353.44	\$0.00
37	3672	Anderson	Roosevelt	\$2,114.65	\$311.71	\$2,426.36	\$2,787.37	(\$672.72)
38	3943	Anderson	William	\$289.40	\$42.66	\$332.06	\$289.40	\$0.00
39	3650	Anif	Janeid	\$1,406.55	\$207.33	\$1,613.88	\$1,406.55	\$0.00
40	2942	Appel	Howard	\$23.47	\$3.46	\$26.93	\$23.47	\$0.00
41	3614	Applegate	Angela	\$260.97	\$38.47	\$299.44	\$319.42	(\$58.45)
42	3730	Arar	Isam	\$1,726.82	\$254.54	\$1,981.36	\$2,235.96	(\$509.14)
43	104910	Archer	Bert	\$362.37	\$53.41	\$415.78	\$362.37	\$0.00
44	3709	Arell	Roger	\$42.41	\$6.25	\$48.66	\$92.02	(\$49.61)
45	3931	Arena	Francis	\$527.13	\$77.70	\$604.83	\$527.13	\$0.00

	A	B	C	D	E	F	G	H
46	26553	Arnwine	Howard	\$2,020.90	\$297.89	\$2,318.78	\$2,185.05	(\$164.15)
47	3676	Asad	Tassawar	\$28.49	\$4.20	\$32.69	\$28.49	\$0.00
48	31622	Asefa	Wossen	\$456.31	\$67.26	\$523.57	\$456.31	\$0.00
49	3828	Aseffa	Mulubahan	\$1,992.18	\$293.66	\$2,285.84	\$2,431.45	(\$439.27)
50	3741	Assena	Zenebech	\$41.86	\$6.17	\$48.02	\$41.86	\$0.00
51	3873	Atanasov	Nikolay	\$154.17	\$22.73	\$176.90	\$154.17	\$0.00
52	3825	Atterbury	Joseph	\$159.92	\$23.57	\$183.49	\$159.92	\$0.00
53	110476	Auberry Jr.	Glenn	\$309.98	\$45.69	\$355.67	\$309.98	\$0.00
54	3667	Aurich	Juan	\$1,489.26	\$219.52	\$1,708.78	\$2,508.20	(\$1,018.94)
55	2926	Awalom	Alemayehu	\$6,288.28	\$926.92	\$7,215.20	\$6,288.28	\$0.00
56	3707	Azmoudeh	Bobby	\$208.23	\$30.69	\$238.92	\$208.23	\$0.00
57	3605	Azzouay	El	\$135.48	\$19.97	\$155.45	\$135.48	\$0.00
58	20210	Ba	Awa	\$1,270.02	\$187.21	\$1,457.22	\$1,270.02	\$0.00
59	108404	Baca	James	\$105.93	\$15.61	\$121.54	\$105.93	\$0.00
60	27358	Baca-Paez	Sergio	\$2,124.87	\$313.21	\$2,438.08	\$2,501.92	(\$377.05)
61	3838	Baker	Timothy	\$2,135.81	\$314.83	\$2,450.64	\$2,431.20	(\$295.39)
62	27315	Bakhtiari	Marco	\$2,701.33	\$398.19	\$3,099.52	\$3,284.38	(\$583.05)
63	112015	Bambenek	Matthew	\$337.56	\$49.76	\$387.31	\$337.56	\$0.00
64	112193	Bandi	Pedram	\$11.21	\$1.65	\$12.86	\$11.21	\$0.00
65	2523	Banuelos	Ruben	\$150.22	\$22.14	\$172.36	\$150.22	\$0.00
66	3909	Barbu	Ion	\$2,507.70	\$369.64	\$2,877.34	\$2,562.29	(\$54.59)
67	3760	Bardo	Timothy	\$746.65	\$110.06	\$856.71	\$746.65	\$0.00
68	3369	Barich	Edward	\$189.31	\$27.90	\$217.21	\$189.31	\$0.00
69	100158	Barnes	Benjamin	\$5,936.88	\$875.12	\$6,812.00	\$5,936.88	\$0.00
70	2993	Barr	Kenneth	\$574.03	\$84.61	\$658.64	\$615.48	(\$41.45)
71	107792	Barrameda	Danilo	\$56.83	\$8.38	\$65.20	\$56.83	\$0.00
72	3601	Barseghyan	Artur	\$373.48	\$55.05	\$428.54	\$488.18	(\$114.70)
73	3887	Barstow	Lance	\$131.44	\$19.37	\$150.81	\$131.44	\$0.00
74	3829	Bartunek	Johnny	\$19.47	\$2.87	\$22.34	\$19.47	\$0.00
75	3649	Bataineh	Ali	\$218.35	\$32.18	\$250.53	\$218.35	\$0.00
76	2454	Batista	Eugenio	\$49.03	\$7.23	\$56.25	\$49.03	\$0.00
77	3926	Bauer	William	\$217.42	\$32.05	\$249.47	\$217.42	\$0.00
78	25454	Bell	Jeffrey	\$26.45	\$3.90	\$30.34	\$26.45	\$0.00
79	3594	Bellegarde	Josue	\$11.51	\$1.70	\$13.21	\$11.51	\$0.00
80	3622	Benel	Christian	\$1,457.21	\$214.80	\$1,672.01	\$1,589.84	(\$132.63)
81	110687	Berger	James	\$58.09	\$8.56	\$66.65	\$58.09	\$0.00
82	103219	Berichon	Mike	\$947.14	\$139.61	\$1,086.75	\$947.14	\$0.00
83	23373	Bey	Ronald	\$2,724.05	\$401.54	\$3,125.58	\$2,724.05	\$0.00
84	2960	Bialorucki	Richard	\$833.46	\$122.86	\$956.32	\$1,071.81	(\$238.35)
85	2986	Black	Burton	\$174.69	\$25.75	\$200.43	\$174.69	\$0.00
86	29914	Bliss	Valerie	\$124.09	\$18.29	\$142.38	\$124.09	\$0.00
87	112455	Blum III	Arthur	\$47.07	\$6.94	\$54.01	\$47.07	\$0.00
88	2487	Boling	Freddy	\$528.24	\$77.87	\$606.11	\$528.24	\$0.00
89	2802	Borja	Virginia	\$456.50	\$67.29	\$523.79	\$745.82	(\$289.32)
90	3723	Bowen	Christopher	\$674.72	\$99.46	\$774.17	\$674.72	\$0.00
91	3508	Bozic	Nebojsa	\$263.10	\$38.78	\$301.88	\$263.10	\$0.00
92	28324	Bradley	Leroy	\$2,391.80	\$352.56	\$2,744.36	\$2,810.40	(\$418.60)
93	2056	Brauchle	Michael	\$3,344.49	\$492.99	\$3,837.48	\$4,054.05	(\$709.56)
94	3697	Briggs	Andrew	\$52.36	\$7.72	\$60.08	\$52.36	\$0.00
95	3716	Brimhall	Tracy	\$3,804.84	\$560.85	\$4,365.69	\$3,804.84	\$0.00

	A	B	C	D	E	F	G	H
96	3621	Brisco	Allen	\$3,226.36	\$475.58	\$3,701.93	\$3,226.36	\$0.00
97	100299	Briski	Louis	\$226.23	\$33.35	\$259.58	\$414.70	(\$188.47)
98	110579	Brooks	Jose	\$46.30	\$6.83	\$53.13	\$46.30	\$0.00
99	3949	Brown	Daniel	\$730.19	\$107.63	\$837.82	\$730.19	\$0.00
100	3067	Brown	Maurice	\$774.77	\$114.20	\$888.97	\$774.77	\$0.00
101	2704	Buergey	Christopher	\$1,051.28	\$154.96	\$1,206.24	\$1,051.28	\$0.00
102	28249	Bunns	Tommy	\$564.89	\$83.27	\$648.16	\$564.89	\$0.00
103	111670	Burns	Brittany	\$122.95	\$18.12	\$141.08	\$122.95	\$0.00
104	109309	Caldwell Jr.	Paul	\$364.22	\$53.69	\$417.90	\$364.22	\$0.00
105	3892	Calise	Domenic	\$57.13	\$8.42	\$65.55	\$57.13	\$0.00
106	3791	Cancio-Betancou	Rene	\$282.86	\$41.69	\$324.55	\$282.86	\$0.00
107	106463	Capone	Gary	\$1,177.79	\$173.61	\$1,351.40	\$1,177.79	\$0.00
108	3733	Carr	Jamaal	\$127.11	\$18.74	\$145.84	\$127.11	\$0.00
109	2660	Carracedo	Sonny	\$360.54	\$53.15	\$413.69	\$360.54	\$0.00
110	3899	Casiello	Anthony	\$552.19	\$81.39	\$633.58	\$703.35	(\$151.16)
111	102334	Castellanos	Joaquin	\$419.56	\$61.84	\$481.40	\$419.56	\$0.00
112	2531	Catoggio	Alfred	\$143.11	\$21.10	\$164.21	\$143.11	\$0.00
113	3843	Caymite	Luc	\$221.02	\$32.58	\$253.60	\$221.02	\$0.00
114	104310	Chana	Chen	\$658.00	\$96.99	\$754.99	\$658.00	\$0.00
115	3420	Chang	Yun-Yu	\$697.04	\$102.75	\$799.78	\$697.04	\$0.00
116	3831	Charouat	Malek	\$412.11	\$60.75	\$472.86	\$412.11	\$0.00
117	24737	Charov	Ivaylo	\$67.83	\$10.00	\$77.83	\$67.83	\$0.00
118	3663	Chasteen	Jeffery	\$38.80	\$5.72	\$44.52	\$38.80	\$0.00
119	3714	Chatrizeh	Shahin	\$744.82	\$109.79	\$854.61	\$950.52	(\$205.70)
120	112394	Chavez	Rosemarie	\$13.29	\$1.96	\$15.25	\$13.29	\$0.00
121	3249	Chico	David	\$2,251.13	\$331.83	\$2,582.95	\$2,251.13	\$0.00
122	3729	Choudhary	Krishna	\$1,694.88	\$249.83	\$1,944.71	\$1,694.88	\$0.00
123	3588	Christensen	Rosa	\$1,878.35	\$276.88	\$2,155.22	\$1,878.35	\$0.00
124	3881	Christodoulou	Panos	\$584.13	\$86.10	\$670.23	\$584.13	\$0.00
125	26783	Clark	Dennis	\$513.57	\$75.70	\$589.27	\$513.57	\$0.00
126	31467	Clarke	Michael	\$69.42	\$10.23	\$79.65	\$69.42	\$0.00
127	107430	Cobon	Karl	\$1,023.14	\$150.81	\$1,173.95	\$1,023.14	\$0.00
128	3802	Cobos	Aaron	\$258.72	\$38.14	\$296.85	\$258.72	\$0.00
129	3885	Cohoon	Thomas	\$2,087.12	\$307.65	\$2,394.77	\$2,261.53	(\$174.41)
130	3552	Coizeau	Leonardo	\$3,285.52	\$484.30	\$3,769.81	\$3,433.58	(\$148.06)
131	102415	Collier	Ella	\$293.00	\$43.19	\$336.19	\$447.70	(\$154.70)
132	3862	Collins	Lincoln	\$408.91	\$60.27	\$469.18	\$520.42	(\$111.51)
133	108041	Comeau	Brian	\$70.76	\$10.43	\$81.19	\$70.76	\$0.00
134	3596	Conde	Carlos	\$103.01	\$15.18	\$118.19	\$103.01	\$0.00
135	3900	Coney-Cumming	Keisha	\$531.04	\$78.28	\$609.32	\$531.04	\$0.00
136	3738	Conway	James	\$3,480.75	\$513.08	\$3,993.82	\$3,980.61	(\$499.86)
137	112398	Corona	Fernando	\$775.97	\$114.38	\$890.35	\$775.97	\$0.00
138	2051	Costello	Brad	\$1,305.53	\$192.44	\$1,497.97	\$1,696.23	(\$390.70)
139	3550	Craddock	Charles	\$557.35	\$82.16	\$639.51	\$557.35	\$0.00
140	3935	Craffey	Richard	\$672.27	\$99.09	\$771.36	\$672.27	\$0.00
141	23774	Crawford	Darryl	\$141.24	\$20.82	\$162.05	\$224.46	(\$83.22)
142	21457	Crawford	Maximillian	\$156.56	\$23.08	\$179.64	\$156.56	\$0.00
143	30300	Cruz-Decastro	Antonio	\$47.37	\$6.98	\$54.35	\$47.37	\$0.00
144	109796	Curtin	Ronald	\$1,891.68	\$278.84	\$2,170.52	\$1,891.68	\$0.00
145	109130	Dacayanan	Liza	\$515.01	\$75.91	\$590.92	\$515.01	\$0.00

	A	B	C	D	E	F	G	H
146	23948	Daffron	Daniel	\$1,242.13	\$183.10	\$1,425.23	\$1,242.13	\$0.00
147	32238	Daggett Jr.	Rudolph	\$618.68	\$91.20	\$709.87	\$618.68	\$0.00
148	3777	Daniels	Donald	\$3,274.58	\$482.69	\$3,757.26	\$3,274.58	\$0.00
149	110936	Daniels	James	\$57.14	\$8.42	\$65.56	\$57.14	\$0.00
150	3511	Danielsen	Danny	\$377.99	\$55.72	\$433.71	\$377.99	\$0.00
151	3428	D'Arcy	Timothy	\$4,630.45	\$682.55	\$5,313.00	\$4,630.45	\$0.00
152	101103	Davila-Romero	Monica	\$58.85	\$8.67	\$67.52	\$58.85	\$0.00
153	28065	Davis	Bradley	\$2,167.85	\$319.55	\$2,487.40	\$2,167.85	\$0.00
154	2573	Deguzman	Fermin	\$294.22	\$43.37	\$337.59	\$294.22	\$0.00
155	3675	Deguzman	Leloi	\$619.41	\$91.30	\$710.71	\$619.41	\$0.00
156	111137	Dejacto	Giovanna	\$660.42	\$97.35	\$757.77	\$660.42	\$0.00
157	25935	Delgado	Carlos	\$105.26	\$15.52	\$120.78	\$105.26	\$0.00
158	2057	DeMarco	William	\$581.36	\$85.69	\$667.05	\$581.36	\$0.00
159	3566	Deocampo	Michael	\$198.88	\$29.31	\$228.19	\$222.51	(\$23.63)
160	3936	Dial	Donald	\$811.92	\$119.68	\$931.60	\$811.92	\$0.00
161	111062	Diamond	Jeffrey	\$273.19	\$40.27	\$313.46	\$273.19	\$0.00
162	3719	Diaz	Aiser	\$22.90	\$3.38	\$26.28	\$22.90	\$0.00
163	3657	Dibaba	Desta	\$958.68	\$141.31	\$1,099.99	\$958.68	\$0.00
164	3905	Dillard	Corey	\$904.27	\$133.29	\$1,037.56	\$978.27	(\$74.00)
165	2031	Dinok	Ildiko	\$1,530.38	\$225.58	\$1,755.96	\$1,530.38	\$0.00
166	6832	Dionas	John	\$87.73	\$12.93	\$100.66	\$87.73	\$0.00
167	3756	Disbrow	Ronald	\$2,475.64	\$364.92	\$2,840.56	\$2,858.43	(\$382.79)
168	3395	Dixon	Julius	\$669.09	\$98.63	\$767.72	\$669.09	\$0.00
169	2812	Djapa-Ivosevic	Davor	\$295.33	\$43.53	\$338.87	\$295.33	\$0.00
170	3704	Dobszewicz	Gary	\$2,278.69	\$335.89	\$2,614.57	\$3,064.20	(\$785.51)
171	3024	Donahoe	Stephen	\$473.62	\$69.81	\$543.44	\$473.62	\$0.00
172	3478	Dontchev	Nedeltcho	\$2,456.69	\$362.13	\$2,818.81	\$2,562.54	(\$105.85)
173	3830	Dotson	Contessa	\$49.54	\$7.30	\$56.84	\$49.54	\$0.00
174	3378	Dotson	Eugene	\$232.38	\$34.25	\$266.63	\$298.04	(\$65.66)
175	106763	Doyle	William	\$304.91	\$44.94	\$349.85	\$304.91	\$0.00
176	2871	Draper	Ivan	\$885.79	\$130.57	\$1,016.35	\$1,988.56	(\$1,102.77)
177	3754	Dudek	Anthony	\$1,421.81	\$209.58	\$1,631.39	\$1,421.81	\$0.00
178	3916	Duna	Lawrence	\$760.98	\$112.17	\$873.15	\$760.98	\$0.00
179	3617	Durey	Robert	\$795.00	\$117.19	\$912.19	\$1,086.96	(\$291.96)
180	2006	Durtschi	Jeffrey	\$496.97	\$73.26	\$570.23	\$585.98	(\$89.01)
181	100046	Dymond	Ernest	\$62.96	\$9.28	\$72.24	\$62.96	\$0.00
182	3907	Eddik	Muhannad	\$31.60	\$4.66	\$36.26	\$31.60	\$0.00
183	2637	Edwards	Jeffrey	\$823.78	\$121.43	\$945.21	\$1,307.78	(\$484.00)
184	3381	Egan	Joseph	\$3,088.61	\$455.27	\$3,543.88	\$3,088.61	\$0.00
185	3595	Ekoue	Ayi	\$2,813.75	\$414.76	\$3,228.50	\$2,813.75	\$0.00
186	111822	Elgendy	Mohamed	\$96.88	\$14.28	\$111.17	\$96.88	\$0.00
187	18678	Eliades	George	\$272.83	\$40.22	\$313.04	\$272.83	\$0.00
188	3771	Ellis	Charles	\$763.81	\$112.59	\$876.40	\$763.81	\$0.00
189	109641	Emling	Paul	\$146.38	\$21.58	\$167.95	\$470.16	(\$323.78)
190	106698	Emter	Christopher	\$124.52	\$18.36	\$142.88	\$124.52	\$0.00
191	3567	Ernst	William	\$2,071.00	\$305.27	\$2,376.27	\$3,661.62	(\$1,590.62)
192	3937	Esfarjany	Mahmood	\$61.93	\$9.13	\$71.06	\$61.93	\$0.00
193	3689	Eshaghi	Mohammad	\$243.90	\$35.95	\$279.85	\$347.00	(\$103.10)
194	3889	Estrada	Michael	\$217.71	\$32.09	\$249.80	\$217.71	\$0.00
195	3628	Evans	Steven	\$23.51	\$3.46	\$26.97	\$23.51	\$0.00

	A	B	C	D	E	F	G	H
196	3703	Fadlallah	Michel	\$675.34	\$99.55	\$774.88	\$857.18	(\$181.84)
197	29981	Fair	Kirby	\$496.57	\$73.20	\$569.77	\$496.57	\$0.00
198	3795	Farah	Yohannes	\$391.88	\$57.76	\$449.64	\$391.88	\$0.00
199	2682	Fears	Thomas	\$2,605.88	\$384.12	\$2,990.00	\$3,198.92	(\$593.04)
200	3591	Feleke	Melak	\$989.78	\$145.90	\$1,135.67	\$1,190.60	(\$200.82)
201	3549	Fesehazion	Teabe	\$1,306.55	\$192.59	\$1,499.14	\$1,865.61	(\$559.06)
202	111068	Filatov	Andrey	\$20.19	\$2.98	\$23.16	\$20.19	\$0.00
203	3877	Filfel	Kamal	\$3,138.25	\$462.59	\$3,600.84	\$3,138.25	\$0.00
204	109381	Fitzsimmons	Marc	\$327.92	\$48.34	\$376.25	\$327.92	\$0.00
205	111729	Flanders	Mary	\$208.19	\$30.69	\$238.88	\$208.19	\$0.00
206	3705	Fleming	Gary	\$3,227.44	\$475.74	\$3,703.17	\$4,079.24	(\$851.80)
207	3939	Ford	Todd	\$982.51	\$144.83	\$1,127.33	\$982.51	\$0.00
208	3927	Fox	Gordon	\$258.33	\$38.08	\$296.41	\$258.33	\$0.00
209	3860	Frankenberger	Grant	\$625.40	\$92.19	\$717.58	\$625.40	\$0.00
210	2614	Franklin	David	\$530.60	\$78.21	\$608.81	\$530.60	\$0.00
211	3774	Furst III	James	\$48.51	\$7.15	\$55.66	\$48.51	\$0.00
212	107590	Galtieri	Frank	\$269.32	\$39.70	\$309.02	\$269.32	\$0.00
213	2782	Garcia	John	\$5,827.20	\$858.95	\$6,686.15	\$5,985.76	(\$158.56)
214	3652	Garcia	Miguel	\$1,119.02	\$164.95	\$1,283.96	\$1,119.02	\$0.00
215	3522	Gardea	Alfred	\$1,460.80	\$215.33	\$1,676.12	\$1,460.80	\$0.00
216	3694	Gared	Yaekob	\$76.99	\$11.35	\$88.34	\$76.99	\$0.00
217	3793	Garras	Bill	\$160.33	\$23.63	\$183.97	\$160.33	\$0.00
218	26636	Garrett	Kathleen	\$20.07	\$2.96	\$23.03	\$20.07	\$0.00
219	3642	Gaumond	Gerard	\$197.50	\$29.11	\$226.61	\$197.50	\$0.00
220	3503	Gebrayes	Henock	\$360.01	\$53.07	\$413.08	\$360.01	\$0.00
221	3801	Gebremariam	Meley	\$200.99	\$29.63	\$230.61	\$200.99	\$0.00
222	3580	Gebreyes	Fanuel	\$513.28	\$75.66	\$588.93	\$933.43	(\$420.15)
223	3328	Gelane	Samuel	\$4,423.27	\$652.01	\$5,075.28	\$5,569.67	(\$1,146.40)
224	3589	Gessese	Worku	\$81.57	\$12.02	\$93.59	\$81.57	\$0.00
225	3865	Ghori	Azhar	\$205.23	\$30.25	\$235.48	\$205.23	\$0.00
226	3759	Gianopoulos	Samuel	\$1,133.49	\$167.08	\$1,300.57	\$1,406.99	(\$273.50)
227	3696	Gillett	David	\$519.94	\$76.64	\$596.58	\$1,435.64	(\$915.70)
228	3600	Gilmore	Paula	\$16.54	\$2.44	\$18.98	\$82.81	(\$66.27)
229	3924	Gilo	Hobart	\$645.59	\$95.16	\$740.75	\$645.59	\$0.00
230	31076	Glaser	Stephen	\$153.87	\$22.68	\$176.55	\$153.87	\$0.00
231	3121	Gleason	John	\$2,790.18	\$411.28	\$3,201.46	\$4,140.17	(\$1,349.99)
232	3540	Glogovac	Goran	\$603.36	\$88.94	\$692.30	\$1,152.08	(\$548.72)
233	3762	Godsey	Kelly	\$1,233.95	\$181.89	\$1,415.83	\$1,233.95	\$0.00
234	3739	Godsey	Thomas	\$90.55	\$13.35	\$103.89	\$90.55	\$0.00
235	106897	Goettsche	Dale	\$31.60	\$4.66	\$36.26	\$31.60	\$0.00
236	31840	Gokcek	Guney	\$99.83	\$14.72	\$114.55	\$99.83	\$0.00
237	3688	Golden	Theresa	\$686.85	\$101.24	\$788.10	\$686.85	\$0.00
238	3646	Golla	Dawit	\$72.45	\$10.68	\$83.12	\$72.45	\$0.00
239	3848	Gomez-Gomez	Arlene	\$138.32	\$20.39	\$158.70	\$138.32	\$0.00
240	3903	Gonzalez	Luis	\$1,355.04	\$199.74	\$1,554.78	\$1,355.04	\$0.00
241	111390	Gonzalez	Pedro	\$263.79	\$38.88	\$302.67	\$263.79	\$0.00
242	3586	Gonzalez	Ramon	\$503.17	\$74.17	\$577.33	\$503.17	\$0.00
243	3929	Gonzalez-Ruiz	Jose	\$178.96	\$26.38	\$205.34	\$178.96	\$0.00
244	3794	Goolsby	Victor	\$933.19	\$137.56	\$1,070.74	\$933.19	\$0.00
245	3391	Grafton	Natasha	\$1,771.74	\$261.16	\$2,032.90	\$1,771.74	\$0.00

	A	B	C	D	E	F	G	H
246	24757	Granchelle	Andrew	\$700.68	\$103.28	\$803.96	\$700.68	\$0.00
247	19253	Gray	Gary	\$3,124.58	\$460.58	\$3,585.16	\$3,790.84	(\$666.26)
248	3197	Green	Tony	\$1,256.38	\$185.19	\$1,441.57	\$2,445.41	(\$1,189.03)
249	2971	Gross	Timothy	\$866.18	\$127.68	\$993.85	\$866.18	\$0.00
250	18964	Guerrero	Daniel	\$1,211.23	\$178.54	\$1,389.76	\$1,211.23	\$0.00
251	3655	Guinan	William	\$318.19	\$46.90	\$365.09	\$552.49	(\$234.30)
252	3895	Gyuro	John	\$343.12	\$50.58	\$393.70	\$343.12	\$0.00
253	3636	Habtom	Ermias	\$663.42	\$97.79	\$761.21	\$663.42	\$0.00
254	3799	Hadley	Aaron	\$221.75	\$32.69	\$254.44	\$333.64	(\$111.89)
255	3827	Haigh III	Walter	\$202.61	\$29.87	\$232.48	\$202.61	\$0.00
256	111568	Hammoud	Wissam	\$618.64	\$91.19	\$709.83	\$618.64	\$0.00
257	21446	Handlon	Michael	\$649.91	\$95.80	\$745.71	\$649.91	\$0.00
258	3734	Hanna	Christopher	\$353.39	\$52.09	\$405.48	\$353.39	\$0.00
259	3402	Hansen	Jordan	\$1,238.67	\$182.59	\$1,421.26	\$1,410.40	(\$171.73)
260	29609	Haralambov	Valko	\$260.48	\$38.40	\$298.88	\$260.48	\$0.00
261	3519	Harms	Michael	\$728.33	\$107.36	\$835.69	\$728.33	\$0.00
262	3761	Harrell	Mark	\$1,070.06	\$157.73	\$1,227.79	\$1,484.83	(\$414.77)
263	3855	Harris	Dennis	\$2,455.84	\$362.00	\$2,817.84	\$2,846.89	(\$391.05)
264	2564	Harris	Jay	\$996.17	\$146.84	\$1,143.01	\$1,155.16	(\$158.99)
265	3811	Harris III	Reggie	\$19.13	\$2.82	\$21.95	\$19.13	\$0.00
266	3941	Harrison	Andrew	\$297.76	\$43.89	\$341.65	\$297.76	\$0.00
267	24039	Hart	Brandi	\$162.45	\$23.95	\$186.40	\$162.45	\$0.00
268	3656	Harun	Idris	\$114.58	\$16.89	\$131.47	\$114.58	\$0.00
269	3515	Hasen	Akmel	\$114.78	\$16.92	\$131.69	\$188.59	(\$73.81)
270	3742	Haskell	William	\$3,803.40	\$560.64	\$4,364.03	\$4,896.30	(\$1,092.90)
271	3808	Hays	Larry	\$2,054.93	\$302.91	\$2,357.84	\$2,293.24	(\$238.31)
272	109457	Hearne	Stephen	\$188.99	\$27.86	\$216.85	\$188.99	\$0.00
273	110194	Henderson	Lloyd	\$467.13	\$68.86	\$535.98	\$467.13	\$0.00
274	3933	Hendricks	Mark	\$352.95	\$52.03	\$404.97	\$352.95	\$0.00
275	3634	Herbert	Christopher	\$1,177.50	\$173.57	\$1,351.06	\$1,177.50	\$0.00
276	3763	Herga	Ryan	\$299.22	\$44.11	\$343.32	\$408.57	(\$109.35)
277	101555	Hernandez	Rene	\$272.18	\$40.12	\$312.30	\$272.18	\$0.00
278	107072	Hernandez-Ocan	Amilcar	\$219.91	\$32.42	\$252.33	\$219.91	\$0.00
279	112038	Hill	Douglas	\$294.63	\$43.43	\$338.06	\$294.63	\$0.00
280	109792	Hinds	Monroe	\$304.22	\$44.84	\$349.06	\$304.22	\$0.00
281	2097	Hinks	Dana	\$778.37	\$114.73	\$893.10	\$927.59	(\$149.22)
282	3765	Hirsi	Kamal	\$533.66	\$78.66	\$612.33	\$533.66	\$0.00
283	2464	Hodge	Lee	\$1,173.17	\$172.93	\$1,346.10	\$1,173.17	\$0.00
284	2490	Hoffman	Gery	\$30.38	\$4.48	\$34.86	\$30.38	\$0.00
285	2017	Holcomb	Dalton	\$1,162.76	\$171.40	\$1,334.16	\$1,162.76	\$0.00
286	3864	Holler	Alfonso	\$491.70	\$72.48	\$564.18	\$586.05	(\$94.35)
287	3809	Hollis	James	\$92.91	\$13.70	\$106.61	\$252.73	(\$159.82)
288	3822	Holt	John	\$2,920.16	\$430.44	\$3,350.60	\$2,920.16	\$0.00
289	3653	Hooper	Donald	\$528.58	\$77.92	\$606.50	\$709.80	(\$181.22)
290	3607	Hoschouer	Christina	\$1,321.54	\$194.80	\$1,516.33	\$1,321.54	\$0.00
291	109584	Hosley	Tracie	\$185.20	\$27.30	\$212.50	\$185.20	\$0.00
292	31648	Hu	Karl	\$137.49	\$20.27	\$157.76	\$137.49	\$0.00
293	3849	Huerena	Samuel	\$51.18	\$7.54	\$58.72	\$51.18	\$0.00
294	2400	Hughes	Jerry	\$570.41	\$84.08	\$654.49	\$1,906.43	(\$1,336.02)
295	3780	Hunter	James	\$320.69	\$47.27	\$367.96	\$320.69	\$0.00

	A	B	C	D	E	F	G	H
296	3120	Huntington	Walter	\$311.96	\$45.98	\$357.94	\$311.96	\$0.00
297	27788	Hurd	Donald	\$1,527.27	\$225.13	\$1,752.39	\$1,786.78	(\$259.51)
298	3782	Hurley	Robert	\$246.55	\$36.34	\$282.89	\$246.55	\$0.00
299	2751	Hurtado	Hubert	\$2,544.05	\$375.00	\$2,919.05	\$2,544.05	\$0.00
300	3835	Hussien	Leykun	\$568.36	\$83.78	\$652.14	\$568.36	\$0.00
301	17189	Imran	Muhammad	\$104.12	\$15.35	\$119.46	\$104.12	\$0.00
302	3187	Isaac	Edsel	\$263.62	\$38.86	\$302.48	\$263.62	\$0.00
303	108273	Isanan	Claro	\$199.02	\$29.34	\$228.35	\$199.02	\$0.00
304	107191	Ivanov	Yordan	\$74.55	\$10.99	\$85.54	\$74.55	\$0.00
305	2114	Ivey	Timothy	\$1,046.55	\$154.27	\$1,200.82	\$1,505.32	(\$458.77)
306	3928	Jackson	Anthony	\$495.57	\$73.05	\$568.62	\$495.57	\$0.00
307	108839	Jackson	Frederick	\$2,776.86	\$409.32	\$3,186.18	\$3,154.65	(\$377.79)
308	3701	Jackson	Willie	\$2,678.80	\$394.87	\$3,073.67	\$3,577.43	(\$898.63)
309	107992	Jacobi	Donald	\$1,157.97	\$170.69	\$1,328.66	\$1,157.97	\$0.00
310	20466	Jafarian	Moharram	\$13.55	\$2.00	\$15.55	\$13.55	\$0.00
311	2412	Jelancic	Vladko	\$1,366.25	\$201.39	\$1,567.64	\$1,773.01	(\$406.76)
312	3851	Jellison	Charles	\$327.35	\$48.25	\$375.60	\$513.14	(\$185.79)
313	3315	Jimenez	Michael	\$814.06	\$120.00	\$934.05	\$1,010.10	(\$196.04)
314	3539	Johnson	Brian	\$62.39	\$9.20	\$71.59	\$62.39	\$0.00
315	3898	Johnson	Cary	\$91.90	\$13.55	\$105.44	\$91.90	\$0.00
316	3151	Johnson	Kennard	\$778.01	\$114.68	\$892.69	\$1,770.30	(\$992.29)
317	3844	Johnson	Richard	\$162.40	\$23.94	\$186.34	\$162.40	\$0.00
318	2127	Johnson	Rodney	\$44.73	\$6.59	\$51.32	\$206.39	(\$161.66)
319	3602	Johnson	Tony	\$377.73	\$55.68	\$433.41	\$377.73	\$0.00
320	2253	Jones	Glenn	\$1,337.83	\$197.20	\$1,535.03	\$1,731.80	(\$393.97)
321	3784	Joseph	Leroy	\$2,440.47	\$359.74	\$2,800.21	\$2,570.69	(\$130.22)
322	3919	Kabbaz	David	\$76.92	\$11.34	\$88.26	\$76.92	\$0.00
323	111813	Kadir	Tura	\$23.88	\$3.52	\$27.39	\$23.88	\$0.00
324	106642	Kadri	Abdelkrim	\$10.24	\$1.51	\$11.75	\$10.24	\$0.00
325	3772	Kaiyoorawongs	Chaipan	\$3,065.66	\$451.89	\$3,517.55	\$3,065.66	\$0.00
326	101942	Kalimba	Gaston	\$530.48	\$78.19	\$608.67	\$530.48	\$0.00
327	29542	Kang	Chong	\$101.83	\$15.01	\$116.84	\$101.83	\$0.00
328	3631	Karner	Adam	\$873.51	\$128.76	\$1,002.27	\$1,141.88	(\$268.37)
329	3819	Keba	Woldmarim	\$569.14	\$83.89	\$653.03	\$998.90	(\$429.76)
330	106153	Keller	Roger	\$390.90	\$57.62	\$448.52	\$390.90	\$0.00
331	2736	Kenary	Brian	\$352.09	\$51.90	\$403.99	\$1,706.10	(\$1,354.01)
332	3484	Kern	Gary	\$8,416.88	\$1,240.68	\$9,657.56	\$9,357.54	(\$940.66)
333	3637	Key	Roy	\$174.71	\$25.75	\$200.46	\$174.71	\$0.00
334	3651	Khan	Zaka	\$53.04	\$7.82	\$60.86	\$53.04	\$0.00
335	105794	Kimler	Ryan	\$198.87	\$29.31	\$228.19	\$198.87	\$0.00
336	3798	King Jr.	John	\$115.51	\$17.03	\$132.54	\$179.87	(\$64.36)
337	2901	Kingsley	David	\$49.73	\$7.33	\$57.06	\$49.73	\$0.00
338	111283	Kissel	Sean	\$51.23	\$7.55	\$58.78	\$51.23	\$0.00
339	3893	Klein	Phillip	\$3,633.02	\$535.52	\$4,168.54	\$3,633.02	\$0.00
340	3837	Knight	Tyree	\$262.37	\$38.67	\$301.04	\$262.37	\$0.00
341	3630	Kogan	Martin	\$6,773.74	\$998.48	\$7,772.22	\$7,609.17	(\$835.43)
342	2789	Krouse	Stephen	\$85.40	\$12.59	\$97.99	\$366.44	(\$281.04)
343	103826	Kull Jr.	William	\$135.94	\$20.04	\$155.98	\$135.94	\$0.00
344	3662	Kunik	Robert	\$301.44	\$44.43	\$345.87	\$301.44	\$0.00
345	3878	Laico	Paul	\$102.52	\$15.11	\$117.63	\$102.52	\$0.00

	A	B	C	D	E	F	G	H
346	111231	Lant	Mark	\$694.00	\$102.30	\$796.29	\$694.00	\$0.00
347	3535	Lantis	Glen	\$427.48	\$63.01	\$490.49	\$427.48	\$0.00
348	25362	Lathan	Joseph	\$269.57	\$39.73	\$309.30	\$269.57	\$0.00
349	111290	Lay	Gilbert	\$139.80	\$20.61	\$160.40	\$139.80	\$0.00
350	1053	Leacock	Brian	\$1,191.71	\$175.66	\$1,367.37	\$2,396.09	(\$1,204.38)
351	3685	Leal	Jill	\$2,181.82	\$321.61	\$2,503.43	\$2,592.70	(\$410.88)
352	18960	Lee	Melvin	\$469.33	\$69.18	\$538.51	\$469.33	\$0.00
353	3702	Lee	Thomas	\$2,952.81	\$435.26	\$3,388.06	\$2,952.81	\$0.00
354	3666	Legesse	Dereje	\$555.76	\$81.92	\$637.68	\$776.75	(\$220.99)
355	3816	Ligus	Thomas	\$219.63	\$32.37	\$252.01	\$219.63	\$0.00
356	25522	Link	Peter	\$1,062.97	\$156.69	\$1,219.66	\$1,366.79	(\$303.82)
357	3681	Linzer	Steven	\$42.56	\$6.27	\$48.83	\$42.56	\$0.00
358	15804	Little	Dennis	\$742.99	\$109.52	\$852.50	\$1,016.34	(\$273.35)
359	3945	Lombana	Francisco	\$51.80	\$7.63	\$59.43	\$51.80	\$0.00
360	3858	Lonbani	Khosro	\$607.51	\$89.55	\$697.06	\$829.71	(\$222.20)
361	111405	Lopez-Silvero	Fidel	\$81.02	\$11.94	\$92.96	\$81.02	\$0.00
362	3752	Lorenz	Dierdra	\$866.03	\$127.66	\$993.69	\$866.03	\$0.00
363	3813	Lovelady	Warren	\$11.90	\$1.75	\$13.65	\$11.90	\$0.00
364	1065	Lovin	Charles	\$247.32	\$36.46	\$283.77	\$422.42	(\$175.10)
365	3778	Macato	Jaime	\$2,456.61	\$362.11	\$2,818.73	\$2,859.72	(\$403.11)
366	20936	Madi	Adam	\$137.47	\$20.26	\$157.74	\$137.47	\$0.00
367	24918	Magana	Luis	\$565.73	\$83.39	\$649.12	\$749.60	(\$183.87)
368	107940	Maharit	Khamkhung	\$63.98	\$9.43	\$73.41	\$63.98	\$0.00
369	2738	Mahoney	Kevin	\$431.90	\$63.66	\$495.56	\$431.90	\$0.00
370	3096	Mainwaring	David	\$3,079.08	\$453.87	\$3,532.95	\$3,079.08	\$0.00
371	2757	Majors	John	\$6,888.13	\$1,015.34	\$7,903.46	\$6,888.13	\$0.00
372	22809	Manitien	Ted	\$13.83	\$2.04	\$15.87	\$13.83	\$0.00
373	3890	Manor	Quincy	\$1,366.55	\$201.44	\$1,567.99	\$1,544.98	(\$178.43)
374	3583	Maras	Maria	\$2,195.44	\$323.62	\$2,519.05	\$2,614.23	(\$418.79)
375	106666	Martinez	Arturo	\$63.48	\$9.36	\$72.83	\$63.48	\$0.00
376	110053	Martinez	Francisco	\$1,713.26	\$252.54	\$1,965.80	\$1,713.26	\$0.00
377	3866	Martinez-Ramire	Eduardo	\$757.35	\$111.64	\$868.98	\$1,043.05	(\$285.70)
378	100287	Martins	Julio	\$298.27	\$43.97	\$342.24	\$298.27	\$0.00
379	3698	Mastrio	Angelo	\$287.39	\$42.36	\$329.75	\$287.39	\$0.00
380	110618	Mastrio	Pamela	\$234.23	\$34.53	\$268.76	\$234.23	\$0.00
381	110108	Mathis	George	\$297.42	\$43.84	\$341.26	\$297.42	\$0.00
382	3669	Maza	Inez	\$349.93	\$51.58	\$401.51	\$349.93	\$0.00
383	111284	McCall	Melvin	\$169.85	\$25.04	\$194.88	\$169.85	\$0.00
384	111199	McCarroll-Jones	Claudia	\$17.52	\$2.58	\$20.11	\$17.52	\$0.00
385	2587	McCarter	Patrick	\$2,149.19	\$316.80	\$2,465.99	\$2,268.60	(\$119.41)
386	3690	McCarthy	John	\$3,474.77	\$512.20	\$3,986.97	\$4,182.28	(\$707.51)
387	3654	McConnell	Therral	\$873.55	\$128.77	\$1,002.32	\$873.55	\$0.00
388	3743	McCoubrey	Earl	\$1,347.94	\$198.69	\$1,546.63	\$1,347.94	\$0.00
389	107427	McDougle	Jeffrey	\$124.87	\$18.41	\$143.27	\$124.87	\$0.00
390	3111	McGarry	James	\$178.50	\$26.31	\$204.81	\$178.50	\$0.00
391	3745	McGowan	Sean	\$228.69	\$33.71	\$262.40	\$228.69	\$0.00
392	3547	McGregor	Matthew	\$857.64	\$126.42	\$984.05	\$857.64	\$0.00
393	3722	McNeece	James	\$147.35	\$21.72	\$169.07	\$147.35	\$0.00
394	25641	McSkimming	John	\$901.92	\$132.95	\$1,034.87	\$901.92	\$0.00
395	3345	Mekonen	Solomon	\$383.94	\$56.59	\$440.54	\$383.94	\$0.00

	A	B	C	D	E	F	G	H
396	3066	Melesse	Abebe	\$32.85	\$4.84	\$37.69	\$32.85	\$0.00
397	3665	Melka	Tariku	\$27.31	\$4.03	\$31.34	\$27.31	\$0.00
398	2596	Meloro	Paul	\$3,253.76	\$479.62	\$3,733.38	\$3,503.79	(\$250.03)
399	3262	Mengesha	Alemayehu	\$521.70	\$76.90	\$598.60	\$861.06	(\$339.36)
400	3568	Menocal	Pedro	\$1,029.70	\$151.78	\$1,181.48	\$1,029.70	\$0.00
401	102328	Meyer	Ronald	\$53.72	\$7.92	\$61.64	\$53.72	\$0.00
402	26609	Mezzenasco	Pedro	\$1,317.06	\$194.14	\$1,511.19	\$1,523.84	(\$206.78)
403	110334	Michilena	Luis	\$66.26	\$9.77	\$76.03	\$66.26	\$0.00
404	30196	Miller	Jason	\$983.37	\$144.95	\$1,128.32	\$983.37	\$0.00
405	17855	Milliron	Darrol	\$1,696.99	\$250.14	\$1,947.13	\$3,469.18	(\$1,772.19)
406	3620	Mindyas	James	\$579.57	\$85.43	\$665.00	\$855.65	(\$276.08)
407	3904	Mirkulovski	Danny	\$550.09	\$81.09	\$631.18	\$550.09	\$0.00
408	31966	Mitrikov	Ilko	\$2,230.42	\$328.77	\$2,559.19	\$2,414.03	(\$183.61)
409	104887	Miyazaki	Nisaburo	\$912.41	\$134.49	\$1,046.90	\$912.41	\$0.00
410	3317	Mogeeth	Ehab	\$323.43	\$47.67	\$371.10	\$323.43	\$0.00
411	105284	Monforte II	Peter	\$5,074.87	\$748.06	\$5,822.92	\$5,074.87	\$0.00
412	3882	Monteagudo	Oscar	\$937.81	\$138.24	\$1,076.04	\$937.81	\$0.00
413	3735	Montoya Villa	Francisco	\$551.62	\$81.31	\$632.93	\$1,112.68	(\$561.06)
414	3913	Moore	Aileen-Louise	\$328.57	\$48.43	\$377.01	\$328.57	\$0.00
415	3664	Moreno	James	\$4,373.10	\$644.61	\$5,017.71	\$5,220.56	(\$847.46)
416	3626	Moretti	Bryan	\$1,422.89	\$209.74	\$1,632.63	\$1,422.89	\$0.00
417	3411	Morley	David	\$514.74	\$75.87	\$590.61	\$718.67	(\$203.93)
418	2162	Morris	Robert	\$1,446.92	\$213.28	\$1,660.20	\$1,446.92	\$0.00
419	8321	Morris	Thomas	\$4,599.67	\$678.01	\$5,277.68	\$4,599.67	\$0.00
420	106703	Mosely	David	\$1,143.38	\$168.54	\$1,311.92	\$1,143.38	\$0.00
421	3785	Mostafa	Ahmed	\$500.20	\$73.73	\$573.93	\$500.20	\$0.00
422	28917	Motazedi	Kamran	\$181.66	\$26.78	\$208.44	\$181.66	\$0.00
423	27059	Mottaghian	Joseph	\$30.98	\$4.57	\$35.54	\$30.98	\$0.00
424	107704	Muhtari	Abdulrahman	\$615.74	\$90.76	\$706.50	\$615.74	\$0.00
425	3847	Murawski	Richard	\$1,593.10	\$234.83	\$1,827.93	\$1,593.10	\$0.00
426	3856	Murray	Mark	\$23.74	\$3.50	\$27.24	\$23.74	\$0.00
427	2018	Murray	Michael P.	\$770.33	\$113.55	\$883.88	\$770.33	\$0.00
428	107440	Nantista	Peter	\$212.28	\$31.29	\$243.57	\$212.28	\$0.00
429	3859	Nazarov	Mikael	\$2,455.84	\$362.00	\$2,817.84	\$2,736.49	(\$280.65)
430	3804	Ndichu	Simon	\$366.18	\$53.98	\$420.16	\$366.18	\$0.00
431	102656	Nedyalkov	Atanas	\$321.59	\$47.40	\$369.00	\$321.59	\$0.00
432	3530	Negashe	Legesse	\$502.82	\$74.12	\$576.93	\$838.75	(\$335.93)
433	111494	Nemeth	Zoltan	\$353.54	\$52.11	\$405.65	\$353.54	\$0.00
434	25190	Ngo	Tuan	\$1,607.52	\$236.95	\$1,844.47	\$1,607.52	\$0.00
435	3545	Nichols	Keith	\$336.29	\$49.57	\$385.86	\$336.29	\$0.00
436	3823	Nigussie	Gulilat	\$480.17	\$70.78	\$550.95	\$620.79	(\$140.62)
437	28989	Nolan	Eamonn	\$107.87	\$15.90	\$123.77	\$107.87	\$0.00
438	3639	Norberg	Christopher	\$919.23	\$135.50	\$1,054.73	\$996.85	(\$77.62)
439	3876	Norvell	Chris	\$4,691.89	\$691.60	\$5,383.49	\$4,691.89	\$0.00
440	3841	Ocampo	Leonardo	\$882.56	\$130.09	\$1,012.66	\$967.99	(\$85.43)
441	30295	Ogbazghi	Dawit	\$489.50	\$72.15	\$561.65	\$1,075.06	(\$585.56)
442	109172	O'Grady	Francis	\$404.46	\$59.62	\$464.08	\$404.46	\$0.00
443	3836	Ohlson	Ryan	\$752.25	\$110.89	\$863.14	\$924.94	(\$172.69)
444	3753	Olen	Virginia	\$2,224.07	\$327.84	\$2,551.91	\$2,224.07	\$0.00
445	3748	Oliveros	Mario	\$671.02	\$98.91	\$769.93	\$671.02	\$0.00

	A	B	C	D	E	F	G	H
446	3868	Olson	Eric	\$514.53	\$75.84	\$590.38	\$514.53	\$0.00
447	3644	Ontura	Tesfalem	\$259.20	\$38.21	\$297.41	\$259.20	\$0.00
448	3934	Orr	Mark	\$147.62	\$21.76	\$169.38	\$147.62	\$0.00
449	104938	Ortega	Paul	\$47.24	\$6.96	\$54.20	\$47.24	\$0.00
450	3863	Ortega	Saul	\$439.49	\$64.78	\$504.27	\$439.49	\$0.00
451	3894	O'Shea	Kevin	\$163.81	\$24.15	\$187.96	\$163.81	\$0.00
452	25832	Osterman	Victor	\$209.00	\$30.81	\$239.81	\$683.24	(\$474.24)
453	3783	Overson	Michael	\$636.00	\$93.75	\$729.74	\$636.00	\$0.00
454	3789	Oyebade	Vincent	\$116.31	\$17.14	\$133.45	\$116.31	\$0.00
455	3717	Ozgulgec	Tunc	\$1,477.21	\$217.75	\$1,694.95	\$1,626.46	(\$149.25)
456	3618	Pak	Kon	\$374.87	\$55.26	\$430.13	\$374.87	\$0.00
457	106025	Paone	Chris	\$1,093.84	\$161.24	\$1,255.08	\$1,093.84	\$0.00
458	3597	Pariso	David	\$4,792.27	\$706.40	\$5,498.67	\$5,508.79	(\$716.52)
459	109637	Park	Danny	\$38.85	\$5.73	\$44.58	\$38.85	\$0.00
460	16676	Parker	Gary	\$1,387.79	\$204.57	\$1,592.35	\$1,387.79	\$0.00
461	3750	Parker	Shawnette	\$481.18	\$70.93	\$552.10	\$713.53	(\$232.35)
462	3884	Parmenter	William	\$1,713.94	\$252.64	\$1,966.58	\$1,713.94	\$0.00
463	3659	Paros	Nicholas	\$14.71	\$2.17	\$16.88	\$14.71	\$0.00
464	19858	Passera	Charles	\$65.93	\$9.72	\$75.64	\$65.93	\$0.00
465	3624	Patry	Michael	\$2,186.37	\$322.28	\$2,508.64	\$2,583.67	(\$397.30)
466	3932	Patton	Dorothy	\$43.03	\$6.34	\$49.37	\$43.03	\$0.00
467	112811	Peace	Kimberly	\$241.57	\$35.61	\$277.18	\$241.57	\$0.00
468	29536	Peacock	Paula	\$118.57	\$17.48	\$136.04	\$118.57	\$0.00
469	3806	Pearson	Jon	\$988.94	\$145.77	\$1,134.71	\$1,150.94	(\$162.00)
470	31112	Peer	Yuda	\$82.53	\$12.16	\$94.69	\$82.53	\$0.00
471	3396	Penera	Eric	\$124.81	\$18.40	\$143.21	\$279.36	(\$154.55)
472	3834	Perrotti	Dominic	\$343.23	\$50.59	\$393.82	\$421.61	(\$78.38)
473	111257	Petculescu	Ciprian	\$28.97	\$4.27	\$33.24	\$28.97	\$0.00
474	15968	Peterson	Kenneth	\$732.68	\$108.00	\$840.68	\$732.68	\$0.00
475	1076	Peterson	Steven	\$3,201.15	\$471.86	\$3,673.01	\$3,201.15	\$0.00
476	3736	Petrie	Theodore	\$49.32	\$7.27	\$56.59	\$49.32	\$0.00
477	3740	Petrossian	Robert	\$678.86	\$100.07	\$778.92	\$678.86	\$0.00
478	106089	Phillips	Larry	\$881.80	\$129.98	\$1,011.78	\$881.80	\$0.00
479	3281	Phonesavanh	Paul	\$742.40	\$109.43	\$851.84	\$742.40	\$0.00
480	3523	Pilkington	Margaret	\$1,706.19	\$251.50	\$1,957.69	\$2,529.94	(\$823.75)
481	107617	Pineda	Carlos	\$2,994.17	\$441.35	\$3,435.52	\$2,994.17	\$0.00
482	2826	Pitts	Amir	\$649.35	\$95.72	\$745.07	\$884.48	(\$235.13)
483	2407	Platania	John	\$556.69	\$82.06	\$638.75	\$1,038.00	(\$481.31)
484	3265	Pletz	David	\$2,188.91	\$322.65	\$2,511.56	\$3,207.86	(\$1,018.95)
485	3647	Pohl	Daniel	\$186.19	\$27.45	\$213.64	\$186.19	\$0.00
486	26679	Polchinski	Paul	\$111.37	\$16.42	\$127.78	\$111.37	\$0.00
487	31149	Pony	David	\$51.52	\$7.59	\$59.11	\$51.52	\$0.00
488	3563	Portillo	Mario	\$593.50	\$87.48	\$680.98	\$593.50	\$0.00
489	3201	Presnall	Darryl	\$379.09	\$55.88	\$434.97	\$508.92	(\$129.83)
490	3800	Price	Allen	\$630.95	\$93.00	\$723.95	\$630.95	\$0.00
491	2568	Price	James	\$1,491.52	\$219.86	\$1,711.38	\$2,971.90	(\$1,480.38)
492	3449	Prifti	Ilia	\$418.70	\$61.72	\$480.42	\$418.70	\$0.00
493	26363	Punzalan	Luciano	\$236.08	\$34.80	\$270.87	\$236.08	\$0.00
494	3687	Purdue	Robert	\$210.21	\$30.99	\$241.20	\$312.22	(\$102.01)
495	3556	Pyles	Joseph	\$682.49	\$100.60	\$783.09	\$682.49	\$0.00

	A	B	C	D	E	F	G	H
496	107548	Rainey	James	\$219.28	\$32.32	\$251.60	\$219.28	\$0.00
497	3883	Ramirez	Erney	\$760.59	\$112.11	\$872.70	\$760.59	\$0.00
498	3525	Rasheed	Willie	\$4,016.07	\$591.98	\$4,608.05	\$4,016.07	\$0.00
499	3812	Ray	William	\$12.61	\$1.86	\$14.47	\$12.61	\$0.00
500	108758	Regans	Mark	\$379.98	\$56.01	\$435.99	\$379.98	\$0.00
501	2237	Relopez	Craig	\$1,606.09	\$236.74	\$1,842.84	\$2,373.26	(\$767.17)
502	3544	Reno	Michael	\$3,828.40	\$564.32	\$4,392.72	\$3,828.40	\$0.00
503	14261	Riipi	Karl	\$126.47	\$18.64	\$145.11	\$126.47	\$0.00
504	109502	Rios-Lopez	Oscar	\$189.76	\$27.97	\$217.73	\$189.76	\$0.00
505	107701	Risby	Clifford	\$1,060.42	\$156.31	\$1,216.73	\$1,060.42	\$0.00
506	111756	Risco	Pedro	\$554.56	\$81.74	\$636.30	\$554.56	\$0.00
507	3191	Rivas	Victor	\$1,260.33	\$185.78	\$1,446.11	\$1,260.33	\$0.00
508	104109	Rivero-Vera	Raul	\$288.88	\$42.58	\$331.46	\$288.88	\$0.00
509	101317	Rivers	Willie	\$642.53	\$94.71	\$737.24	\$642.53	\$0.00
510	3575	Roach	Jayson	\$665.36	\$98.08	\$763.44	\$665.36	\$0.00
511	3305	Roberson	Ronnie	\$101.24	\$14.92	\$116.16	\$101.24	\$0.00
512	2842	Roberts	James	\$765.95	\$112.90	\$878.85	\$765.95	\$0.00
513	104171	Robinson	Mikalani	\$398.94	\$58.81	\$457.75	\$398.94	\$0.00
514	3629	Robles	Mark	\$49.78	\$7.34	\$57.11	\$49.78	\$0.00
515	3744	Rockett Jr.	Roosevelt	\$81.28	\$11.98	\$93.26	\$81.28	\$0.00
516	31847	Rodriguez	Armando	\$30.79	\$4.54	\$35.33	\$30.79	\$0.00
517	3814	Rohlas	Polly	\$2,985.34	\$440.05	\$3,425.39	\$3,615.12	(\$629.78)
518	3874	Romano	Anthony	\$1,169.52	\$172.39	\$1,341.91	\$1,306.60	(\$137.08)
519	3587	Romero	Ruben	\$687.24	\$101.30	\$788.54	\$687.24	\$0.00
520	3225	Ross	Larry	\$74.22	\$10.94	\$85.15	\$74.22	\$0.00
521	108742	Ross	Lee	\$174.37	\$25.70	\$200.07	\$174.37	\$0.00
522	3850	Rothenberg	Edward	\$239.11	\$35.25	\$274.36	\$239.11	\$0.00
523	3504	Rotich	Emertha	\$1,336.67	\$197.03	\$1,533.69	\$1,336.67	\$0.00
524	3912	Rousseau	James	\$657.44	\$96.91	\$754.35	\$657.44	\$0.00
525	3693	Ruby	Melissa	\$265.99	\$39.21	\$305.20	\$265.99	\$0.00
526	3477	Ruiz	Travis	\$586.19	\$86.41	\$672.60	\$586.19	\$0.00
527	3875	Russell	Darrell	\$657.42	\$96.91	\$754.33	\$657.42	\$0.00
528	3944	Sadler	James	\$82.91	\$12.22	\$95.13	\$82.91	\$0.00
529	3323	Saevitz	Neil	\$278.09	\$40.99	\$319.08	\$278.09	\$0.00
530	3169	Salameh	George	\$1,081.12	\$159.36	\$1,240.48	\$1,641.37	(\$560.25)
531	3042	Saleh	Jemal	\$4,948.30	\$729.40	\$5,677.69	\$4,948.30	\$0.00
532	103096	Sam	Phea	\$625.84	\$92.25	\$718.09	\$625.84	\$0.00
533	21811	Sameli	Sabino	\$921.22	\$135.79	\$1,057.01	\$921.22	\$0.00
534	100128	Sampson	James	\$644.31	\$94.97	\$739.28	\$644.31	\$0.00
535	109349	Sanchez-Ramos	Natasha	\$288.44	\$42.52	\$330.96	\$288.44	\$0.00
536	3570	Sanders	Acy	\$737.61	\$108.73	\$846.33	\$737.61	\$0.00
537	29769	Sans	Thomas	\$769.01	\$113.35	\$882.36	\$769.01	\$0.00
538	3915	Sapienza	Gino	\$261.74	\$38.58	\$300.32	\$261.74	\$0.00
539	3648	Saravanos	John	\$5,143.32	\$758.15	\$5,901.46	\$5,143.32	\$0.00
540	26687	Sargeant	Michael	\$164.64	\$24.27	\$188.91	\$164.64	\$0.00
541	105273	Sayed	Jamil	\$645.44	\$95.14	\$740.58	\$904.94	(\$259.50)
542	106913	Schraeder	Scott	\$569.96	\$84.01	\$653.98	\$569.96	\$0.00
543	25981	Schroeder	William	\$2,110.35	\$311.07	\$2,421.42	\$2,110.35	\$0.00
544	29172	Schwartz	George	\$601.41	\$88.65	\$690.06	\$601.41	\$0.00
545	3313	Schwartz	Steven	\$2,316.43	\$341.45	\$2,657.88	\$2,316.43	\$0.00

	A	B	C	D	E	F	G	H
546	109028	Secondo	Muridi	\$391.43	\$57.70	\$449.12	\$391.43	\$0.00
547	3536	Sedgwick	Anthony	\$129.38	\$19.07	\$148.45	\$129.38	\$0.00
548	3134	Serio	John	\$766.46	\$112.98	\$879.43	\$1,119.04	(\$352.58)
549	3057	Serrano	Hector	\$1,692.22	\$249.44	\$1,941.65	\$2,188.03	(\$495.81)
550	3359	Sevillet	Otto	\$136.93	\$20.18	\$157.11	\$390.65	(\$253.72)
551	3879	Sexner	Alexis	\$955.88	\$140.90	\$1,096.77	\$1,075.72	(\$119.84)
552	19451	Shafiei	Abdolreza	\$552.17	\$81.39	\$633.56	\$552.17	\$0.00
553	2899	Shallufa	Azmy	\$5,575.23	\$821.81	\$6,397.04	\$6,060.24	(\$485.01)
554	3619	Shein	Efraim	\$304.28	\$44.85	\$349.13	\$304.28	\$0.00
555	103821	Sherman	Jason	\$214.72	\$31.65	\$246.37	\$214.72	\$0.00
556	3724	Shinn	Kevin	\$463.14	\$68.27	\$531.41	\$463.14	\$0.00
557	3790	Shoyombo	Rilwan	\$1,426.49	\$210.27	\$1,636.76	\$1,833.70	(\$407.21)
558	3803	Siasat	Manuel	\$32.38	\$4.77	\$37.15	\$32.38	\$0.00
559	112766	Sibre	Christopher	\$294.20	\$43.37	\$337.56	\$294.20	\$0.00
560	3758	Siegel	Jeffrey	\$91.32	\$13.46	\$104.78	\$91.32	\$0.00
561	105863	Siljkovic	Becir	\$1,854.68	\$273.39	\$2,128.06	\$2,017.09	(\$162.41)
562	23388	Simmons	John	\$202.71	\$29.88	\$232.59	\$1,215.13	(\$1,012.42)
563	3524	Sinay	Abraham	\$234.31	\$34.54	\$268.85	\$234.31	\$0.00
564	3677	Singh	Baldev	\$180.81	\$26.65	\$207.47	\$180.81	\$0.00
565	3683	Sitotaw	Haileab	\$118.59	\$17.48	\$136.06	\$118.59	\$0.00
566	2630	Smale	Charles	\$935.99	\$137.97	\$1,073.96	\$935.99	\$0.00
567	3870	Smith	Jepthy	\$284.41	\$41.92	\$326.33	\$484.69	(\$200.28)
568	3041	Smith	Lottie	\$3,051.10	\$449.74	\$3,500.84	\$3,051.10	\$0.00
569	3610	Smith Jr.	Willie	\$1,287.44	\$189.77	\$1,477.21	\$2,123.86	(\$836.42)
570	2667	Solares	John	\$453.45	\$66.84	\$520.29	\$453.45	\$0.00
571	3643	Solis	Brigido	\$174.25	\$25.69	\$199.94	\$174.25	\$0.00
572	22804	Solymar	Istvan	\$303.84	\$44.79	\$348.63	\$303.84	\$0.00
573	3854	Soree	Mladen	\$1,445.54	\$213.08	\$1,658.62	\$1,445.54	\$0.00
574	105304	Sorkin	Jack	\$336.28	\$49.57	\$385.85	\$336.28	\$0.00
575	3770	Sorrosa	Juan	\$1,888.94	\$278.44	\$2,167.38	\$2,214.82	(\$325.88)
576	2638	Soto	Jacob	\$118.06	\$17.40	\$135.46	\$403.15	(\$285.09)
577	3797	Soto	Johnny	\$196.46	\$28.96	\$225.41	\$352.89	(\$156.43)
578	3727	Sparks	Cody	\$19.56	\$2.88	\$22.45	\$19.56	\$0.00
579	3845	Spaulding	Ross	\$244.25	\$36.00	\$280.25	\$244.25	\$0.00
580	3055	Spilmon	Mark	\$4,644.48	\$684.62	\$5,329.10	\$5,281.80	(\$637.32)
581	3481	Springer	Marvin	\$852.53	\$125.67	\$978.20	\$852.53	\$0.00
582	111364	Stanley	John	\$286.26	\$42.20	\$328.46	\$286.26	\$0.00
583	3821	Stauff	John	\$113.93	\$16.79	\$130.72	\$113.93	\$0.00
584	3737	Stayton	William	\$119.03	\$17.55	\$136.57	\$119.03	\$0.00
585	109013	Stearns	Thomas	\$528.37	\$77.88	\$606.25	\$528.37	\$0.00
586	3757	Steck	Gregory	\$5,829.47	\$859.29	\$6,688.75	\$6,511.90	(\$682.43)
587	3625	Stephanov	Liuben	\$219.81	\$32.40	\$252.21	\$398.92	(\$179.11)
588	3695	Stern	Robert	\$292.29	\$43.08	\$335.37	\$292.29	\$0.00
589	3165	Stevenson	John	\$1,702.39	\$250.94	\$1,953.33	\$1,702.39	\$0.00
590	3872	Stockton	Clarence	\$1,336.84	\$197.06	\$1,533.89	\$1,336.84	\$0.00
591	3713	Stonebreaker	Dawn	\$1,992.26	\$293.67	\$2,285.92	\$2,489.85	(\$497.59)
592	102400	Talley	George	\$301.76	\$44.48	\$346.24	\$301.76	\$0.00
593	112063	Tapia-Vergara	Agustin	\$587.64	\$86.62	\$674.26	\$587.64	\$0.00
594	3338	Tarragano	Stephen	\$675.03	\$99.50	\$774.54	\$675.03	\$0.00
595	111807	Taylor	Brent	\$632.29	\$93.20	\$725.49	\$632.29	\$0.00

	A	B	C	D	E	F	G	H
596	109745	Taylor	David	\$324.21	\$47.79	\$372.00	\$324.21	\$0.00
597	31977	Taylor	Marvin	\$714.56	\$105.33	\$819.89	\$714.56	\$0.00
598	3728	Tedros	Biserat	\$405.38	\$59.75	\$465.13	\$588.25	(\$182.87)
599	3720	Terry	James	\$937.23	\$138.15	\$1,075.38	\$937.23	\$0.00
600	31400	Thomas	Cator	\$427.93	\$63.08	\$491.01	\$427.93	\$0.00
601	104732	Thomas	Hasan	\$247.81	\$36.53	\$284.34	\$247.81	\$0.00
602	3726	Thomas	Scott	\$2,673.14	\$394.03	\$3,067.17	\$2,673.14	\$0.00
603	3867	Thompson	Glen	\$2,921.34	\$430.62	\$3,351.95	\$2,921.34	\$0.00
604	27963	Thompson	Michael	\$6,744.25	\$994.13	\$7,738.38	\$7,044.25	(\$300.00)
605	29040	Timko	Robert	\$224.07	\$33.03	\$257.09	\$224.07	\$0.00
606	110796	Toka	Tamas	\$445.88	\$65.72	\$511.60	\$445.88	\$0.00
607	22120	Travis	Brian	\$753.92	\$111.13	\$865.05	\$1,472.90	(\$718.98)
608	104747	Trump	Robert	\$211.10	\$31.12	\$242.22	\$211.10	\$0.00
609	103413	Tsegaye	Miheret	\$51.23	\$7.55	\$58.78	\$51.23	\$0.00
610	3207	Tucker	Kenlon	\$2,786.14	\$410.69	\$3,196.83	\$2,786.14	\$0.00
611	3679	Tullao	Isaac	\$411.83	\$60.71	\$472.54	\$411.83	\$0.00
612	3880	Turner	Michael	\$39.72	\$5.86	\$45.58	\$39.72	\$0.00
613	3686	Tyler	Christopher	\$267.85	\$39.48	\$307.33	\$267.85	\$0.00
614	110836	Uba	Chima	\$201.50	\$29.70	\$231.20	\$201.50	\$0.00
615	3612	Ullah	Mohammad	\$90.03	\$13.27	\$103.30	\$90.03	\$0.00
616	3073	Urban	David	\$102.49	\$15.11	\$117.60	\$102.49	\$0.00
617	3792	Urbanski	Anthony	\$1,411.23	\$208.02	\$1,619.25	\$1,411.23	\$0.00
618	3668	Valdes	Lazaro	\$162.21	\$23.91	\$186.12	\$162.21	\$0.00
619	3640	Vanluven	RJ	\$1,726.16	\$254.44	\$1,980.60	\$1,726.16	\$0.00
620	3710	Vences	Alfredo	\$839.90	\$123.81	\$963.71	\$839.90	\$0.00
621	3721	Viado	Ramon	\$2,051.73	\$302.43	\$2,354.16	\$2,369.87	(\$318.14)
622	3682	VonEngel	Stephen	\$29.89	\$4.41	\$34.30	\$29.89	\$0.00
623	3796	Vongthep	Christopher	\$2,710.64	\$399.56	\$3,110.20	\$2,710.64	\$0.00
624	109475	Vonkageler	Mark	\$130.27	\$19.20	\$149.48	\$130.27	\$0.00
625	3842	Wagg	John	\$221.46	\$32.64	\$254.10	\$221.46	\$0.00
626	3776	Wakeel	Daud	\$679.94	\$100.23	\$780.16	\$679.94	\$0.00
627	28448	Walker	Arthur	\$114.57	\$16.89	\$131.46	\$114.57	\$0.00
628	3820	Wallace	Roy	\$3,681.35	\$542.65	\$4,224.00	\$3,681.35	\$0.00
629	3766	Warner	Terrance	\$1,694.50	\$249.78	\$1,944.27	\$2,356.86	(\$662.36)
630	3496	Weaver	Gerie	\$3,791.56	\$558.89	\$4,350.45	\$5,428.88	(\$1,637.32)
631	3826	Webb	Ricky	\$624.58	\$92.07	\$716.64	\$923.04	(\$298.46)
632	109066	Webster	Brock	\$254.41	\$37.50	\$291.91	\$254.41	\$0.00
633	3578	Weiss	Matthew	\$60.25	\$8.88	\$69.13	\$60.25	\$0.00
634	2785	Welborn	Paul	\$849.94	\$125.28	\$975.22	\$972.84	(\$122.90)
635	3632	Weldu	Berhane	\$266.45	\$39.28	\$305.73	\$266.45	\$0.00
636	3616	Welzbacher	Daniel	\$2,367.50	\$348.98	\$2,716.47	\$2,789.72	(\$422.22)
637	111878	White II	Prinest	\$153.22	\$22.59	\$175.81	\$153.22	\$0.00
638	3611	Williams	Danny	\$273.88	\$40.37	\$314.25	\$273.88	\$0.00
639	3608	Wilson Jr.	Mose	\$3,332.43	\$491.21	\$3,823.64	\$3,332.43	\$0.00
640	3947	Wing	Roland	\$81.95	\$12.08	\$94.04	\$81.95	\$0.00
641	107624	Witte	Daniel	\$228.39	\$33.67	\$262.05	\$228.39	\$0.00
642	3623	Wolde	Hailemariam	\$385.93	\$56.89	\$442.81	\$385.93	\$0.00
643	3603	Woldeghebriel	Berhane	\$1,037.22	\$152.89	\$1,190.11	\$1,037.22	\$0.00
644	110866	Wolfe	Thomas	\$726.91	\$107.15	\$834.06	\$726.91	\$0.00
645	3840	Wondired	Eshetu	\$423.24	\$62.39	\$485.63	\$423.24	\$0.00

	A	B	C	D	E	F	G	H
646	3910	Wong	Jorge	\$2,325.07	\$342.72	\$2,667.79	\$2,325.07	\$0.00
647	28160	Wong	Wanjin	\$1,115.61	\$164.45	\$1,280.06	\$1,115.61	\$0.00
648	3706	Woodall	Charles	\$610.19	\$89.94	\$700.13	\$610.19	\$0.00
649	3582	Workneh	Abent	\$36.29	\$5.35	\$41.63	\$36.29	\$0.00
650	3573	Worku	Abiye	\$253.73	\$37.40	\$291.13	\$253.73	\$0.00
651	108239	Wright	Edward	\$744.31	\$109.71	\$854.02	\$744.31	\$0.00
652	3092	Yabut	Gerry	\$3,163.13	\$466.26	\$3,629.39	\$3,284.17	(\$121.04)
653	108389	Yamaguchi	Alicia	\$3,089.15	\$455.35	\$3,544.50	\$3,089.15	\$0.00
654	3852	Yepiz-Patron	Ubaldo	\$18.78	\$2.77	\$21.54	\$18.78	\$0.00
655	3472	Yesayan	Razmik	\$23.30	\$3.43	\$26.73	\$23.30	\$0.00
656	3691	Yihdego	Abdulkadir	\$642.61	\$94.72	\$737.33	\$642.61	\$0.00
657	3633	Yimer	Yidersal	\$643.72	\$94.89	\$738.61	\$643.72	\$0.00
658	2081	Younes	Ahmed	\$228.31	\$33.65	\$261.96	\$228.31	\$0.00
659	17259	Yurckonis	Hilbert	\$2,395.57	\$353.12	\$2,748.69	\$2,395.57	\$0.00
660	3824	Zabadneh	Randa	\$167.13	\$24.64	\$191.77	\$167.13	\$0.00
661	30374	Zafar	John	\$605.99	\$89.33	\$695.32	\$605.99	\$0.00
662	2273	Zawoudie	Masfen	\$1,254.40	\$184.90	\$1,439.30	\$1,254.40	\$0.00
663	17936	Zekichev	Nick	\$324.17	\$47.78	\$371.95	\$324.17	\$0.00
664	3235	Zelege	Abraham	\$412.94	\$60.87	\$473.81	\$1,003.66	(\$590.72)

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EXHIBIT "E"

ORDR

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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.: II

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY**

On March 9, 2022, the Court heard defendants' motion to stay on an order
shortening time, the defendants appearing by their counsel, Esther Rodriguez and Jay

1 A. Shafer, the plaintiffs appearing by their counsel, Leon Greenberg and Ruthann
 2 Devereaux-Gonzalez, and after due deliberation, and considering the briefs of the
 3 parties and other papers on file, the Court hereby finds:

4
 5 Based on the arguments set forth by defendants in their submissions, the
 6 decision in the pending *Dubric* appeal, Nevada Supreme Court Case No. 83492, will
 7 affect the new judgment in this case. The defendants have met the four factors
 8 required by *Dollar Rent a Car of Washington v. The Travelers Indemnity Company*,
 9 774 F.2d 1371 (1985), to secure the stay of this proceeding that they seek.
 10 Specifically, there is a strong showing that the defendants are likely to prevail; and
 11 will sustain irreparable injury without a stay and sustain such an injury in the form of
 12 a double recovery against them, the entry of duplicative judgments, and the wrongful
 13 distribution of settlement funds. The Court also finds other interested parties, and
 14 ultimately the public interest, would be substantially harmed if a stay does not issue
 15 and that the defendants have already posted sufficient security and no additional
 16 security should be required for the securing of the requested stay. Accordingly,
 17 Defendant's motion to stay on an order shortening time is GRANTED.
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22 IT IS HEREBY ORDERED that:

23 Defendant's motion to stay is GRANTED.

24 Dated this 3rd day of May, 2022

25 **IT IS SO ORDERED.**

26 

27 Honorable Carli Kierny

28 District Court Judge

28 Carli Kierny

28 District Court Judge

Date

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Submitted by:

By: /s/ Leon Greenberg
Leon Greenberg, Esq.
LEON GREENBERG PROF. CORP.
2965 S. Jones Blvd. Ste. E-3
Las Vegas, NV 89146
Attorneys for Plaintiffs

Not approved as to form and content:

By: _____
Esther C. Rodriguez, Esq.
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive. Ste. 150
Las Vegas, NV 89145
Attorney for Defendants

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EXHIBIT “F”

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; AND MICHAEL
RENO, INDIVIDUALLY AND ON
BEHALF OF OTHERS SIMILARLY
SITUATED,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CARLI LYNN KIERNY, DISTRICT
JUDGE,

Respondents,

and

A CAB TAXI SERVICE LLC, A CAB
SERIES LLC, F/K/A A CAB, LLC; AND
CREIGHTON J. NADY,
Real Parties in Interest.

No. 84456

FILED

APR 26 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Youn
DEPUTY CLERK

*ORDER DIRECTING SUPPLEMENTATION OF APPENDIX WITH
WRITTEN ORDER AND DIRECTING ANSWER*

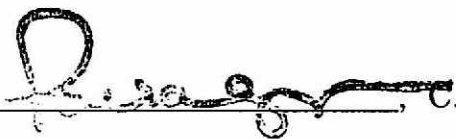
This original petition for a writ of mandamus arises out of an action for unpaid minimum wages and seeks a writ directing the district court to: (1) terminate its order staying the enforcement of judgment; (2) modify the final judgment as directed by this court's December 10, 2021 order; (3) consider on the merits petitioners' request for a receiver, as directed by this court's February 17, 2022 order; and (5) act promptly to enforce the final judgment.

Although petitioners provided this court with transcripts from the March 9, 2022, hearing, they failed to provide a written copy of the challenged district court order. This court normally will not consider a

petition for extraordinary relief in the absence of the written order being challenged. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987); *see also* NRAP 21(a)(4) (explaining that it is the petitioner's obligation to provide an appendix that includes all records that may be essential to understand the matters set forth in the petition).

Accordingly, petitioners should file and serve an appendix containing a copy of the district court's written order and all other materials that are essential to understanding the petition, within 14 days from the date of this order. In the event petitioners timely file an appendix in accordance with this order, real parties in interest, on behalf of respondents, shall have 28 days from the date petitioner serves an appendix to file and serve an answer, including authorities, against issuance of the requested writ. Petitioners shall have 14 days from service of the answer to file and serve any reply.

It is so ORDERED.



C.J.

cc: Hon. Carli Lynn Kierny, District Judge
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Cory Reade Dows & Shafer
Eighth District Court Clerk

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EXHIBIT "G"

IN THE SUPREME COURT OF THE STATE OF NEVADA

A CAB, LLC; AND A CAB SERIES, LLC,
Appellants,

vs.

MICHAEL MURRAY; AND MICHAEL
RENO, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Respondents.

No. 77050

FILE

FEB 03 2022

ELIZABETH A. SPORN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING MOTION

Respondents filed a motion requesting that this court award attorney fees or direct the district court to award attorney fees pursuant to Article 15, Section 16 of Nevada's Constitution, and to include in its mandate upon remand instructions about the allowance of interest, pursuant to NRAP 37(b). Appellants have filed an opposition to the order and respondents have filed a reply.

As an initial matter, this court's opinion already concludes that the district court must reconsider the award of attorney fees in light of this court's decision. Article 15, Section 16, Subsection B of Nevada's Constitution, the Minimum Wage Amendment, states that "[a]n employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs." However, the determination of a "reasonable" attorney fee involves questions of fact and "should be addressed, in the first instance, by the district court with its greater fact-finding capabilities." *Musso v. Binick*, 104 Nev. 613, 615, 764 P.2d 477, 478 (1988). Accordingly, respondents' motion for an award of attorney's fees on


appeal is denied without prejudice to respondents' right to raise this motion in the district court.

NRAP 37(a) provides that "if a money judgment in a civil case is affirmed, whatever interest is allowed by law is payable from the date when the district court's judgment was entered." NRAP 37(b) provides that if this court "modifies or reverses a judgment with a direction that a money judgment be entered in the district court, the mandate must contain instructions about the allowance of interest."

This court has previously held that an affirmation in part and reversal in part of a money judgment is treated as an affirmation of that judgment for the purposes of NRAP 37 and the calculation of interest. *Schiff v. Winchell*, 126 Nev. 327, 330-31, 237 P.3d 99, 101 (2010). As noted by respondents, this court's opinion issued December 30, 2021, affirmed in part and reversed in part the district court's money judgment but did not include instructions as to any allowance of interest. *Schiff* applies here, and the modification on appeal was, in effect, an affirmation of the original judgment. Therefore, NRAP 37(a) governs the interest on judgments and whatever interest is allowed by law is payable from the date when the district court's judgment was entered. Accordingly, respondent's request for a modification of the mandate to include instructions based on NRAP 37(b) is denied.

The clerk shall issue the remittitur.

It is so ORDERED.

 C.J.

cc: Hon. Kenneth C. Cory, District Judge
Rodriguez Law Offices, P.C.
Cory Reade Dows & Shafer
Hutchison & Steffen, LLC/Las Vegas
Leon Greenberg Professional Corporation
Eighth District Court Clerk

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EXHIBIT "H"

IN THE SUPREME COURT OF THE STATE OF NEVADA

CREIGHTON J NADY,
Appellant,
vs.
MICHAEL MURRAY; AND MICHAEL
RENO, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,
Respondents.

No. 77050

FILED

JUL 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court summary judgment and various post-judgment orders. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

When initial review of the docketing statements and the documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court's summary judgment order severed respondents' claims against appellant and stayed those claims. Thus, the district court's severance created two separate actions, and although the challenged order may have been final as to respondents' claims against A Cab, LLC,¹ respondents' claims against appellant appeared to remain pending below such that no final judgment had been entered against appellant. *See Valdez v. Cox Commc'ns Las Vegas, Inc.*, 130 Nev. 905, 336 P.3d 969 (2014) (explaining that severance creates two separate actions for the purposes of appeal); *Lee*

¹A Cab's appeal was previously dismissed pursuant to operation of the automatic bankruptcy stay. *A Cab, LLC v. Murray*, Docket No. 77050 (Order, May 7, 2019).

v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Additionally, if no final judgment had been entered against appellant, it did not appear that the post-judgment orders would be appealable as special orders after final judgment under NRAP 3A(b)(8).

In response to the order to show cause, appellant concedes “as the record now stands,”² that there is no judgment against appellant and the appeal should be dismissed. As it appears that no final judgment has been entered against appellant, and no other statute or court rule appears to allow an appeal from the order challenged in this appeal, see *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (“We may only consider appeals authorized by statute or court rule.”), this court concludes that it lacks jurisdiction, and

ORDERS this appeal DISMISSED.³

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

²Appellant contests whether the district court’s severance was proper.

³This court declines appellant’s request to dismiss this appeal based on appellant’s contention that the district court’s severance was ineffective.

cc: Hon. Kenneth C. Cory, District Judge
Kathleen M. Paustian, Settlement Judge
Rodriguez Law Offices, P.C.
Premier Legal Group
Hutchison & Steffen, LLC/Las Vegas
Leon Greenberg Professional Corporation
Eighth District Court Clerk

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EXHIBIT "I"

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

Defendants.

Case No.: A-12-669926-C

Dept.: II

**DECLARATION OF CLASS
 COUNSEL, LEON
 GREENBERG, ESQ.**

Leon Greenberg, an attorney duly licensed to practice law in the State of Nevada, hereby affirms, under the penalty of perjury, that:

1. I have been appointed by the Court as class counsel in this matter. I offer this declaration in connection with plaintiffs' motion to stay, offset, or apportion award of costs and/or reconsider award of appellant costs for court reporter expenses. Those costs were all sought based on defendants' memorandum of costs of January 13, 2022, copy at Ex. "1" to this declaration with court reporter invoices.

2. My office reviewed the court reporter costs claimed by defendant in their motion and the invoices indicating when those costs were paid. Defendant paid

1 \$2,780.82 in such claimed costs after entry of the final judgment in this case in August
2 of 2018, meaning no more than \$2,708.82 of such claimed costs may have been
3 incurred in connection with this appeal.

4 3. Defendant's present a claim for \$1,730 in court reporter fees set forth in a
5 single invoice for preparation of transcripts of seven hearings held on 1/11/2013,
6 8/11/2015, 3/16/2016, 5/23/2018, 6/1/2018, 9/26/2018, and 9/28/2018. Invoice at Ex.
7 "1" bates 0139-0140. The transcripts for the first five of those hearings were not
8 included in the appendix used by defendant in its appeal. That invoice does not detail
9 the cost for each of those transcripts, meaning the cost for the two transcripts
10 potentially subject to a costs award (for 9/26/2018 and 9/28/2018) is unknown.

11 4. Defendant presents a claim for \$488.60 in court reporter fees for a transcript
12 of the hearing held on October 22, 2018. That hearing concerned requests by
13 defendant to dismiss the plaintiffs' claims, to have a new trial, and its opposition to the
14 plaintiffs' motion to amend the judgment. "1" bates 0141-0142. In its appeal of the
15 judgment defendant did not secure any relief on any of those issues and the district
16 court's rulings made on October 22, 2018, and the subject of such transcript, were
17 fully affirmed by the Supreme Court.

18 5. Defendant presents a claim for \$270 in court reporter costs for the pre-
19 judgment preparation of a transcript from February 14, 2017, in another case (*Dubric*
20 *v. A Cab*). "1" bates 0126. That transcript was not filed in the appendix used by A
21 Cab on its appeal. It is also seeks costs of \$116 for the pre-judgment preparation of a
22 transcript from February 14, 2017, concerning the issuance of an injunction that was
23 not part of this appeal (it was resolved in a prior appeal in 2018). "1" bates 0124-
24 0125.

25 6. Defendant presents a claim for \$1,024.92 (including a \$33.26 credit card fee)
26 in court reporter costs for a transcript from November 3, 2015, on its unsuccessful
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motion to dismiss and addressing none of the other issues raised on appeal. “1” bates
0121-0122.

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

Affirmed this 31st Day of May, 2022

/s/ Leon Greenberg
Leon Greenberg, Esq.

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EXHIBIT "1"

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EXHIBIT "1"

MEMO

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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. II

**DEFENDANTS' VERIFIED
 MEMORANDUM OF COSTS
 AND DISBURSEMENTS**

Description	Cost	
<i>Preparation and transmission of the record</i>	n/a	
Reporter's Transcript, if needed to determine the appeal		\$6,764.87
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	

Description	Cost	
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	
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	
Premiums Paid for Supersedeas bond or other bond	\$1,000.00	
03/23/17 District Court Cost Bond (Writ re: SOL)	\$500.00	
10/02/18 District Court Cost Bond (MSJ appeal)	\$500.00	
Fees for Filing the Notices of Appeal	\$822.50	
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	

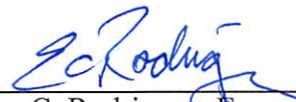
Description	Cost	
03/24/17 Cost Bond Filing Fee	\$3.50	
03/31/17 Nevada Supreme Court Appeal Fee	\$250.00	
06/23/17 Nevada Supreme Court Appeal Fee (Injunction)	\$250.00	
09/21/18 Notice of Appeal Fee (MSJ)	\$24.00	
09/21/18 Notice of Appeal Filing Fee	\$3.50	
09/27/18 Nevada Supreme Court Appeal Fee	\$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	
TOTAL:	\$8,587.37	

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.

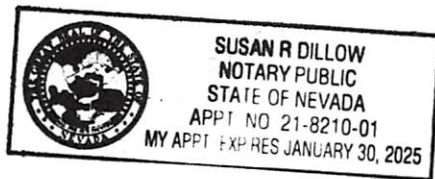
8 EXECUTED this 13th day of January, 2022.

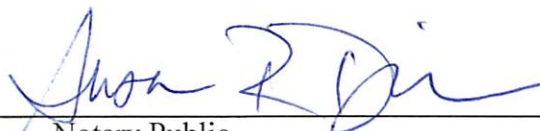
9
10 
11 _____
12 Esther C. Rodriguez, Esq.
13 Nevada Bar No. 6473
14 10161 Park Run Drive, Suite 150
15 Las Vegas, Nevada 89145

16 STATE OF NEVADA

17 COUNTY OF CLARK

18 Signed and sworn to (or affirmed) before me on January 13, 2022 by ESTHER C.
19 RODRIGUEZ, ESQ.



29 
30 _____
31 Notary Public



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			
Phone #	Fax #	E-mail	Total
303-798-0890	303-797-0432	Julie@VerbatimDigitalReporting.Com	\$864.92
			Payments/Credits
			-\$864.92
			Balance Due
			\$0.00

004065

004065

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray v A Cab Taxi Service				
HEARING DATE:	11/3/15				
DEPARTMENT #	1				
ORDERED BY:	Esther C. Rodriguez, Esq.				
FIRM:					
EMAIL:	susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004066

004066

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray v. A Cab				
HEARING DATE:	February 8, 2017				
DEPARTMENT - RECORDER:	DISCOVERY - FRANCESCA HAAK, EXT. 4642				
ORDERED BY:	Esther C. Rodriguez, Esq. [By: Susan]				
FIRM:	Rodriguez Law				
EMAIL:	susan@rodriguezlaw.com 702-320-8400				
PAYABLE TO:	<p>Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check Mailing Address: Regional Justice Center Fiscal Services - Attn: Jennifer Garcia 200 Lewis Ave. Las Vegas, NV 89155</p> <p>Or pay by credit card by calling 702-671-4507</p>				
BILL AMOUNT:		CDs @ \$25 each =			\$
	1	hours @ \$40 an hour recording fee			\$ 40.00
	19	pages	\$5.01	per pg transcript	\$ 95.19
	Total				\$135.19
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to:				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPT/CD WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

IT IS NOT ADVISED TO MAIL YOUR CHECK. IF YOU CHOOSE TO MAIL YOUR CHECK, PLEASE EXPECT DELAYS IN PROCESSING.

004067

004067

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926			
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.			
HEARING DATE:	2/14/17			
DEPARTMENT #	1			
ORDERED BY: FIRM: EMAIL:	Michael K. Wall, Esq. Hutchison & Steffen cpittsenbarger@hutchlegal.com			
PAYABLE TO COUNTY:	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			
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a			
BILL AMOUNT:		pages @	\$	per page of trans \$
DATE PAID:				
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED				

004068

004068

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

INVOICENo. 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
			TOTAL DUE:	\$76.00

This invoice is due upon receipt

004069

004069

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.

004070

004070

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 25, 2017

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices, P.C.
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

INVOICENo. 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>				
			TOTAL DUE:	\$656.31

This invoice is due upon receipt

004071

004071

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	5/18/17				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004072

004072

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

June 16 2017

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices, P.C.
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

INVOICENo. 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>				
			TOTAL DUE:	\$110.22

This invoice is due upon receipt

004073

004073

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	6/13/17				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004074

004074

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

February 2, 2018

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

INVOICENo. 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
			TOTAL DUE:	\$463.60

This invoice is due upon receipt

004075

004075

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	12/14/17; 1/2/18				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004076

004076

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

February 20, 2018

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

INVOICENo. 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
			TOTAL DUE:	\$216.60

This invoice is due upon receipt

004077

004077

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	1/25/18; 2/2/18				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004078

004078

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

March 1, 2018

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

INVOICENo. 1485

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	2/15/18	31	\$3.80	\$117.80
			TOTAL DUE:	\$117.80

This invoice is due upon receipt

004079

004079

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	2/15/18				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004080

004080

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

July 2, 2018

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

INVOICENo. 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
			TOTAL DUE:	\$273.60

This invoice is due upon receipt

004081

004081

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	6/5/18				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004082

004082

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

INVOICENo. 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	TOTAL DUE:	\$1,250.20

This invoice is due upon receipt

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	1/17/13; 8/11/15; 3/16/16; 5/23/18; 6/1/18; 9/26/18; 9/28/18				
DEPARTMENT #	1				
ORDERED BY:	Esther C. Rodriguez, Esq.				
FIRM:					
EMAIL:	susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004084

004084

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

INVOICENo. 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
			TOTAL DUE:	\$368.60

This invoice is due upon receipt

004085

004085

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	10/22/18				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		Criminal CDs @ \$25 each =			\$
	3	Civil CDs @ \$65 each (per hour)			
		hours @ \$40 an hour recording fee			\$120.00
		pages @		per page of trans.	\$
	Total				\$120.00
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004086

004086



Invoice

Date	Invoice #
12/10/2018	2307

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	12/10/2018

Description	Qty	Rate	Amount
Transcript of hearing held on 12/4/2018 Motions Hearing	82	5.01	410.82
In Re Murray, et al. v. A Cab Taxi Service, LLC, et al. Case No. A-12-669926-C, Dept. 1 District Court, Clark County, Nevada			
Phone # 303-915-1677		Fax # 303-797-0432	
E-mail Julie@VerbatimDigitalReporting.Com		Total 410.82	
		Payments/Credits \$0.00	
		Balance Due \$410.82	

004087

004087

DISTRICT COURT, DEPARTMENT 1, LISA LIZOTTE 671-4327

TRANSCRIBER'S BILLING INFORMATION

CASE #	A669926				
CASE NAME:	Murray, et al. v A Cab Taxi Service, et al.				
HEARING DATE:	12/4/18				
DEPARTMENT #	1				
ORDERED BY: FIRM: EMAIL:	Esther C. Rodriguez, Esq. Rodriguez Law Offices susan@rodriguezlaw.com				
PAYABLE TO COUNTY:	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				
BILL AMOUNT:		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
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to: n/a				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

004088

004088

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

December 19, 2018

TO: Esther C. Rodriguez, Esq.
 Rodriguez Law Offices
 10161 Park Run Drive, Ste. 150
 Las Vegas, NV 89145

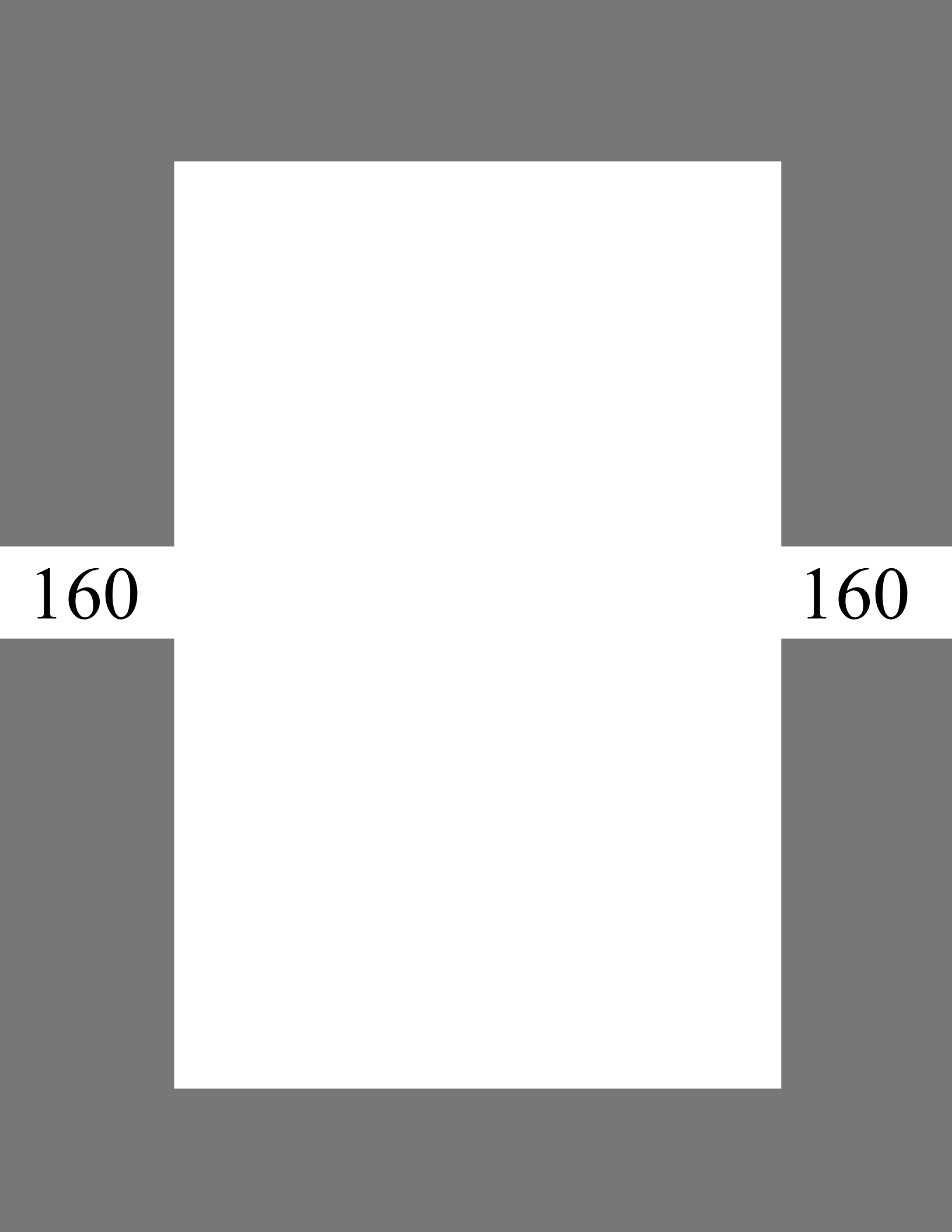
INVOICENo. 1564

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	12/11/18 12/13/18	18 52	\$1.00	\$70.00
<i>(Copies of transcripts)</i>				
			TOTAL DUE:	\$70.00

This invoice is due upon receipt

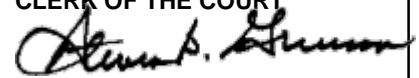
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1 **NEOJ**

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14 Attorneys for Plaintiffs

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

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

17 vs.)

18 A CAB TAXI SERVICE LLC, and A)
19 CAB, LLC,)
20 Defendants.)

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF ENTRY OF ORDER

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

24 Dated: June 3, 2022

25 LEON GREENBERG PROFESSIONAL CORP.

26 */s/ Leon Greenberg*

27 Leon Greenberg, Esq.
28 Nevada Bar No. 8094
2965 S. Jones Boulevard - Ste. E-3
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CERTIFICATE OF SERVICE

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

NOTICE OF ENTRY OF ORDER

by court electronic service to:

TO:

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

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

/s/ *Ruthann Devereaux-Gonzalez*

Ruthann Devereaux-Gonzalez

ORDR

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

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

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

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

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

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

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

IT IS SO ORDERED.

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

Michael A. Cherry

DISTRICT COURT JUDGE

Approved as to Form:

RODRIGUEZ LAW OFFICES, P.C.

NOT APPROVED

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

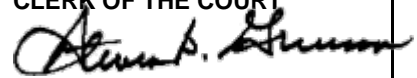
Submitted by:
478 EC8 5624 8C5B
Michael Cherry
LEON GREENBERG PROFESSIONAL
District Court Judge
CORPORATION

/s/ Leon Greenberg

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OPPM

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

Hearing: July 11, 2022
Chambers

**OPPOSITION TO PLAINTIFFS' MOTION TO STAY, OFFSET, OR APPORTION AWARD
OF COSTS AND/OR RECONSIDER AWARD OF COSTS AND
COUNTERMOTION FOR ATTORNEY'S FEES**

Defendants, 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 submit this Opposition to *Plaintiffs' Motion to Stay, Offset, Or Apportion Award of Costs
and/or Reconsider Award of Costs* (herein "Motion"); and request their attorneys fees and costs in
its Counter-motion for having to respond to an improper, duplicative, and frivolous filing.

I. POINTS AND AUTHORITIES

A. **Plaintiffs' Motion Should Not Be Heard, as Plaintiffs are Knowingly and Intentionally in Contempt of this Court's Order of Stay of Proceedings entered May 3, 2022.**

Plaintiffs' Motion is entirely improper as a Stay is currently in place in this matter. **Exhibit 1, Notice of Entry of Order Granting Defendants' Motion to Stay.** This Stay has not been lifted nor have Plaintiffs sought leave of Court to file this present motion. Plaintiffs are simply ignoring the Court's Order and openly disregarding and disobeying the Court's Order.

Pursuant to the Nevada Revised Statutes, "**The following acts shall be deemed contempts: Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.**" NRS 22.010(3).

Plaintiffs' motion offers no explanation as to why Plaintiffs are in open contempt and defiance of the District Court's Order, other than the simple fact that they don't like the Stay Order and therefore are choosing to disobey it.

It is further irrefutable that Plaintiffs are aware of the District Court's stay of proceedings, as they in fact filed a *Petition for Writ of Mandamus* to the Nevada Supreme Court seeking a reversal of the District Court's stay. (Nevada Supreme Court Case No. 84456). **Exhibit 2, Petition for Writ of Mandamus.** See Page 2 of Plaintiffs' Writ outlining the "Relief Sought":

"Petitioners Michael Murray and Michael Reno, on behalf of a class of others similarly situated (the "Taxi Drivers"), petition this Court to issue a Writ directing District Court Judge Carli Kierny, or such other District Judge of the Eighth Judicial District Court to whom this case may be assigned, to (1) **Terminate the stay of district court proceedings** ordered on March, 9, 2022, in *Murray v. A Cab*, Eighth Judicial District Court, A-12- 669926-C ('Murray')."¹

While petitioning the Nevada Supreme Court, Plaintiffs are simultaneously moving forward in filing this Motion in complete disregard of the Order to Stay, and needlessly escalating the cost of litigation and for purposes of harassing Defendants.

The Nevada Supreme Court has not ordered a lifting of the stay. Therefore, there is no proper basis for Plaintiffs to completely disregard and to defy the Order of the District Court, and to

¹ The date March 9, 2022 is referenced by Plaintiffs, as they filed a writ of mandamus seeking to reverse the Order to Stay proceedings before the Order was entered.

1 proceed as if it is nonexistent.

2 Monetary sanctions are warranted. Defendants should be awarded reasonable attorneys' fees
3 and costs associated in defending against this patently frivolous and defective motion. Defendants
4 request that Plaintiffs' Motion be denied and the hearing be vacated for such a willful violation of
5 this Court's Order.

6 Of note is that the present stay of proceedings arises from Plaintiffs' appeal to the Nevada
7 Supreme Court seeking to overturn the final judgment entered in the separate matter of *Dubric v. A*
8 *Cab*, District Court Case No. A721063. Plaintiffs filed their appeal of the *Dubric* matter requesting
9 the high Court to enter an order to vacate that final judgment; remand that matter back to the District
10 Court with an order to remove the Hon. Kathleen Delaney from the case; and to issue an order that
11 there would be no effect upon the future *Murray* judgment to be entered by this department.
12 Accordingly, the present stay is in place awaiting the Nevada Supreme Court's position on this
13 issue.

14 **B. Plaintiffs' Motion Is Frivolous, Duplicative, and Openly Violates the Rules of this**
15 **Court.**

16 Plaintiffs' motion is frivolous, baseless, and altogether meritless and is filed for the sole
17 purpose of harassing Defendants and needlessly escalating the costs of litigation. Most glaring is
18 that Plaintiffs' motion is requesting a stay - which is already in place! Plaintiffs are the only ones
19 violating the stay.

20 Secondly, Plaintiffs are simply rearguing the same points already ruled upon by the Hon.
21 Judge Gloria Sturman. **See Exhibit 3, Order Granting Defendants' Costs.** A party cannot simply
22 reargue the same arguments a second time because they don't like the ruling and hope for a different
23 outcome with a different judge; that is called "forum shopping" and is specifically prohibited by
24 multiple rules in the Eighth Judicial District Court: **EDCR Rule 7.12** (Multiple applications for the
25 same relief prohibited); **EDCR Rule 2.24(a)** (No motion once heard and disposed of may be
26 renewed unless by leave of court); as well as failing to show any basis under **Nevada Rule of Civil**
27 **Procedure 60** (basis for relief from a Judgment or Order must be brought timely and for limited
28 enumerated reasons).

Courts across the nation - including the 9th Circuit² - regularly impose sanctions for filing nearly identical motions because it wastes the court's time, harasses the opposing party, causes unnecessary delay and increases the cost of litigation. A party's "responsibility under Rule 11" includes refraining from filing "repetitive motions." *Redding v. Georgia*, No. 5:12-CV-0174-CAR-CHW, 2012 WL 5287897, at *3 (M.D. Ga. Sept. 7, 2012), *report and recommendation adopted*, No. 5:12-CV-174 CAR, 2012 WL 5287915 (M.D. Ga. Oct. 23, 2012). Thus, repetitive motion practice is sanctionable conduct. *Sweeney v. Resolution Tr. Corp.*, 16 F.3d 1, 7 (1st Cir. 1994) *cert. denied*, 513 U.S. 914 (1994) (upholding sanctions for Plaintiff's for bringing a third "almost identical motion" after the district court previously denied two others and "made detailed findings of fact as to both.") Sanctions are necessary when a party files two motions which "consist[] of virtually identical verbatim argumentation." *Mariani v. Doctors Assoc., Inc.*, 983 F.2d 5, 7-8 (1st Cir.1993).

Such motions are "improper" because "they serve no purpose other than to increase the cost of this litigation." *United States v. Hobbs*, No. CIV. A. 89-327-N, 1990 WL 302174, at *15 (E.D. Va. Aug. 22, 1990), *aff'd*, 947 F.2d 941 (4th Cir. 1991). Courts should sanction largely duplicative motion practice because it is "patently unreasonable," "wasteful motion practice," and "invite[s] responsive cross-motions for sanctions." *Time Aviation, Inc. v. Bombardier Capital Inc.*, 570 F. Supp. 2d 328, 332 (D. Conn. 2008), *aff'd*, 354 F. App'x 448 (2d Cir. 2009) (upholding sanctions against a party for filing a motion for sanctions that was largely duplicative of a motion for summary judgment opposition filed two months prior.)³

² *Nugget Hydroelectric, L.P. v. Pac. Gas & Elec. Co.*, 981 F.2d 429, 439 (9th Cir. 1992) (affirming sanctions for filing two "largely duplicative" motions to compel); *Smith v. Ricks*, 31 F.3d 1478 (9th Cir. 1994), *cert. denied*, 514 U.S. 1035 (1995); *Ramirez v. Fox Television Station, Inc.*, 998 F.2d 743 (9th Cir. 1993).

³ *Limerick v. Greenwald*, 749 F.2d 97, 101-02 (1st Cir. 1984) (attorney sanctioned for bringing repetitive motions which sought to relitigate matters already adjudicated); *Knorr Brake Corp. v. Harbil, Inc.*, 738 F.2d 223, 228 (7th Cir. 1984) (counsel may be sanctioned for repeating arguments previously rejected); *United States v. Nesglo, Inc.*, 744 F.2d 887, 891 (1st Cir. 1984) (attorney sanctioned for seeking to relitigate issues already adjudicated); *Mekuria v. Wash. Metro. Area Transit Auth.*, 45 F.Supp.2d 19, 31 n. 10 (D.D.C. 1999) ("The Court will consider Rule 11 sanctions for frivolous motions which merely waste everyone's time by repeating

Here, as detailed in this Opposition, Plaintiffs are rearguing the same points, and seeking the same relief which has already been denied without any new evidence or basis for a reconsideration - simply filing a duplicative motion, which is sanctionable conduct. In most instances, Plaintiffs' prior pleading has simply been copied and pasted into the request for reconsideration.

...

...

arguments which have already been rejected."); *Miller v. Norfolk Southern Rwy. Co.*, 208 F. Supp.2d 851, 854 (N.D. Ohio 2002) (Rule 11 sanction appropriate where party files "unfounded, unmerited, and unsuccessful motions for reconsideration simply because they disagree with a ruling"); *Hannah v. Metro-North Commuter Railroad Co.*, 753 F. Supp. 1169, 1181 n.5 (S.D.N.Y. 1990) ("the filing of a supplementary motion to dismiss portions of an amended complaint previously specifically upheld by the Court can be considered a Rule 11 violation"); *Owens v. Fleet Car Lease, Inc.*, No. 09-CV-0967-MJR, 2010 WL 2542028, at *4 (S.D. Ill. June 18, 2010) (ordering "counsel to pay all of the reasonable attorneys' fees" resulting from his verbatim pleadings); *Smith v. Owens*, No. 5:12-CV-26 WLS, 2013 WL 633750, at *2 (M.D. Ga. Jan. 15, 2013), report and recommendation adopted, No. 5:12-CV-26 WLS, 2013 WL 633710 (M.D. Ga. Feb. 20, 2013) (a party's "responsibility under the Rule 11 of the Federal Rules of Civil Procedure to refrain from filing frivolous, procedurally improper, or repetitive motions."); *Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd.*, 956 F.2d 1245, 1249 (2d Cir. 1992) (upholding Rule 11 sanctions for "filing what was essentially the same motion that the court had denied over a year earlier."; *Auerbach v. Rival Mfg. Co.*, 737 F. Supp. 330, 333-34 (E.D.Pa. 1990) (relying on Section 1927, Rule 11 and the court's inherent authority in requiring plaintiff to pay defendant's attorney's fees and costs incurred in responding to repetitive motions for reconsideration); *JouJou Designs, Inc. v. JoJo Ligne Internationale, Inc.*, 821 F. Supp. 1347 (N.D. Cal. 1992); *United Pacific Insurance Co. v. Durbano Construction Co.*, 144 F.R.D. 402, 408-09 (D. Utah 1992); *Williams v. Baldwin Co. Comm'n*, 203 F.R.D. 512, 515 (S.D. Ala. 2001) (striking repetitive motion pursuant to Rule 11); *Samuels v. Wilder*, 906 F.2d 272, 276 (7th Cir. 1990) (Rule 11 sanctions imposed where motion for reconsideration failed to raise new arguments not considered by court and counsel misrepresented prior judge's statements); *Siderpali, S.P.A. v. Judal Indus., Inc.*, 833 F. Supp. 1023 (S.D.N.Y. 1993) (imposing sanctions under 28 U.S.C. § 1927 and Rule 11 against counsel who sought to readdress issues argued in previous motions); *Fonar Corp. v. Magnetic Resonance Plus, Inc.*, 935 F. Supp. 443, 450 (S.D.N.Y. 1996) (imposing sanctions for filing baseless and repetitive motion for reargument in order to delay proceedings); *Shields v. Shetler*, 120 F.R.D. 123, 126 (D. Colo. 1988) (sanctions imposed under Rule 11 and § 1927 where plaintiff simply reargued contentions already considered by court); *Sanders v. Ft. Wayne*, 616 F. Supp. 467, 470 (N.D. Ind. 1985) (sanctioning pro se party filing 12 motions in 2 months, 2 of which were granted and 10 of which were denied, many of which were duplicative of each other); *In re Martin*, 287 B.R. 423, 436 (Bankr. E.D. Ark. 2003) (sanctioning pro se litigant for filing three motions seeking the same relief in the span of approximately one month).

C. **Background to the two class action cases - *Murray* and *Dubric*.**

1. **The *Murray* Case**

The matter before this Court is a minimum wage action filed by two former taxicab drivers, Plaintiffs Michael Murray and Michael Reno, against A Cab Taxi Service LLC (a nonexistent entity) and A Cab, LLC. This matter previously proceeded with motion practice, never going to trial, under retired Judge Kenneth Cory. Judge Cory entered summary judgment against the Defendants, which has now been reversed and remanded by the Nevada Supreme Court on a number of issues and reversible errors. *A Cab, LLC v. Murray*, 137 Nev. Adv. Op. 84 (December 30, 2021).

As the prevailing parties, Defendants were awarded their costs on appeal pursuant to NRAP 39 and NRS 18.060. See Exhibit 3, Order Granting Defendants' Costs. Plaintiffs' present motion arises from Judge Sturman's Order granting Defendants' motion, and denying Plaintiffs' counter-motion.

Unlike Plaintiffs' representations to this Court, there is no final judgment entered in *Murray* as there remain a number of issues to be determined in the remand. In the *Murray* case and per the Nevada Supreme Court's remand:

- 1) Plaintiffs' claimed damages have not been determined in compliance with the reversal and remand;
- 2) a proper defendant for any liability has not been determined;
- 3) decertification of portions of the class has not been addressed in compliance with the remand.

All of the rights and liabilities of the parties have not been adjudicated. Not to mention that the claims against Defendant Creighton J. Nady remain in limbo in the *Murray* case, and have never been addressed by the district court.

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

1 *Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979).

2 **2. The Dubric Case**

3 At the same time as the Murray case was proceeding in its initial stages, another ongoing
4 class action matter was filed by Jasminka Dubric against A Cab, LLC as well. *Jasminka Dubric v. A*
5 *Cab, LLC et.al.*, District Court Case No. A721063, pending before the Eighth Judicial District Court,
6 Department 25. The *Dubric* matter is a class action minimum wage action filed by The Bourassa
7 Law Group, and involving Defendants A Cab, LLC; A Cab Series LLC Employee Leasing
8 Company, and Creighton J. Nady, who overlap as defendants in the present case. After engaging in
9 discovery, the parties resolved the matter through the Eighth Judicial District Court settlement
10 conference program with Hon. Jerry Wiese in October 2016. Following this settlement in October
11 2016 of the class action, the present Murray Plaintiffs have continuously sought to interfere with that
12 settlement in every imaginable way.

13 Nevertheless, an order with preliminary approval was signed by Hon. Kathleen Delaney on
14 October 11, 2020. Notices were mailed to potential Class Members with the proposed Settlement;
15 provided Class Members with the opportunity to opt out of the Class or to object to the proposed
16 Settlement; and scheduled a final fairness hearing. One driver ultimately opted out of the settlement.
17 The Court conducted a fairness hearing on March 11, 2021, and final approval of the settlement was
18 entered on August 31, 2021.

19 The *Murray* Plaintiffs, who Judge Delaney, allowed to appear as Intervenors, are now further
20 escalating the fees in the resolved *Dubric* matter by filing an appeal to the Nevada Supreme Court of
21 the final judgment entered in that case. (*Murray v. Dubric*, Nevada Supreme Court No. 83492). In
22 that appeal, the *Murray* Plaintiffs disparage Judge Delaney and request her removal from the *Dubric*
23 case, and for an order from the high court to declare that the *Dubric* members who have settled their
24 cases will not affect any future judgment entered in the *Murray* case. At the same time, Plaintiffs
25 were asking this District Court to proceed to enter a judgment with new calculations that incorporate
26 some of these drivers who they know have already settled their cases.

27 Accordingly, Defendants sought a stay of proceedings arguing to Judge Carli Kierny that
28 Plaintiffs cannot argue so disingenuously to the District Court that it must rush to enter a new

1 judgment and ignore the circumstances that have transpired; while arguing to the appellate court that
 2 Judge Delaney and her order must be stopped so that a judgment can be entered in Murray.

3 Accordingly, after a review of the briefing and argument, Judge Carli Kierny determined that
 4 the *Murray* case must be stayed pending the guidance from the Nevada Supreme Court in the appeal
 5 of *Dubric* final approval.

6 Judge Kierny determined under *Dollar Rent a Car of Washington v. The Travelers Indemnity*
 7 *Company*, 774 F.2d 1371 (1985), the factors for a stay had been met. Her Order was entered on May
 8 3, 2022. Exhibit 1.

9 Plaintiffs proceeded to file a writ of mandamus now disparaging Judge Kierny and seeking a
 10 reversal of the stay. Exhibit 2. Now, knowing that there is not a permanent judicial officer presently
 11 in Department 9, Plaintiffs are not being forthright with this Court in proceeding to file motions as if
 12 none of the foregoing has occurred, and with complete disregard of this Court's Order to Stay.

13 **Plaintiffs' counsel has a duty of candor, honesty, and to be forthright with the Court,**
 14 **which is being violated here by pretending there is not an Order of Stay, and hoping the Court**
 15 **will miss that fact.**

16 Plaintiffs complain in their motion that the stay was initiated by the Defendants, but that was
 17 only in response to Plaintiffs' appeal which sought to intertwine the two cases. Further, it was
 18 Defendants' issues which were pending prior to the stay including:

- 19 • *Defendants' Motion for Declaratory Order* filed February 11, 2022, seeking an Order from
 20 the District Court in compliance with the Supreme Court's remand to limit Plaintiffs' claims
 21 from October 8, 2010 forward (the statute of limitations); and to order that no damages exist
 22 after June 26, 2014.
- 23 • *A Proposed Stipulation to Decertify Portions of the Class* had been circulated on February
 24 25, 2022, prior to the filing of a motion to address the need to exclude the additional years of
 25 claimed damages for ALL class members which were erroneously included by the district
 26 court, this being the time period of July 1, 2007 through October 8, 2010; and
 27 to exclude all class members who were employed by Defendants solely within the time
 28 period of July 1, 2007 and October 8, 2010. Said class members must be notified of said

1 exclusion from the class, as they were previously notified by Plaintiffs' counsel that they
 2 were indeed members of the class and had rights as a class member. **Exhibit 4, Proposed**
 3 ***Stipulation and Order to Partially Decertify Class.***

4 None of these issues have been addressed due to the stay. This Court has determined that these
 5 issues cannot be addressed until the time when the Nevada Supreme Court addresses Plaintiffs'
 6 request for an order that the Dubric members who have settled their cases will have no effect upon
 7 the future entry of a judgment in this Court.

8 It is Plaintiffs' appeal which caused the stay of proceedings herein. Defendants would
 9 certainly like their issues and motions that were filed in February addressed as well, but are
 10 complying with this Court's determination that it must wait upon the appellate court's determination
 11 of Plaintiffs' appeal.

12 **D. Plaintiffs' Misrepresentations to the Court Contained In Their Motion**

13 In support of their duplicative motion which has already been decided by Judge Sturman,
 14 Plaintiffs argue that several issues, currently pending before the Nevada Supreme Court or this
 15 Court, have already been decided. They have not.

16 Plaintiffs represent to this Court:

17 "On December 30, 2021, the Nevada Supreme Court, in an en banc Opinion, affirmed
 18 that judgment and modified it by directing it be reduced by the amount awarded for
 19 the time period preceding October 8, 2010, the two-year statute of limitations. A Cab
 20 LLC v. Murray, 501 P.3d 961, 971 (Nev. Sup. Ct. 2021). ***The application of that***
 21 ***shorter statute of limitations period reduces that judgment by about 34% to***
 22 ***\$685,886 on behalf of 661 class member taxi drivers.*** The amount of that modified
 judgment is established by the record of these proceedings but has not been
 confirmed by the Court owing to a stay of these proceedings, requested by defendants
 and directed by Judge Kierny who is no longer hearing this case." Motion, page 2:27
 to 3:8.

23 The Nevada Supreme Court Opinion does not make this finding, but instead remands the
 24 matter back to the District Court based upon several reversible errors that must be addressed. The
 25 summary judgment decision has been sent back to the District Court for these new determinations.
 26 The judgment has not been finalized, as Plaintiffs continually state in this motion and in other
 27 pleadings before the Court. Plaintiffs have unilaterally decided that this is the figure ("about 34%
 28 reduction" or \$685,886) that the prior judgment should be modified to without any basis or

confirmation from the District Court.

Additionally, the Nevada Supreme Court Opinion specifically stated that the District Court erred “without taking evidence on what corporate entities existed and were actually liable for the judgment.” In the reversal and remand, the Nevada Supreme Court specifically stated that a determination had to be made as to which entity existed at the time and which bears liability for any damages that are determined. Plaintiffs are once again ignoring this large issue altogether, which they know is fatal to any future entry of judgment.

Plaintiffs next state as a matter of fact: “Plaintiff class members are currently owed in excess of \$800,000.” Motion, p. 3:21-22. There has been no order from this Court indicating such a figure; this figure is only in the mind of Plaintiffs’ counsel. As stated above, prior to the stay of proceedings, Defendants had already filed with this Court seeking declaratory relief in compliance with the Nevada Supreme Court remand to exclude all of the class members that were erroneously included, as well as all claims for all claimants prior to October 8, 2010 and that no damages exist after June 26, 2014.⁴

E. Plaintiffs’ Motion Is Not Well-Grounded in Fact or Supported by Existing Law

Plaintiffs have cited to no law, rule, or case allowing them to disregard a District Court’s Order which has stayed the proceedings. In fact, Plaintiffs have appealed the District Court’s stay of

⁴ Defendants assert that there is no liability for any underpayment after June 26, 2014, and that the class must be decertified. Any underpayment with the exception of 2 employees would have arisen from clerical error and would be de minimus. Plaintiffs previously agreed to this stance, but did not include it in the Order submitted to and signed by Judge Cory.

This assessment is supported by Plaintiffs’ own spreadsheets provided in the underlying litigation. By sorting Plaintiffs’ spreadsheets by payroll date, one can easily see that the majority of entries after June 26, 2014 result in **zero (0) underpayments**. Exhibit 6 to Defendants’ pending Motion for Declaratory Order filed with this Court. The total in fact after that date is \$211.72 for all drivers, which includes two (2) individuals Chris Norvell and Kimberly Peace, who worked during that pay period but were terminated and received their paycheck prior to the *Thomas* decision. Their names are highlighted with Check 12377 Norvell for \$18.88; and Check 12357 Peace for \$30.55. If those two persons are eliminated, the total underpayment is \$162.29 for all employees which arises from rounding up and rounding down for cents. There is one other individual, Zoltan Horvath, who is owed \$7.02 which is believed to be clerical error. All the rest of the entries are zero or less than \$1.00. Exhibit 6 to Defendants’ Motion for Declaratory Order.

proceedings to the Nevada Supreme Court seeking a reversal of the stay. Exhibit 3. And yet, they proceed to file and to maintain this present motion in direct defiance of this Court's Order.

The Motion itself does not cite to any authority allowing or permitting a "work around" this Court's outstanding Order.

Further, Plaintiffs' motion is deliberately filed in the wrong forum to further confuse the Court. Department 2 and the presiding officer, Hon. Gloria Sturman, previously denied Plaintiffs' "counter-motion" to apportion the award of costs and which argued the exact same items Plaintiffs now argue again in the present pleading. An Order denying Plaintiffs' countermotion and granting the award of costs to Defendants was entered on May 17, 2022 indicating as such. Exhibit 3. Defendants were instructed by the Chambers of Department 2 that any hearings decided when the case was assigned to Department 2 should be submitted to Department 2; the case was later transferred to Department 9. **Exhibit 5, Declaration of Esther Rodriguez.** The hearing on Defendants' motion for costs was heard on February 16, 2022, while still assigned to Department 2; the case was not transferred to Department 9 until March 25, 2022, by Administrative Order 22-05. *Id.*

Nevertheless, Plaintiffs proceeded to submit a second version of a proposed Order to Department 9 (a department which is presently vacant), and to have a duplicative Order entered on Defendants' Motion for Costs and Plaintiffs' Countermotion on June 3, 2022 - *this time adding in new wording to the Court's Order which was never discussed at the hearing nor decided by the Court that any enforcement would be stayed until further order of the Court.* **Exhibit 6, Duplicative Order on Defendants' Costs.** A request was sent to Plaintiffs' counsel to correct this duplication and **to be forthright** with the Court by informing Department 9 that an Order has already been entered. **Exhibit 7,** Correspondence between counsels. Plaintiffs' counsel refused to correct the duplicative order he created with his submission to a second department; and indicated it was not his fault but defense counsel and the Court's staff "that it appears did not properly communicate between the two departments". **Exhibit 7,** Correspondence on duplicative orders.

Plaintiffs' counsel intentionally created this record with errors so that there is now conflicting dates for reconsideration, for appeal, and inconsistencies between the departments. But

1 adding to the chaos he has already created, Plaintiffs now proceed to file a duplicative motion of
 2 their previous countermotion seeking the exact same relief, which has already been denied, **before**
 3 **Department 2!** Not only is the motion directed to the wrong department, Plaintiffs make absolutely
 4 no new arguments nor present any new evidence other than what was already before the Court and
 5 decided in favor of Defendants. Plaintiffs are improperly moving for reconsideration. They don't
 6 even cite to a rule under which they are moving for reconsideration or any basis for the requested
 7 "do-over."

8 Plaintiffs' motion is improper in that EDCR Rule 2.24(a) states clearly, "No motion once
 9 heard and disposed of may be renewed in the same cause, nor may the same matters therein
 10 embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such
 11 motion to the adverse parties." Plaintiffs have not sought leave of court to hear their arguments
 12 again. And Plaintiffs are in open violation of the Court's stay of proceedings.

13 NRCP 60 outlines the requirements for relief from judgment or order; and Plaintiffs' motion
 14 does not address any of them.

15 (a) Corrections Based on Clerical Mistakes; Oversights and Omissions.

16 (b) Grounds for Relief From a Final Judgment, Order, or Proceeding.

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

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

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

22 (4) the judgment is void;

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

25 (6) any other reason that justifies relief.

26 Plaintiffs' motion argues that the Order is erroneous in granting costs to "defendants"
 27 collectively including to Defendant Nady who was not part of the appeal. However, a plain reading
 28 of the Order, indicates that A Cab, LLC and A Cab Series, LLC were the moving parties and they

are awarded the costs.

Finally, Plaintiffs' motion is improper in that it is seeking a stay, "*Plaintiffs' Motion to Stay*". The stay is already in place! It is Plaintiffs who are disregarding the stay. Clearly, Plaintiffs are needlessly escalating the costs of litigation with this motion addressing something which is already in place until the next status check of August 10, 2022.

Plaintiffs' motion falls squarely within Rule 11, wherein Plaintiffs are needlessly escalating the costs of litigation with this motion addressing something which is already in place (the stay) and in improperly seeking reconsideration without adequate grounds - simply wanting a "do-over."

These facts are vital to the Court's analysis of the viability of Plaintiffs' motion. Plaintiffs' counsel's omission of these facts further justifies sanctions.

F. Plaintiffs' Motion constitutes duplicative motion practice which is patently unreasonable.

Plaintiffs entitle their present motion: "*To Stay, Offset, Or Apportion Award of Costs And/Or Reconsider Award of Costs.*" Addressing each one of these claims for relief demonstrates that Plaintiffs' motion is patently unreasonable and wasteful motion practice.

1. Plaintiffs' "*Motion To Stay*"

The first request is "To Stay." A stay is already in place; and only Plaintiffs are in contempt of this Order. Exhibit 1, Notice of Entry of Order Granting Defendants' Motion to Stay.

2. Plaintiffs' "*Motion To Offset*"

The second request is "To Offset." Plaintiffs only mention this requested relief in two sentences total without support or authority. The first is in the title of summary of the motion wherein they indicate, "The appeal costs awarded must be apportioned among hundreds of class members, or applied as an offset against the entire class judgment." Motion, 1:25. Nothing is mentioned pertaining to an offset again until page 4, line 13, wherein they state "As a result, the costs awarded to A Cab must be offset against the collective class judgment or equally (for \$11.48) against each class member."

This exact same argument without any support (then or now) was made in the Countermotion (for which they now seek reconsideration): "Any award of costs to A Cab should be applied as a set-

1 off against the class members' judgment, to be born pro-rata by each class member. Plaintiffs'
2 counsel will perform the necessary calculations." **Exhibit 8**, Countermotion, p. 7:17-19.

3 The only difference is that in the Countermotion, Plaintiffs called it a "**set-off**"; in the present
4 motion they call it an "**offset**." Plaintiffs previously didn't do any type of calculation, only stating
5 they intended to do one in the future. In the present motion, they have now come up with this
6 \$11.48 figure based upon their own estimated damages which are wholly unsubstantiated and
7 speculative.

8 Adding this late calculation does not change the fact that this request has already been
9 denied.

10 **3. Plaintiffs' "Motion To Apportion"**

11 In their Countermotion which was denied, Plaintiffs' argued, "Any award of costs to A Cab
12 should be applied as a set-off against the class members' judgment, to be born *pro-rata* by each class
13 member." Exhibit 8, Countermotion, p. 7:17-19. In their present Motion, Plaintiffs now cite to two
14 cases from the 1800's discussing *quantum meruit*, that they concede were determined prior to the
15 development of modern class action practice; but they argue that members receiving a benefit must
16 share in the costs of litigation. Motion, p. 4:1-7.

17 Plaintiffs' failure to cite to any authority the first time around and failure to properly brief the
18 issue the first time does not give them license to keep filing the same motion. Further, it's not like
19 these cases from the 1800's are new cases that would justify a reconsideration with new law.

20 **4. Plaintiffs' "Motion To Reconsider"**

21 Nothing is more telling than Plaintiffs' request for reconsideration held up side by side for
22 comparison with Plaintiffs' prior pleading, *Plaintiffs' Response to Defendants' Motion for Costs and*
23 *Countermotion*. They are virtually identical and basically copied and pasted in this request for
24 reconsideration. The headings are the same; the argument is the same; and nothing new is added but
25 a few sporadic word changes. Below are just four examples where the Motion for Reconsideration
26 and Plaintiffs' prior pleading are exactly the same.

27 ...

28 ...

Excerpts from Plaintiffs' Motion to Reconsider:

- "A Cab, as the party seeking costs, must establish "why each cost was necessary" to be awarded such cost." Motion, 5:18
- Defendant is entitled to a maximum of \$1,050.82 in court reporter costs, or more properly \$562.22 of such costs. Motion, 7:13-14
- "No more than \$2,780 of the claimed \$6,764.87 in court reporter fees could have been "needed" for the post-judgment appeal; \$3,984.05 in claimed court reporter fees were paid prior to judgment and for use during the district court proceedings not for the appeal." Motion, 6: 10-12
- "It was clearly erroneous to award costs in excess of \$1342.32." Motion, 5:16

Excerpts from Plaintiffs' Prior Pleading (Response to Defs' Motion for Costs & Counter-motion):

- "Defendant, as the party seeking costs, must establish "why each cost was necessary" to be awarded such cost." Response, 5:22
- Defendant is entitled to a maximum of \$1,050.82 in court reporter costs, or more properly \$562.22 of such costs. Response, 4:10-11
- "No more than \$2,780 of the claimed \$6,764.87 in court reporter fees could have been "needed" for the post-judgment appeal; \$3,984.05 in claimed court reporter fees were paid prior to judgment and for use during the district court proceedings not for the appeal." Response, 4: 20-22
- "The vast majority of the costs sought are improper; upon a proper motion only \$852.32 or possibly \$1342.32 of costs is awardable." Response, 5:15

Here, there is no indication that this is anything but **duplicative motion practice**. Plaintiffs have simply copied and pasted the same arguments and entitled it "reconsideration."

In *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, the Third Circuit upheld the district court's imposition of sanctions upon defense counsel after it determined he acted in bad faith by filing two virtually identical motions for sanctions, although both motions were filed under different provisions with different standards of proof. 278 F.3d 175, 200 (3d Cir. 2002). Other courts have similarly held Rule 11 sanctions are available even when the motions apply different standards of review. *Mekuria*, 45 F.Supp.2d 19 (initial motion and motion for reconsideration); *Miller*, 208 F. Supp.2d 851 (motion to dismiss and motion for reconsideration); *Owens*, 2010 WL 2542028 at *1 (opposition to motion to dismiss and motion to amend); *Virgin Atl. Airways, Ltd.*, 956 F.2d 1245 at 1249 (motion to dismiss and resubmitted motion to dismiss, or in the alternative,

1 motion for summary judgment); *Williams*, 203 F.R.D. at 519 (motion for preliminary injunction and
 2 motion to extend discovery); *Shields*, 120 F.R.D. at 126 (motion to dismiss and motion for
 3 reconsideration).

4 Plaintiffs argue it is error because Judge Sturman did not detail in her decision the rationale
 5 for denying the countermotion. There is no requirement for Judge Sturman to do so; that does not
 6 constitute reversible error. This is the denial of a badly briefed and groundless countermotion, and
 7 the Court is not required to detail (as in summary judgment) its findings for denying same. More
 8 telling of the original countermotion (and Plaintiffs fail to mention) is that Plaintiffs did not choose
 9 to even argue their countermotion during the hearing of February 16, 2022. Now they want a second
 10 chance to argue before another judge hoping for a different outcome. This is prohibited by NRCP
 11 60, EDCR 2.24(a), EDCR 7.12.

12 **G. Defendants' Countermotion for Attorneys Fees and Costs is Warranted.**

13 The law is clear: Plaintiffs' motion is not legally tenable as there is presently an order of
 14 stay. Even if Plaintiffs' counsel was unaware of the clear authority on this point, NRCP 11
 15 obligated him to conduct a reasonable inquiry into the law prior to the filing of Plaintiffs' Motion.

16 Secondly, Plaintiffs' motion is deliberately filed in the wrong forum.

17 Thirdly, Plaintiffs' motion is also improper in that it is duplicative of their prior
 18 Countermotion which was denied. Exhibit 3.

19 Plaintiffs' Counsel did not make a reasonable or competent inquiry before filing and
 20 maintaining this pleading, as he is required to do pursuant to NRCP 11.

21 The Motion cannot be filed, maintained, pursued, nor heard without violating this Court's
 22 present order to stay proceedings. Plaintiffs' motion consists of wholly frivolous claims that are not
 23 supported by existing law. Following a brief inquiry into what a stay of proceedings means, no
 24 reasonable counsel could maintain a good faith belief that the motion is meritorious or should be
 25 maintained. Accordingly, Defendants request an award of sanctions and attorneys' fees and costs
 26 incurred in responding to this motion as well as the necessary hearing appearance. Defendants
 27 request leave to submit a detail of attorney fees and memorandum of costs incurred.

28 . . .

CONCLUSION

Based upon the foregoing, Plaintiffs' motion should be denied in its entirety as violating this Court's present order staying proceedings.

Defendants respectfully request leave to submit a memorandum of costs and fees incurred in responding to this improper, duplicative, and frivolous motion which simply copies and pastes from Plaintiffs' prior pleading.

DATED this 14th day of June, 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 14th day of June, 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:

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

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

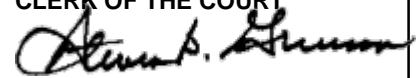
/s/ Susan Dillow
 An Employee of Rodriguez Law Offices, P.C.

EXHIBIT 1

004111

004111

EXHIBIT 1



1 **NEOJ**

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13 christian@gabroy.com
14 Attorneys for Plaintiffs

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

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

16 Plaintiffs,)

17 vs.)

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

20 Defendants.)

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF ENTRY OF
ORDER

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

24 Dated: May 3, 2022

25 LEON GREENBERG PROFESSIONAL CORP.

26 /s/ *Leon Greenberg*

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

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CERTIFICATE OF SERVICE

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

NOTICE OF ENTRY OF ORDER

by court electronic service to:

TO:

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

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

/s/ *Ruthann Devereaux-Gonzalez*

Ruthann Devereaux-Gonzalez

ORDR

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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.: II

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY**

On March 9, 2022, the Court heard defendants' motion to stay on an order
shortening time, the defendants appearing by their counsel, Esther Rodriguez and Jay

1 A. Shafer, the plaintiffs appearing by their counsel, Leon Greenberg and Ruthann
 2 Devereaux-Gonzalez, and after due deliberation, and considering the briefs of the
 3 parties and other papers on file, the Court hereby finds:

5 Based on the arguments set forth by defendants in their submissions, the
 6 decision in the pending *Dubric* appeal, Nevada Supreme Court Case No. 83492, will
 7 affect the new judgment in this case. The defendants have met the four factors
 8 required by *Dollar Rent a Car of Washington v. The Travelers Indemnity Company*,
 9 774 F.2d 1371 (1985), to secure the stay of this proceeding that they seek.
 10 Specifically, there is a strong showing that the defendants are likely to prevail; and
 11 will sustain irreparable injury without a stay and sustain such an injury in the form of
 12 a double recovery against them, the entry of duplicative judgments, and the wrongful
 13 distribution of settlement funds. The Court also finds other interested parties, and
 14 ultimately the public interest, would be substantially harmed if a stay does not issue
 15 and that the defendants have already posted sufficient security and no additional
 16 security should be required for the securing of the requested stay. Accordingly,
 17 Defendant's motion to stay on an order shortening time is GRANTED.
 18
 19
 20
 21

22 IT IS HEREBY ORDERED that:

23 Defendant's motion to stay is GRANTED.

24 Dated this 3rd day of May, 2022

25 **IT IS SO ORDERED.**

26 

27 Honorable Carli Kierny

28 District Court Judge

28 Carli Kierny

28 District Court Judge

Date

1
2 Submitted by:

3
4 By: /s/ Leon Greenberg
Leon Greenberg, Esq.
5 LEON GREENBERG PROF. CORP.
6 2965 S. Jones Blvd. Ste. E-3
Las Vegas, NV 89146
7 Attorneys for Plaintiffs

8 Not approved as to form and content:

9
10 By: _____
Esther C. Rodriguez, Esq.
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12 Las Vegas, NV 89145
Attorney for Defendants
13

EXHIBIT 2

004117

004117

EXHIBIT 2

IN THE SUPREME COURT OF NEVADA

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

Petitioners,

vs.

The Eighth Judicial District Court of
 the State of Nevada, in and for the
 County of Clark, and The Honorable,
 District Judge Carli Kierny

Respondents,

and

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

Real Parties in Interest

Sup. Ct. No.

Dist. Ct No.: A-12-069926-C

Dept.: 2

Electronically Filed
 Mar 30 2022 11:20 a.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

PETITION FOR WRIT OF MANDAMUS

LEON GREENBERG
 PROFESSIONAL CORPORATION
 Leon Greenberg, Esq. Bar # 8094
 Ruthann Devereaux-Gonzalez, Esq. Bar #15904
 2965 South Jones Blvd., #E3
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004118

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NRAP RULE 26.1 DISCLOSURE STATEMENT

The undersigned counsel of record certifies that all Petitioners are individuals and not entities as described in NRAP 26.1(a), and do not need to be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Date: March 29, 2022

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

Attorney of record for Petitioners.

004123

004123

ROUTING STATEMENT PER NRAP RULES 17 AND 21(a)(3)(A)

Unless the Court determines NRAP Rule 17(a)10 or (a)11 applies this Petition is not a matter the Nevada Supreme Court shall hear and decide under NRAP Rule 17(a). It is not one of the NRAP Rule 17(b) matters that the Nevada Court of Appeals is presumptively assigned to hear and determine.

RELIEF REQUESTED BY PETITIONERS

Petitioners Michael Murray and Michael Reno, on behalf of a class of others similarly situated (the “Taxi Drivers”), petition this Court to issue a Writ directing District Court Judge Carli Kierny, or such other District Judge of the Eighth Judicial District Court to whom this case may be assigned, to (1) Terminate the stay of district court proceedings ordered on March, 9, 2022, in *Murray v. A Cab*, Eighth Judicial District Court, A-12- 669926-C (“*Murray*”); (2) Modify the final judgment of the district court entered on August 21, 2018, as directed by this Court’s Order of December 30, 2021; (3) Consider, on the merits, the Taxi Drivers’ request for the appointment of a post-judgment receiver, as directed by this Court’s Order of February 17, 2022; and (4) Promptly act to appropriately enforce the district court’s final judgment.

The Taxi Drivers also request, particularly if District Judge Kierny is to continue to preside over the *Murray* case, that this Court include in its Writ

detailed instructions, proposed *infra*, to effectuate the foregoing purposes.

Dated: March 29, 2022

/s/ Leon Greenberg
 Nevada Bar No.: 8094
 2965 South Jones Boulevard - Suite E3
 Las Vegas, Nevada 89146
 (702) 383-6085
 Attorney for Petitioners

INTRODUCTION

Petitioners seek to enforce the final judgment of the district court in *Murray v. A Cab*, Eighth Judicial District Court, A-12- 669926-C (“*Murray*”), entered on August 21, 2018, as affirmed by this Court on December 30, 2021, and remanded on February 4, 2022. That judgment is in excess of \$832,000 with post-judgment interest for unpaid minimum wages dating to 2010 owed to 631 taxicab drivers by judgment-debtor (real party in interest) A Cab Series LLC (“A Cab”). PA 688-92, 1245, 1281-97.¹ District Court Judge Carli Kierny has twice abused her discretion by prohibiting enforcement of that judgment, by ignoring this Court’s remittitur, and by refusing to consider the Taxi Drivers’ request for judgment enforcement. Judge Kierny’s history of abusing her discretion in *Murray* and failing to comply with this Court’s orders requires writ relief from this Court. That relief, if Judge Kierny is to continue to preside over *Murray*, should include detailed instructions.

The abuse of discretion, necessitating the filing of this petition, occurred on

¹ PA refers to the pages of Petitioners’ Appendix.

March 9, 2022, when Judge Kierny granted A Cab's request for a stay of proceedings in the district court. PA 1080-1207, 1276-77. A Cab asserted another appeal to this Court, *Dubric v. A Cab*, Case No. 83492, concerning a 2021 district court final judgment in a different case against A Cab for unpaid minimum wages, could alter the 2018 *Murray* final judgment. PA 1082. *Dubric* indisputably lacks subject matter jurisdiction to alter the earlier entered *Murray* final judgment. PA 1- 66, 1221-1230. The *Murray* final judgment can only be modified by an appeal to this Court, that appeal was heard, and this Court affirmed such final judgment, as modified, remanding *Murray* to the district court on February 4, 2022, for further proceedings. PA 332-365. Judge Kierny, ignoring that it was impossible for *Dubric* to alter the *Murray* final judgment, and in violation of this Court's remand instructions, stayed all proceedings until the *Dubric* appeal is concluded. PA 1276-77. Judge Kierny also refused to require A Cab to post any bond while that stay was in effect. PA 1277.

Judge Kierny had previously abused her discretion by refusing, in her order of February 22, 2021, to rule on the merits of the Taxi Drivers' request for the appointment of a receiver to enforce the *Murray* judgment, finding that request was previously denied. PA 326-331. This Court, in its Order of February 17, 2022, Case No. 82539, found Judge Kierny abused her discretion by not addressing that request on the merits and ordered her to do so. PA 802-805. It also found Judge

Kierny's findings were contrary to its prior ruling:

Notably, the district court's finding that appellants' prior request for a receiver had been denied squarely conflicts with this court's prior order concluding that the district court had *not* denied appellants' request. *See, Murray v. A Cab Taxi Serv., LLC*, No. 81641, 2020 WL 6585946 at *2 (Nev. Nov. 9, 2020)(Order Dismissing Appeal). (emphasis in original). Case No. 82539, Order of February 17, 2022, fn 3. PA 803.

Judge Kierny was advised prior to issuing the February 22, 2021, order, of this Court's November 9, 2020, Order, finding that a request for a receiver had not been previously denied. PA 81-82, 185-189. Ignoring this Court's order, Judge Kierny proceeded to find, as urged by A Cab, that such a receiver request had been denied and on that basis refused to consider the request for a receiver on the merits. PA 201-212, 326-331.

This is the second time this Court must intervene to correct Judge Kierny's failure to comply with its rulings in this case. In each instance Judge Kierny, without explanation, contrary to the facts and law, and in an abuse of discretion, granted A Cab's requests, ignored this Court's orders, and prevented collection of the Taxi Drivers' judgment. Given that history, the Court should do more than just reverse Judge Kierny's March 9, 2022, stay order.

To spare itself from having to correct Judge Kierny's abuse of discretion in the future, this Court, if it does not direct a transfer of this case in the district court, should issue detailed instructions to Judge Kierny on complying with its prior

orders. Otherwise Judge Kierny is likely to adopt further baseless arguments from A Cab (it has already made several) and, again, obstruct collection of the Taxi Drivers' judgment until this Court, again, intervenes.

STATEMENT OF FACTS

Synopsis - Circumstance Causing the Filing of this Petition

On August 21, 2018, the *Murray* final judgment was entered in favor of the Taxi Drivers and against A Cab LLC (later amended to reflect its changed name, A Cab Series LLC) for over \$1,000,000. PA 1-66. On December 30, 2021, this Court resolved A Cab's appeal of the final judgment. PA 332-365. It set aside the judgement's award of unpaid minimum wages for the period prior to October 8, 2010, and otherwise affirmed it. PA 343-45, 363-64. That resulted in A Cab, with post-judgment interest, owing over \$832,000 in unpaid minimum wages to 631 Taxi Drivers. PA 688-92, 1245, 1281-97. This Court also directed reconsideration of a post-judgment award of the Taxi Drivers' attorney's fees in light of that disallowance. PA 355, 363. This Court's remittitur was issued on February 4, 2022, with instructions to conduct further proceedings. PA 366-67.

On March 9, 2022, District Judge Carli L. Kierny ordered a stay of all proceedings at the request of A Cab. PA 1080-1207, 1276-77.² Judge Kierny

² This Order is in the hearing transcript. PA 1265-79. While Judge Kierny directed A Cab to prepare and present an Order for her signature it has yet to do so in violation of EDCR Rule 7.21.

found, as urged by A Cab, that a pending appeal of a later entered final judgment in another lawsuit against A Cab, *Dubric v. A Cab*, Eighth Judicial District Court A-15-721063-C, Final Judgment of August 31, 2021, Supreme Court No. 83492, would impact the final judgment in *Murray*.³ PA 1276-77. Judge Kierny found such a stay was in the public interest and A Cab need not post any bond beyond the \$100,000 it posted during the pendency of its prior appeal of the final judgment.

Id.

Detailed Statement of Facts - All Proceedings Germane to the Petition

Judge Kierny's Abuse of Discretion in Denying a Receiver

On December 30, 2020, the Taxi Drivers moved to appoint a receiver to aid in judgment collection since A Cab had not posted a *supersedeas* bond under NRCP Rule 62 (d)(1).⁴ PA 74-200. Alternatively, they requested an order transferring A Cab's property to the Sheriff for a judgment execution sale. PA 83-84. A Cab opposed that motion, claiming a district court judge had previously denied the appointment of a receiver and no basis existed to re-hear such denial. PA 201-212.

³ Briefing in the *Dubric* appeal is underway with the answering brief by A Cab due on April 4, 2022, pursuant to an NRAP 31(a)(1) 30 day extension of time.

⁴ Pursuant to the prior district court judge's order of July 17, 2020, A Cab deposited \$100,000 in security. PA 67-73. That order appointed a special master to report on using A Cab's future profits as additional security. PA 72. That special master died in 2020, that report was never furnished, and A Cab has not provided any additional security. PA 76-77, 167-68.

Judge Kierny was advised A Cab's argument a prior decision had denied a receiver was incorrect. PA 81-82. That prior decision was the subject of a previous appeal and the November 9, 2020, order of this Court finding such decision *did not* deny the appointment of a receiver. PA 185-89. Judge Kierny, ignoring that advisement and this Court's order, adopted A Cab's argument, and issued an order on February 22, 2021, denying the receiver request because it had been previously denied and no basis existed to rehear it. PA 326-331. Judge Kierny also denied the Taxi Drivers' alternative request to enforce the judgment through a seizure and sale of A Cab's property. *Id.* The Taxi Drivers appealed. This Court, in its Order of February 17, 2022, Case No. 82539, reversed Judge Kierny, found she had abused her discretion, and ordered the receiver request be considered on the merits. PA 802-805. It also found Judge Kierny's holding that the receiver request had previously been denied "...squarely conflicts with this court's prior order concluding that the district court had *not* denied appellants' request [for a receiver]." PA 803.

**Judge Kierny's Abuse of Discretion in Staying Judgment
Enforcement and Refusing to Comply with this Court's Remittitur.**

On December 30, 2021, this Court resolved the *Murray* final judgment appeal. PA 332-365. It modified that final judgment by disallowing the award of unpaid minimum wages for the period prior to October 8, 2010, affirmed it in all other respects, and remanded for further consistent proceedings. PA 343-45, 363-64. It

also directed reconsideration of the Taxi Drivers's separate post-judgment award of attorney's fees in light of that disallowance. PA 355, 363. The *Murray* judgment, as so modified, imposed a liability upon A Cab, with post-judgment interest, for over \$832,000 in unpaid minimum wages owed to 631 Taxi Drivers. PA 688-92, 1245, 1281-97.

After this Court's remittitur of February 4, 2022, the Taxi Drivers sought to conduct the further proceedings directed by this Court. They filed motions to conform the final judgment to this Court's modification and to award the Taxi Drivers their pre-judgment attorney's fees and appellate attorney's fees. PA 579-801. A Cab filed a motion seeking a declaration it did not owe any previously awarded unpaid minimum wages for the period after June 26, 2014, a total of \$211.72, that had been incorporated into the *Murray* final judgment of August 21, 2018. PA 368-372. It made that request despite this Court fully affirming the final judgment's award for the entire 2013 through 2015 time period. PA 346.

On February 28, 2022, A Cab filed its opposition to the Taxi Drivers' motion to have the *Murray* final judgment conform to this Court's modification. PA 806-1079. It claimed the district court could not order the final judgment, as directed by this Court, conform to the amounts already calculated to be due prior to its entry on August 21, 2018, minus the amounts included at that time for the period prior to October 8, 2010. *Id.* It insisted many other things had to be done before the

district court could enter a “new judgment.” It asserted (1) A class action “decertification” order was needed, along with a notice distributed to all class members advising them of the “decertification” of all class claims prior to October 8, 2010 and after June 26, 2014, PA 811-13; (2) An appeal of a later final judgment entered in another lawsuit against A Cab, *Dubric v. A Cab*, Eighth Judicial District Court A-15-721063-C, Final Judgment of August 31, 2021, Supreme Court No. 83492, first needed to be resolved since it would impact the *Murray* final judgment, PA 809-11; (3) A United States Department of Labor settlement of unpaid minimum wages needed to be accounted for, as it entitled A Cab to an offset that the Taxi Drivers “do not account for.” PA 813-14. It made that assertion despite the *Murray* final judgment of August 21, 2018, having already fully provided for that offset in its calculations. PA 29-30; (4) The United States Department of Labor had demonstrated there are 243 claimants that it was “unable to locate” who are “ghost claimants” that the Taxi Drivers are improperly claiming are entitled to unpaid minimum wages under the judgment, *Id.*; and (5) This Court’s “remand for a determination as to the appropriate defendant must first be complied with before any entry of a judgment.” PA 814. A Cab insisted, citing to nothing in this Court’s Opinion, that “the reversal and remand” this Court issued “specifically stated that a determination had to be made as to which entity existed at the time and bears liability for any damages that are determined.” *Id.* A Cab

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also presented unexplained (except for one class member with a duplicate listing) tables referencing 12 class members it claimed had calculation errors in the judgment as entered on August 21, 2018. PA 1071-73.⁵

On February 28, 2022, Judge Kierny signed an OST to hear on March 9, 2022, A Cab's motion to stay all proceedings. PA 1081. That motion asserted A Cab would suffer "irreparable harm" if the *Murray* judgment was enforced during the pendency of the *Dubric* appeal. PA 1086-87.

The Taxi Drivers, opposing A Cab's stay request, advised Judge Kierny the *Dubric* final judgment, being entered after the *Murray* final judgment, lacked subject matter jurisdiction and could not modify the *Murray* final judgment as affirmed by this Court. PA 1208-1249. They advised Judge Kierny this Court, when resolving writ proceedings in *Dubric* in 2018, found the *Murray* judgment was a final resolution of claims that could not be affected by future proceedings in *Dubric*. PA 1232-33. They also advised Judge Kierny this Court, in its February 3, 2022, Order in the *Murray* final judgment appeal, confirmed, contrary to A

⁵ A Cab did not identify any errors in the Taxi Drivers' calculations of how the *Murray* final judgment was modified by this Court. PA 688-713. There is a single error in those calculations: an award of \$883.88 to Murray Michael P. and Murray MichaelP, the same person, is listed twice owing to a typographical error in A Cab's records. PA 1280-82. The Taxi Drivers were going to correct that error (it was in the judgment as entered on August 21, 2018, and never raised in A Cab's appeal) but the district court stayed proceedings before that could be done. That correction is placed in the record of this Petition at PA 1280-97.

Cab's insistence, that there was no "new judgment" to be entered. PA 1236-37.

There was only a judgment, as modified by this Court, that has continuously existed since its original entry on August 21, 2018. PA 1237. Such circumstances, and rulings by this Court, indisputably established to Judge Kierny (if she needed further proof) that *Dubric* lacked subject matter jurisdiction over the claims adjudicated into the *Murray* final judgment and nothing transpiring in *Dubric* could impact that judgment.

A Cab offered no explanation to Judge Kierny of how the *Dubric* final judgment, and appeal, could impact the *Murray* final judgment. It argued the Taxi Drivers, by intervening in *Dubric* and appealing that final judgment, conceded the *Dubric* final judgment could impact the *Murray* final judgment. PA 1083-84. As the Taxi Drivers explained to Judge Kierny, that was untrue. PA 1211-12. Their intervention and appeal in *Dubric* was necessary because *Dubric* was purporting to release the Taxi Drivers' claims that were *not* against A Cab and thus arguably *not* resolved by the *Murray* final judgment. *Id.*

Judge Kierny, without explaining how the *Dubric* final judgment and appeal could impact the *Murray* final judgment, granted A Cab's motion to stay all proceedings. PA 1080-1207, 1276-77. She also denied the Taxi Drivers' request that A Cab post a bond for the full amount of the *Murray* final judgment during that stay. PA 1277.

STATEMENT OF REASONING FOR THE ISSUANCE OF A WRIT

I. The petitioners hold a final judgment against A Cab not subject to further appeal or modification; denying them writ relief would violate their rights and cause irreparable harm.

A. No appeal of Judge Kierny’s order staying post-judgment proceedings is authorized by NRAP 3(b) or this Court’s jurisprudence.

Petitioners do not believe the March 9, 2022, stay order is an NRAP 3(b) appealable determination. This Court indicated in a prior decision in this case, and in another recent decision, that an order denying, granting, or staying, judgment enforcement does not qualify as an NRAP 3(b)(8) “special order entered after final judgment” from which an appeal lies. *See, Zandian v. Margolin*, No. 82559, Feb. 16, 2022, 2022 WL 483195 (Nev. Sup. Ct. 2022) (Order enforcing judgment does not affect right “growing out of the judgment previously entered” and is not appealable), quoting and citing *Gumm v. Mainor*, 59 P.3d 1220, 1221 (Nev. Sup. Ct. 2002) and citing *Murray v. A Cab Taxi Serv. LLC*, No. 81641, Nov. 9, 2020, 2020 WL 6585946 (Nev. Sup. Ct. 2020).

B. A writ of mandamus is needed to correct Judge Kierny’s manifest abuse of discretion as petitioners have no plain, adequate or speedy remedy in the ordinary course.

This Court will issue a writ of mandamus to compel a required duty of a public official or “to control a manifest abuse or an arbitrary or capricious exercise of discretion.” *PetSmart Inc. v. Eighth Jud. Dist. Ct.*, 499 P.3d 1182, 1186 (Nev.

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Sup. Ct. 2021), citing and quoting *Cole H. v. Eighth Jud. Dist. Ct.*, 175 P.3d 906, 907-08 (Nev. Sup. Ct. 2008). Mandamus relief is only appropriate when there is “no plain, speedy and adequate remedy in the ordinary course of law.” *Id.*, citing *Cole H.*, 175 P.3d at 908, and NRS 34.170.

1. The Taxi Drivers’ judgment against A Cab is not subject to further modification based on the *Dubric* proceedings or for any other reason; Judge Kierny manifestly abused her discretion by issuing the stay.

Judge Kierny, in granting A Cab’s motion to stay all proceedings in *Murray* pending the resolution of the *Dubric* appeal, stated “I do find that based on the arguments today the *Dubric* decision will affect the new judgment in this case.” PA 1276. Judge Kierny offered no reason for that finding and it is contrary to law.

A final judgment in a case from a court with subject matter jurisdiction over the parties and their dispute fully and forever resolves that dispute. No argument was raised to Judge Kierny that the *Murray* final judgment against A Cab was void for lack of subject matter jurisdiction. That judgment was affirmed on appeal, as modified, by this Court. This Court has twice confirmed that such judgment, as of its original entry on August 21, 2018, was a final resolution of the Taxi Drivers’ minimum wage claims against A Cab. PA 1232-33, 1236-37. This Court, in discharging a prior writ proceeding in *Dubric*, held proceedings in *Dubric* after

August 21, 2018, would not impact the Taxi Drivers' rights against A Cab under the *Murray* final judgment. PA 1232-33. The only things that could modify that judgment was its satisfaction by a payment approved in *Murray*,⁶ its discharge in bankruptcy, its expiration from the passage of time, or an appeal to this Court. That appeal was resolved on December 30, 2021, and the *Murray* final judgment was affirmed, as modified, by this Court.

Subject matter jurisdiction was exercised by *Murray* over the Taxi Drivers' minimum wage claims against A Cab and *Murray* entered a final judgment fully resolving those claims on August 21, 2018. PA 1-66. After that date *Dubric* could not adjudicate those claims or alter that final judgment. *See, Lemkuil v. Lemkuil*, 551 P.2d 427, 429 (Nev. Sup. Ct. 1976) *citing, Metcalfe v. District Court*, 51 Nev. 253, 274 P. 5 (1929); *Greene v. Eighth Jud. Dist. Ct.*, 900 P.2d 184, 186 (Nev. Sup. Ct. 1999); *SFPP L.P. v. Second Jud. Dist. Ct.*, 173 P.3d 715, 717 (Nev. Sup. Ct. 2007) and other Nevada cases. Those cases all confirm it was impossible, as a matter of law, for *Dubric*, after August 21, 2018, to obtain subject matter jurisdiction over the Taxi Drivers' minimum wage claims against A Cab or alter the liability imposed on A Cab by the *Murray* final judgment. The *Dubric*

⁶ The *Murray* final judgment was for hundreds of class member judgment-creditor taxi drivers. To prevent overreaching by A Cab, and any potential unfairness to the class members, it bars A Cab from securing satisfactions of its judgment obligations to those class members without approval from the district court in *Murray*. PA 35-36.

final judgment, entered on August 31, 2021, PA 1221-1330, was *void ab initio*, in respect to the same. *See, State Indus. Ins. System v. Sleeper*, 679 P.2d 1273, 1274 (Nev. Sup. Ct. 1984) (“There can be no dispute that lack of subject matter jurisdiction renders a judgment void.”).

Judge Kierny’s abuse of discretion in determining “the *Dubric* decision will affect the new judgment in this case” did not arise from a lack of information. She was advised *Dubric* lacked subject matter jurisdiction over the Taxi Drivers’ claims against A Cab resolved by the *Murray* final judgment. PA 1208-1249. This Court’s Orders confirming the *Dubric* proceedings could not impact the *Murray* final judgment, and such judgment must be treated as if it was continuously in place since August 21, 2018, as modified by this Court (there being no “new” judgment to enter), were provided to Judge Kierny. PA 1232-33, 1236-37. Those controlling rulings by this Court were pointed out to Judge Kierny at oral argument. PA 1269. A Cab offered no explanation to Judge Kierny of how *Dubric* possessed subject matter jurisdiction to “affect” the *Murray* judgment, as it insisted and Judge Kierny found. Judge Kierny’s abuse of discretion in ordering the stay requested by A Cab did not arise from an explainable misunderstanding or misapprehension of the facts and the law. It was manifest, arbitrary and capricious.

Judge Kierny’s manifest, arbitrary and capricious abuse of discretion is

demonstrated not just by her stay order of March 9, 2022, but also by her prior order of February 22, 2021. PA 326-331. In that earlier order Judge Kierny denied the Taxi Drivers' motion to appoint a receiver on the basis it had previously been denied. *Id.* Judge Kierny's finding that a receiver had previously been denied was found by this Court in its Order of Reversal and Remand of February 17, 2022, to "squarely conflict" with this Court's prior order of November 9, 2020,⁷ finding a receiver request had *not* been previously denied. PA 803. Judge Kierny was also advised, prior to her issuance of that February 22, 2021, Order, of this Court's November 9, 2020, Order, finding a receiver appointment had *not* been previously denied. PA 185-89. Yet Judge Kierny proceeded in the February 22, 2021, Order in the exact same fashion as on March 9, 2022. Both times Judge Kierny ignored this Court's unambiguous rulings and granted A Cab relief that did not comply with those rulings and that was contrary to the facts and the law.

2. The Taxi Drivers have no other speedy or appropriate remedy; unless mandamus is granted they will not collect in any timely fashion their final judgment that is fully resolved upon appeal.

Even though the *Murray* final judgment appeal has been resolved A Cab refuses to satisfy that judgment. The Taxi Drivers will never receive any payment

⁷ *Murray v. A Cab Taxi Serv. LLC*, No. 81641, 2020 WL 6585946 p. 2.

on that judgment without assistance from the district court, assistance Judge Kierny has improperly refused to them.

While A Cab's appeal of the *Murray* final judgment was pending the district court may have properly exercised its discretion in denying judgment enforcement, even without a *supercedes* bond. After remittitur the district court lost that discretion. The Taxi Drivers, as holders of a final judgment not subject to modification on appeal, are entitled to enforce that judgment. And while the district court has discretion to determine what judgment enforcement methods are appropriate, it cannot deny all judgment enforcement remedies to the Taxi Drivers.

Judge Kierny's March 9, 2022, stay order, while not denying the Taxi Drivers in perpetuity their judgement enforcement rights, subordinates those rights to the unlimited future discretion, whim, of Judge Kierny when the *Dubric* appeal is concluded. No reason exists to delay enforcement of the Taxi Drivers' now over three and one half-years old judgment until the *Dubric* appeal is resolved. There is also good reason to believe Judge Kierny will not fulfill her obligation to enforce that judgment when such appeal is concluded.

Judge Kierny has twice manifestly, arbitrarily, and capriciously, and without explanation, abused her discretion, doing so both times based on assertions by A Cab that have no basis in law and in contravention of five of this Court's Orders and the undisputed facts. A Cab has already baselessly asserted, among other

things,⁸ that this Court’s remand of the *Murray* final judgment directed “that a determination had to be made as to which entity existed at the time and bears liability for any damages that are determined.” PA 814. If what is past is prologue, Judge Kierny will adopt this baseless argument of A Cab when the *Dubric* appeal is resolved. Judge Kierny would then vacate the *Murray* final judgment against A Cab Series LLC, the adjudicated judgment debtor, finding it is not the “entity” that “bears liability” under the *Murray* final judgment.

The Taxi Drivers may be unable to seek this Court’s assistance through an appeal if Judge Kierny lifts the stay after the *Dubric* appeal and then vacates, as requested by A Cab, the judgment against A Cab Series LLC. *See, TRP International, Inc. v. Proimtu MMI LLC*, 391 P.3d 763, 765 (Nev. Sup. Ct. 2017)

⁸ A Cab has argued to Judge Kierny the Taxi Drivers cannot enforce their judgment until a class “decertification” order is issued (and notice sent to the class members) regarding the class damages claims pre-dating October 8, 2010, reversed by this Court and the class damages claims after June 24, 2014, affirmed by this Court (the latter being \$211.72). PA 811-13. Those claims were resolved, for some class members without any recovery, as part of the final judgment and there remains nothing of a class nature to “decertify.” It asserts a need to exclude from the final judgment 243 persons the United States Department of Labor was unable to locate, ignoring A Cab’s liability to those class members irrespective an ability to locate them (those amounts may have to be deposited with the Nevada Treasurer as abandoned property). PA 813-14. It asserts a need to account for the set off A Cab may claim for payments made to the United States Department of Labor, even though that was already done in the August 21, 2018, judgment. *Id.* The Taxi Drivers will never properly enforce their judgment if Judge Kierny continues to adopt A Cab’s baseless arguments.

(There is no appeal of an order vacating a final judgment “unless and until a new final judgment is entered.”) In such an event A Cab’s interests would be best served by keeping this dispute in limbo indefinitely and not having a new final judgement entered, as that would grant the Taxi Drivers a right to appeal to this Court. If Judge Kierny were to so proceed, based on whatever specious arguments A Cab will make, the Taxi Drivers, unable to secure a final judgment from the district court, would never secure a right of appeal to this Court. Given the manifest injustice occurring in the district court, and the uncertainty as to when or whether the Taxi Drivers will be able to secure assistance from this Court through a future appeal, writ relief is warranted.

II. The circumstances and history of this case warrant the Court granting writ relief with detailed corrective instructions.

A Cab refuses to pay the *Murray* final judgment as affirmed by this Court, even though it has earned enough profits, post-judgment, to do so. PA 1245-46. Judge Kierny’s baseless stay order of March 9, 2022, deprives the Taxi Drivers of the rights granted to them by this Court in its December 30, 2021, Order and remittitur. Judge Kierny’s manifest abuse of discretion in failing to consider the appointment of a receiver, reversed one year later by this Court, has denied the Taxi Drivers the sequestration of A Cab’s profits that would have substantially satisfied their judgment.

Unless this Court imposes other measures, a writ reversing Judge Kierny's stay order of March 9, 2022, with an instruction to proceed appropriately, will very likely not provide an adequate remedy to the Taxi Drivers. This Court instructed Judge Kierny to appropriately proceed in its December 30, 2021, Order remanding A Cab's final judgment appeal, and its February 17, 2022, Order reversing Judge Kierny's refusal to consider the appointment of a receiver. Judge Kierny has failed to comply with those two orders by staying the district court proceedings and ignoring this Court's finding in a third order (the Order of November 9, 2020) that no motion for a receiver had previously been denied. Judge Kierny, when ordering that stay, also ignored a fourth order of this Court, its 2018 Order finding future *Dubric* proceedings could not impair the *Murray* final judgment. PA 1232-33. That stay order also ignored a fifth order of this Court by holding a "new judgment" would have to be entered in *Murray*, contrary to this Court's February 4, 2022, Order finding the *Murray* final judgment should be deemed affirmed, as modified, from its original entry on August 21, 2022. PA 1236-37. Issuing a writ containing only a general instruction, when Judge Kierny has repeatedly declined to follow this Court's instructions and findings, is not an adequate remedy.

In light of the Judge Kierny's disregard of five different orders of this Court, and her repeated manifest, arbitrary, and capricious, abuses of discretion,

the Court may find it appropriate to direct reassignment of this case. It has done so in similar cases. *See, Zollo v. Terrible Herbst*, 2015 WL 3766856 (Nev. Sup. Ct. 2015) (district judge failed to make required determinations on same issue after two appeals, directing transfer to different district judge on remand of second appeal); *Wolzinger v. Eighth Jud. Dist. Ct.* 773 P.2d 335, 340 (Nev. Sup. Ct. 1969) (considering two writ petitions and three appeals in estate matters, reassignment directed to avoid threat of future delays or appearance of impropriety by district judge who was not found to possess bias and made errors of law); *Leven v. Wheatherstone Condo Corp.*, 791 P.2d 450, 451 (Nev. Sup. Ct. 1990) (directing trial by different district judge as original district judge had erroneously granted summary judgment and “expressed herself in the premises”); *Ross v. State*, 2015 WL 5664891 (Nev. Sup. Ct. 2015) (district judge committed multiple errors and abused discretion in handling of criminal trial; new trial ordered before different judge); *Coulter v. State*, 2015 WL 5554588 (Nev. Sup. Ct. 2015) (same); *Falkenburg v. Falkenburg*, 2018 WL 1135258 (Nev. Sup. Ct. 2018) (reassignment directed when judge erred on the law by not properly applying presumption directed by statute in joint custody dispute and failed to consider changed circumstances, citing *Leven*); and *Matter of Huddle*, 2017 WL 2813955 (Nev. Sup. Ct. 2017) (reassignment directed when judge denied petition for gender marker change and failed to make proper findings, citing *Leven* and *Wolzinger*).

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If this Court does not direct reassignment of this case it should issue specific instructions to Judge Kierny on how to proceed (it would also be beneficial for it to do so even if it directs reassignment). Such instructions could include directing that:

- (1) A Cab Series LLC can only be relieved of its liability under the *Murray* final judgment through a payment and satisfaction of the same, the district court may not, as A Cab proposes, conduct further proceedings to determine if it is an entity that is liable under the judgment; it shall not grant A Cab's request for any class action "decertification" order; and it shall not relieve A Cab of any liability to any class member who cannot be located but shall direct any funds recovered for such class member to the Nevada State Treasurer's abandoned property fund; and

- (2) An Order shall be promptly entered modifying the final judgment against A Cab, LLC (now known as A Cab Series LLC) rendered by the district court on August 21, 2018, as affirmed by this Court's Opinion of December 30, 2021, 501 P.3d 961, 137 Nev. Adv. Op. 84., to record that such judgment

totals \$685,866.60 in favor of 661 plaintiffs plus post-judgment interest from August 21, 2018, as specified at PA 1284-97, and is otherwise unchanged; and

- (3) The stay of judgment enforcement in this case is terminated and the district court shall promptly consider on the merits the Taxi Drivers' request for the appointment of a receiver, the latter as directed by this Court's Order of February 17, 2022, in Case No. 92539; and

- (4) The district court shall promptly rule upon the Taxi Drivers' previously filed motion and enter an order awarding the Taxi Drivers attorney's fees for securing the August 21, 2018, final judgment; and only to the extent it is justified by the portion of this Court's opinion, 501 P.3d 961, 137 Nev. Adv. Op. 84., finding damages were erroneously awarded to the Taxi Drivers for the period prior to October 8, 2010, may such award be reduced from the district court's prior such award of \$568,071; and

- (5) The district court shall promptly enter an order or orders awarding the Taxi Drivers' attorney's fees and costs, upon their already filed or to be filed motions, for:
- (i) Successfully securing an affirmation of the final judgment on appeal to this Court, 501 P.3d 961;
 - (ii) Successfully securing this Court's reversal of the district court's decision refusing to consider, on the merits, the Taxi Drivers' request for the appointment of a receiver, Order of February 17, 2022, Case No. 92539;
 - (iii) Successfully securing relief through this Petition;
 - (iv) Their attorneys' work in all other post-judgment proceedings in this case and the *Dubric* proceedings; and
- (6) The district court shall promptly enter an order on the Taxi Drivers to be filed motion for costs for securing the final judgment in this case, as directed by this Court, 501 P.3d 961.

CONCLUSION

The Court should grant writ relief as requested or in such other form that will advance the interests of justice and provide an effective remedy to the

petitioners.

Dated: March 29, 2022

Respectfully submitted,

/s/ Leon Greenberg

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

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

I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 6,038 words.

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

requirements of the Nevada Rules of Appellate Procedure.

Dated this 29th day of March, 2022.

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

004150

004150

AFFIDAVIT OF VERIFICATION

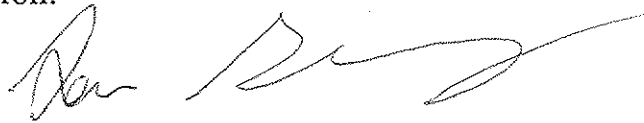
Leon Greenberg, being first duly sworn, deposes and states that:

1. I am a member of the law firm of Leon Greenberg Professional Corporation, counsel of record for petitioners Michael Murray and Michael Reno.

2. This affidavit is made by me pursuant to N.R.A.P. Rule 21 (a)(5) in that I am fully and personally familiar with the fact presented by this petition based upon my handling of this litigation on behalf of my clients, the petitioners.

3. I know the contents of the foregoing petition and the facts stated therein are true of my own knowledge, or I believe them to be true based on the proceedings, documents, and papers filed in this case either in the proceedings taken before the Eighth Judicial District Court of the State of Nevada,

4. True and correct copies of orders, opinions, proceedings and papers served and filed by the parties in this case prior to the date of this petition and that may be essential to an understanding of the matters set forth in this petition are contained in the Appendix to this petition.



Leon Greenberg, Attorney for Petitioner
Nevada Bar No.: 8094

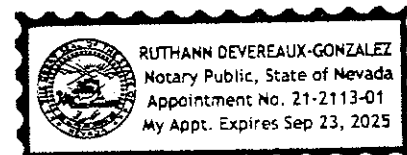
SUBSCRIBED AND SWORN to before me, March 29, 2022

County of Clark
State of Nevada

This instrument was acknowledged before me on this 29th day of March, 2022 by Leon Greenberg.



Ruthann Devereaux-Gonzalez



PROOF OF SERVICE

The undersigned certifies that on May 29, 2022, she served the attached

WRIT OF MANDAMUS AND PETITIONERS' APPENDIX

by court electronic service to

Esther C. Rodriguez, Esq.
 RODRIGUEZ LAW OFFICES, P.C.
 10161 Park Run Drive, Suite 150
 Las Vegas, NV 89145
 Attorney for Real Party in Interest A Cab LLC *et al.* and
 Creighton J.Nady

JAY A. SHAFER, ESQ.
 CORY READE DOWS AND SHAFER
 1333 North Baffalo Drive, Suite 210
 Las Vegas, NV 89128
 Attorney for Real Party in Interest A Cab LLC *et al.* and
 Creighton J.Nady

Honorable Carli Kierny
 Eighth Judicial District Court - Department II
 Regional Justice Center, Courtroom 12B
 200 Lewis Avenue
 Las Vegas, NV 89155

Respondent

/s/ Ruthann Devereaux-Gonzalez

Ruthann Devereaux-Gonzalez

004152

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EXHIBIT 3

004153

004153

EXHIBIT 3

NEOJ

Esther C. Rodriguez, Esq.
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 702-794-4411
jshafer@crdslaw.com
Attorneys for Defendants

DISTRICT COURT**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

NOTICE OF ENTRY OF ORDER**GRANTING DEFENDANTS' MOTION FOR COSTS**

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

...

...

...

...

...

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

DATED this 17th day of May, 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 17th day of May, 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.

ORDR

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
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702-794-4411
jshafer@crdslaw.com
Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

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

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

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

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

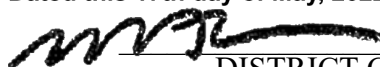
Accordingly, Defendants are awarded a total of \$7,052.87 as costs, and against Plaintiffs.

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

IT IS SO ORDERED.

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

Dated this 17th day of May, 2022



DISTRICT COURT JUDGE

Submitted by:

RODRIGUEZ LAW OFFICES, P.C.

/s/ Esther C. Rodriguez, Esq.

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

428 B0F 8CD7 E234

Gloria Sturman Approved as to Form:
District Court Judge

LEON GREENBERG PROFESSIONAL CORPORATION

not approved

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

1 **CSERV**

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

4
5
6 Michael Murray, Plaintiff(s)

CASE NO: A-12-669926-C

7 vs.

DEPT. NO. Department 9

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

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/17/2022

15 "Esther Rodriguez, Esq." .

esther@rodriguezlaw.com

16 Assistant .

info@rodriguezlaw.com

17 Cindy Pittsenbarger .

cpittsenbarger@hutchlegal.com

18 Dana Sniegocki .

dana@overtimelaw.com

19 Esther Rodriguez .

esther@rodriguezlaw.com

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22 Hillary Ross .

hross@blgwins.com

23 leon greenberg .

leongreenberg@overtimelaw.com

24 Leon Greenberg .

wagelaw@hotmail.com

25 Michael K. Wall .

mwall@hutchlegal.com

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5	Katie Brooks	assistant@gabroy.com
6	Katie Brooks	assistant@gabroy.com
7	Christian Gabroy	christian@gabroy.com
8	Elizabeth Aronson	earonson@gabroy.com
9	Christian Gabroy	christian@gabroy.com
10	Kaine Messer	kmesser@gabroy.com
11	Ali Saad	ASaad@resecon.com
12	Peter Dubowsky, Esq.	peter@dubowskylaw.com
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15	Kaylee Conradi	kconradi@hutchlegal.com
16	R. Reade	creade@crdslaw.com
17	Kathrine von Arx	kvonarx@crdslaw.com
18	Ruthann Devereaux-Gonzalez	ranni@overtimelaw.com
19	Jay Shafer	jshafer@crdslaw.com
20		
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EXHIBIT 4

004160

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EXHIBIT 4

SAO

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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. II

STIPULATION AND ORDER TO PARTIALLY DECERTIFY CLASS

COME NOW, Plaintiffs MICHAEL MURRAY and MICHAEL RENO, individually and on behalf of others similarly situated by and through their attorney of record, LEON GREENBERG, ESQ., of LEON GREENBERG PROFESSIONAL CORPORATION, and Defendants A CAB, LLC, A CAB SERIES, LLC, and CREIGHTON J. NADY, 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 agree and stipulate that pursuant to Nev. R. Civ. P. 23 that the previously certified class will be partially decertified as specified below. The parties agree that said decertification is

1 appropriate and necessary; and good cause is warranted for the reasons as stated herein.

2 On June 7, 2016, this Court issued an order certifying a class to encompass “class claims as
3 alleged in the First and Second Claims for Relief in the Second Amended and Supplemental
4 Complaint of all persons employed by any of the defendants as taxi drivers in the State of Nevada at
5 anytime from July 1, 2007 through December 31, 2015, except such persons who file with the Court
6 a written statement of their election to exclude themselves from the class as provided [in the Order].
7 Also excluded from the class is Jasminka Dubric who has filed an individual lawsuit against the
8 defendant A Cab LLC seeking unpaid minimum wages and alleging conversion by such defendant,
9 such case pending before this Court under Case No. A-15-721063-C.”

10 On September 9, 2016, the office of Plaintiffs’ counsel filed a declaration of class mailing
11 indicating that 2160 notices had been mailed notifying current and former drivers of Defendant,
12 “You are being sent this notice because you are a member of the class . . . that has been certified by
13 the Court. Your rights as a class member are discussed in this notice.”

14 On December 30, 2021, the Nevada Supreme Court issued its decision pertaining to
15 Defendants’ appeal in this matter. *A Cab, LLC v. Michael Murray*, 137 Nev. Adv. Op 84 (Dec. 30,
16 2021). One of the issues Defendants appealed was the district court’s decision to extend the statute
17 of limitations for the inclusion of Plaintiffs and their claims beyond the guidance previously
18 provided by the Nevada Supreme Court in its decision of *Perry v. Terrible Herbst, Inc.*, 383 P.3d
19 257, 132 Nev. Adv. Op. No. 75 (Oct. 27, 2016). The Nevada Supreme Court agreed with A Cab’s
20 appeal and has reversed and remanded the District Court’s order on this issue.

21 In its decision, the Nevada Supreme Court concluded that A Cab fulfilled its obligation under
22 the Minimum Wage Act (MWA) of the Nevada Constitution, specifically Nev. Const. art. 15, §
23 16(A) indicating “[a]n employer shall provide written notification of the rate adjustments by July 1
24 following the publication of the bulletin”. Said bulletin is to be published each spring by the Labor
25 Commissioner announcing the adjusted minimum wage rates. The Nevada Supreme Court
26 determined that the District Court erroneously interpreted the MWA thereby imposing the additional
27 burden upon A Cab of defending Plaintiffs’ claimed damages from July 1, 2007 through October 8,
28 2010.

The Nevada Supreme Court indicated that given the district court's incorrect reading of the MWA, "we reverse the tolling decision and conclude the drivers' claims extend backwards only two years before their suit was filed."

Accordingly, the parties agree and stipulate that the previously certified class in this matter must be partially decertified:

- (1) to exclude the additional years of claimed damages for ALL class members which were erroneously included by the district court, this being the time period of July 1, 2007 through October 8, 2010; and
- (2) to exclude all class members who were employed by Defendants solely within the time period of July 1, 2007 and October 8, 2010. Said class members must be notified of said exclusion from the class, as they were previously notified by Plaintiffs' counsel that they were indeed members of the class and had rights as a class member.

As such, Plaintiffs' counsel must take all necessary steps to notify these persons who were previously notified by Plaintiffs' counsel of their class status, but are now specifically excluded. Plaintiffs' counsel will bear the fees and costs associated with accomplishing said notice to correct the prior notice sent by their office. Plaintiffs' counsel will further provide proof of said notice by filing with the District Court.

Dated this 25th day of February, 2022.

LEON GREENBERG PROF. CORP.

Dated this 25th day of February, 2022.

RODRIGUEZ LAW OFFICES, P. C.

 Leon Greenberg, Esq.
 Nevada State Bar No. 008094
 2965 South Jones Blvd., #E3
 Las Vegas, Nevada 89146
Attorney for Plaintiffs

 Esther C. Rodriguez, Esq.
 Nevada State Bar No. 006473
 10161 Park Run Drive, Suite 150
 Las Vegas, Nevada 89145
Attorneys for Defendants

IT IS SO ORDERED.

Dated this ____ day of _____, 2022.

Hon. Carli Kierny
District Court Judge

EXHIBIT 5

004164

004164

EXHIBIT 5

DECLARATION OF ESTHER RODRIGUEZ

ESTHER C. RODRIGUEZ, ESQ., an attorney duly licensed to practice law in the State of Nevada hereby affirms under penalty of perjury that:

1. I am attorney for the Defendants in the above matter.
2. I am making this declaration upon my personal knowledge, except as to those matters where I state they are based upon information and belief.
3. If called as a witness to testify in a court of law as to the contents of this declaration, or any of the facts stated herein, I could and would testify to those matters accordingly.
4. On February 16, 2022, the Hon. Gloria Sturman heard Defendants' motion for costs and Plaintiffs' countermotion, indicating that she was hearing Judge Kierny's calendar that morning as Judge Kierny was in a murder trial. Following a review of the briefs and entertaining oral argument, Judge Sturman granted Defendants' motion and denied Plaintiffs' countermotion. Judge Sturman entered her Order on May 17, 2022. On or about March 25, 2022, Administrative Order 22-05 was issued transferring this case to Department 9. Due to this transfer of the case, on or about May 2, 2022, I contacted Department 2's judicial executive assistant pertaining to the Court's preference for the submission of a number of outstanding orders including this one. I was instructed that any proposed Orders pertaining to hearings that had proceeded while the case was assigned to Department 2 should be submitted to Department 2's inbox. As this case was assigned to Judge Kierny when the decision was made by Judge Sturman, I submitted the proposed order to Department 2's inbox and copied Plaintiffs' counsel on the email correspondence.
5. On or about June 3, 2022, Plaintiffs' counsel entered a notice of entry of order of a duplicative order addressing the same motions (Defendants' motion for costs and Plaintiffs' countermotion) which he had submitted to Department 9. Exhibit 6. I proceeded to ask Plaintiffs' counsel to correct the error by notifying Department 9 that an order had already been entered, but he has refused. Attached as Exhibit 7 is a true and correct copy of the communications between the parties on this issue. He has indicated in his correspondence of June 6, 2022, the irregularities and errors are not his fault, but rather mine in submitting an order to Department 2 as well as the Court's staff in not properly communicating between the two departments. Exhibit 7.

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

2 DATED this 14th day of June, 2022.

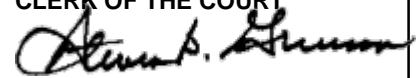
3
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5 /s/ Esther C. Rodriguez, Esq.
6 ESTHER C. RODRIGUEZ, ESQ.
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EXHIBIT 6

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004167

EXHIBIT 6



1 **NEOJ**

2 LEON GREENBERG, ESQ., SBN 8094
3 RUTHANN DEVEREAUX-GONZALEZ, ESQ., SBN 15904
4 Leon Greenberg Professional Corporation
5 2965 South Jones Blvd- Suite E3
6 Las Vegas, Nevada 89146
(702) 383-6085
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leongreenberg@overtimelaw.com
Ranni@overtimelaw.com
Attorneys for Plaintiffs

7 CHRISTIAN GABROY, ESQ., SBN 8805
8 Gabroy Law Offices
9 170 S. Green Valley Parkway - Suite 280
10 Henderson Nevada 89012
11 Tel (702) 259-7777
12 Fax (702) 259-7704
13 christian@gabroy.com
14 Attorneys for Plaintiffs

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

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

16 Plaintiffs,)

17 vs.)

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

20 Defendants.)
21

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF ENTRY OF ORDER

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

24 Dated: June 3, 2022

25 LEON GREENBERG PROFESSIONAL CORP.

26 /s/ *Leon Greenberg*

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

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CERTIFICATE OF SERVICE

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

NOTICE OF ENTRY OF ORDER

by court electronic service to:

TO:

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

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

/s/ *Ruthann Devereaux-Gonzalez*

Ruthann Devereaux-Gonzalez

ORDR

LEON GREENBERG, ESQ., SBN 8094
RUTHANN DEVEREAUX-GONZALEZ, ESQ., SBN 15904
Leon Greenberg Professional Corporation
2965 South Jones Blvd- Suite E3
Las Vegas, Nevada 89146
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Ranni@overtimelaw.com

CHRISTIAN GABROY, ESQ., SBN 8805
Gabroy Law Offices
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Henderson Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

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

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

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

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

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

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

17 **IT IS SO ORDERED.**

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

19 
 20 _____

DISTRICT COURT JUDGE

21 Approved as to Form:

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

23 NOT APPROVED

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

Submitted by:
 27 **478 EC8 5624 8C5B**
Michael Cherry
District Court Judge
LEON GREENBERG PROFESSIONAL
CORPORATION

/s/ Leon Greenberg

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

EXHIBIT 7

004172

004172

EXHIBIT 7

ELECTRONICALLY SERVED

6/6/2022 1:21 PM

LEON GREENBERG

Professional Corporation

Attorneys at Law

2965 South Jones Boulevard • Suite E-3

Las Vegas, Nevada 89146

(702) 383-6085

Leon Greenberg
Member Nevada, California
New York, Pennsylvania and New Jersey Bars

Joseph Adamiak
Law Clerk

Fax: (702) 385-1827

June 6, 2022

Esther C. Rodriguez, Esq.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

VIA WIZNET SYSTEM SERVICE

Re: Murray v. A Cab
Our email exchanges of 6/3/22 (attached)

Dear Ms. Rodriguez:

I write in connection with our attached exchange of emails. I do so in the hope we can avoid burdening the Court with pointless further complications or motion practice over this confusing situation. It is also apparent you misconstrue both the current situation and my position in regards to the same.

1. You warn me to "retract your order" and refer to my securing of a "completely improper order" in your emails and then threaten to file "a motion to strike" for which you "will be seeking associated fees and costs" if I fail to do so. I did not issue any order or secure any order in an improper fashion. The order you refer to does not belong to me and is not something I can "retract" by fiat. The Order entered 6/3/22 belongs to the Court and I fully agree this is a confusing, and unexpected, situation. The irregularities and/or errors involved in the entry of that Order were not mine. They were yours (you submitted a proposed order to the wrong department) and the Court's staff (that it appears did not properly communicate between the two departments). I do *not* assert the 6/3/22 Order should be controlling. It is for the Court to decide that issue if we cannot suggest a cooperative

Page 1 of 2

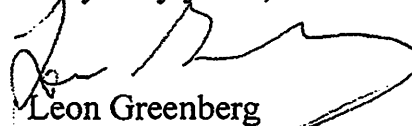


resolution of that issue acceptable to the Court.

2. I believe *both orders* are clearly erroneous and will be overturned on appeal as A Cab was not entitled to an award of more than \$1,342.32 in costs. I intend to file a single notice of appeal of both Orders and, if we cannot resolve the discrepancy between the Orders, seek reconsideration of the 6/3/22 Order. My service of the 6/3/22 Order with notice of entry was necessary to secure appellate review of that Order as well, in the event the district court finds that Order is controlling. That act on my part is neither improper nor otherwise relevant to this situation. The 6/3/22 Order is an Order of the Court and, if the Court so deems it, the controlling Order as to the issues it addressed. My service of that Order with notice of entry in no way changes that circumstance.

I asked you in my last email of 6/3/22 to provide your position on certain issues but you have not done so. I posed those inquiries to you in an attempt to engage in a dialogue with you about resolving this situation and your failure to answer my questions is inappropriate. You should also propose some means of resolving this situation. Demanding I "retract" an Order I have no power to "retract" (and that I never submitted improperly) is not a solution to this situation. The original motion at issue was your motion for costs, which was granted, and it should be your burden to take the initiative to work cooperatively to draft a stipulation to correct any issues with these Orders. One possibility is to stipulate to submit the issue of the correctness of the 6/3/22 Order for resolution as part of the pending motion for reconsideration of the 5/17/22 Order (hearing scheduled for 7/11/22 Chambers). ~~Filing a motion, as you threaten, to strike the 6/3/22 Order~~ and for "costs and fees" is not necessary or proper when you fail to propose any feasible means of resolving this situation cooperatively and do not answer my inquiries.

Very truly yours,


Leon Greenberg

Esther Rodriguez

From: Esther Rodriguez <esther@rodriguezlaw.com>
Sent: Friday, June 03, 2022 2:25 PM
To: 'Leon Greenberg'; 'christian@gabroy.com'; 'Ranni Gonzalez'
Cc: 'Jay Shafer'; 'susan@rodriguezlaw.com'
Subject: RE: Murray v. A Cab - Duplicative Order on Defs' Costs Award

We were instructed to submit the Order to the department making the ruling. You were well aware of the entry of the Order and are taking advantage of the fact that there is not a permanent officer in Dept 9 presently. You have a duty to be honest in your representations to the Court, which you are presently not doing with proceeding to do a Notice of Entry of Order in a duplicative fashion. I urge you to contact the Court, Department 9, and to immediately to retract your Order or I will be forced to file a motion to strike and will be seeking associated fees and costs.

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

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From: Leon Greenberg <wagelaw@hotmail.com>
Sent: Friday, June 03, 2022 1:27 PM
To: Esther Rodriguez <esther@rodriguezlaw.com>; christian@gabroy.com; 'Ranni Gonzalez' <ranni@overtimelaw.com>
Cc: 'Jay Shafer' <jshafer@crdslaw.com>; susan@rodriguezlaw.com
Subject: RE: Murray v. A Cab - Duplicative Order on Defs' Costs Award

Esther:

You submitted an order on 5/16/22 at 5:16 to Department 2 – The wrong department. I submitted a varying order on 5/17/22 at 2:18 to Department 9 – The right department. The wrong department subsequently entered the Order you submitted. So which Order should be controlling? I don't want to argue about it. Nor should you. The only variance between these Orders is (1) The issue of apportionment of the costs is reserved for future decision; and (2) Enforcement of the costs award is stayed until a further order issues addressing that issue. I suggested we just agree to that via a stipulation, which will make the "which Order" issue irrelevant. Each Order grants your client the same right to the same amount of costs. You don't have to agree to any apportionment of the costs. And you previously told me there was no enforcement of the costs award at this time since you secured a stay of the entire case. So it seems you want me to agree that the Order entered today has no force so you can maintain the position that (1) There can be no future consideration of apportionment of costs among the plaintiffs and (2) Enforcement can proceed however you elect to enforce the costs award (and as otherwise proper under the Court's processes). If that is

your position (upon such an agreement by me) please confirm that (you don't have explain the point of that position, just advise if that is your position). I will then consider this further. Thank you.

Leon Greenberg
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 Las Vegas, NV 89146
 (702) 383-6085
 Member Nevada, California
 New York, New Jersey and Pennsylvania Bars
 Website: Overtimelaw.com
Leongreenberg@overtimelaw.com

From: Esther Rodriguez <esther@rodriguezlaw.com>
Sent: Friday, June 3, 2022 1:03 PM
To: 'Leon Greenberg' <wagelaw@hotmail.com>; christian@gabroy.com; 'Ranni Gonzalez' <ranni@overtimelaw.com>
Cc: 'Jay Shafer' <jshafer@crdslaw.com>; susan@rodriguezlaw.com
Subject: RE: Murray v. A Cab - Duplicative Order on Defs' Costs Award

Leon – your order is completely improper; and you had a duty (and continuing obligation) to advise the Court that an Order and notice of entry of order has already been entered in this matter by the deciding Judge, Judge Sturman. Please advise the Court immediately, with a cc to me, as you are required to retract this duplicative Order. I expect this is a relatively simple letter that you can send by end of day.

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From: Leon Greenberg <wagelaw@hotmail.com>
Sent: Friday, June 03, 2022 11:57 AM
To: Esther Rodriguez <esther@rodriguezlaw.com>; 'christian@gabroy.com' <christian@gabroy.com>; Ranni Gonzalez (ranni@overtimelaw.com) <ranni@overtimelaw.com>
Subject: Murray v. A Cab - Stipulation to Resolve Some Issues on Costs Award

Esther: The attached was entered today. And I have a pending motion to reconsider on this too. I would suggest the following partial resolution to the issues posed by this situation:

We stipulate that the issue of apportionment of responsibility for the costs award is properly considered at a later date and until the issue is resolved there shall be a stay of enforcement of the costs award. Such a stipulation would resolve a significant portion of the issues connected with this and I would be hopeful agreeable to you (it would be hard for me to understand how such a stipulation and order would materially impact any of your clients' concerns). Do be kind enough to let me know your willingness (or unwillingness) to enter into such a stipulation and order. Thank you.

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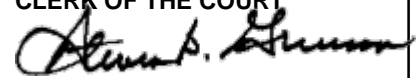
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EXHIBIT 8

004178

004178

EXHIBIT 8



1 **RESP**

2 LEON GREENBERG, ESQ., SBN 8094
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12 christian@gabroy.com

10 Attorneys for Plaintiffs

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

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

15 Plaintiffs,)

16 vs.)

17 A CAB TAXI SERVICE LLC, A CAB)
18 SERIES LLC formerly known as A)
19 CAB LLC, and CREIGHTON J. NADY,)

20 Defendants.)

Case No.: A-12-669926-C

Dept.: II

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION
FOR COSTS**

**COUNTER MOTION TO
OFFSET COSTS AGAINST
JUDGMENT**

Hearing Date: February 16, 2022
Hearing Time: 9:30 a.m.

21 Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
22 hereby submit this response to defendants' motion for costs on appeal per NRS
23 18.060.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **There is no jurisdiction to consider the motion as remittitur has not**
26 **yet issued; defendants also seek costs that are not even arguably proper.**

27 Defendant cannot seek costs under NRS 18.060 in connection with its appeal of
28 the final judgment until the Supreme Court's remittitur issues. *See. Buffington v. State*,
868 P.2d 643, 644 (Nev. Sup. Ct. 1994) (district court lacks jurisdiction to consider

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1 matters connected with resolved appeal until remittitur issues). Defendant also seeks
2 costs that are not even arguably proper and as detailed, *infra*, the costs properly
3 awarded to defendant are \$852.32 or alternatively no more than \$1,342.32.

4 ARGUMENT

5 **I. The Court did not possess jurisdiction over any appeal costs award**
6 **when the motion was filed; the motion must be denied as it cannot**
7 **be properly filed until after remittitur issues.**

8 This Court lacks subject matter jurisdiction to grant relief on an appealed case
9 until it receives the remittitur. *See, Buffington*, 868 P.2d at 644 (re-sentencing of
10 criminal defendant, in compliance with appeal decision but prior to receipt of the
11 remittitur, vacated, as "...the [district] court lacked jurisdiction over the subject matter
12 of the case before it received the remittitur..."). This motion must be denied for lack
13 of jurisdiction and defendant was advised to await the Court's receipt of the remittitur
14 to present its motion but refused to do so. Ex. "A" ¶ 2.

15 **II. The vast majority of the costs sought are improper; upon a proper**
16 **motion only \$852.32 or possibly \$1,342.32 of costs is awardable.**

17 Defendant seeks a total of \$8,587.37 in costs. Of that amount \$822.50 is
18 claimed as court filing fees, but only \$291.50 of that amount is proper; \$1,000 is
19 claimed as "Premiums Paid for Supersedeas Bonds" but no such premiums were paid
20 and none of that amount is proper; and \$6,764.87 is claimed as fees for "Reporter's
21 Transcripts needed to determine appeal" but only \$560.82, or possibly \$1,050.82, of
22 that is proper.

23 **A. Defendant, as the party seeking costs, must establish**
24 **"why each cost was necessary" to be awarded such cost.**

25 As the Nevada Supreme Court observed in the appeal of this very case, 137
26 Nev. Adv. Op. 84, p. 24-25, "trial courts are urged to exercise restraint and strictly
27 construe statutes permitting recovery of costs" and a party seeking costs must provide
28 "justifying documentation" demonstrating "how such [claimed costs] were necessary
to and incurred in the present action." citing *In re DISH Network Derivative Litig.*, 133

1 Nev. 401 P.3d at 1093 (2017); *Cadle Co. v. Woods & Erickson, LLP*, 345 P.3d 1049,
 2 1054 (Nev. Sup. Ct. 2015); *Village Builders 96, L.P. v. U.S. Labs, Inc.*, 112 P.3d 1082,
 3 1092-93 (Nev. Sup. Ct. 2009) and *Bobby Berosini, Ltd., v. PETA*, 971 P.2d 383, 386
 4 (Nev. Sup. Ct. 1998). Defendant provides no justification for the vast majority of the
 5 costs alleged, \$6,864.87 for reporter's transcript costs. An examination of the record
 6 indicates no more than \$560.82, or possibly \$1,050.82, of those costs can be justified.
 7 Only \$291.50 of the claimed appeal filing fees, a self-authenticating cost, concern the
 8 appeal and are justified. Defendant also admits that it is claiming costs of \$1,000 for
 9 non-existent "Supersedeas Bond Premiums" that it never paid meaning those costs are
 10 actually zero.¹ Ex. "A" ¶ 3.

11
 12 **B. Defendant is only entitled to appeal filing fees of**
 13 **\$291.50 for the final judgment appeal, the remaining**
\$531 of claimed appeal filing fees involved other matters.

14 Defendant seeks \$822.50 in costs as claimed "Fees for Filing the Notices of
 15 Appeal." Only those costs accruing after final judgment, August 21, 2018, are
 16 recoverable under NRS 18.060. Defendant is improperly seeking \$531 in costs for
 17 fees it expended in 2017 in a prior injunction appeal and a denied writ petition. Those
 18 costs cannot be awarded at this time, upon a post-judgment remand (they needed to be
 19 sought, if at all, prior to judgment), and are not within the scope of NRS 18.060
 20 concerning costs from an appeal resulting in a new trial or modified judgment.

21 **C. Defendant is entitled to none of the \$1,000 it claims as**
 22 **bond premiums costs as it never paid any bond premiums.**

23 Defendant seeks \$1,000 in costs as claimed "Premiums Paid for Supersedeas
 24 bond or other bond." Defendant itemizes this as "District Court Costs Bond" of \$500
 25 each for 3/23/17 "Writ re: SOL" and 10/02/18 "MSJ [final judgment] appeal." Costs
 26

27 ¹ This conduct by defendant's counsel would be properly subject to Rule 11 or
 28 other sanctions. The Court may want to consider such sanctions on its own initiative,
 plaintiffs make no formal request for such sanctions at this time.

for the former, its unsuccessful writ proceeding, are not recoverable costs on this appeal under NRS 18.060. Defendant never paid any such bond costs and this request is made solely to harass. These amounts are *not* “premiums” paid for any bond (a “cost” of the bond) but are the fully refundable bond amount of \$500 deposited by an appellant with the Clerk of the Court per NRAP Rule 7 for a potential appeal costs award to the respondent. Upon request to the Court those deposited funds will be returned to defendant. Defendants’ counsel was advised of this, admitted no such bond premium cost was paid or that could be claimed for a cost award, but refused to withdraw this request for \$1,000 in costs from their motion. Ex. “A” ¶ 3.

C. Defendant is entitled to a maximum of \$1,050.82 in court reporter costs, or more properly \$560.82 of such costs.

As discussed, *infra*, and corroborated in Ex. “A,” no more that \$1,050.82 of court reporter fees are potentially properly taxed as costs for defendant. Of that amount, \$490.00 was expended on issues for which it did not secure any relief. Since NRS 18.060 awards costs on appeal based on a party “obtaining relief,” and as noted in the appeal of this very case, discussed *supra*, cost awards are to be made in a “restrained” manner and under a “strict” construction of the costs statute, that \$490 should be excluded from such a costs award. This results in a total cost award of \$560.82 to defendant for court reporter appeal transcripts.

1. No more than \$2,780.82 of the claimed \$6,764.87 in court reporter fees could have been “needed” for the post-judgment appeal; \$3,984.05 in claimed court reporter fees were paid prior to judgment and for use during the district court proceedings not for the appeal.

Defendant claims court reporter costs totaling \$6,764.87 for transcripts of hearings on 24 different dates, all allegedly incurred because they were “needed to determine the appeal.” The amount actually paid for transcripts that were “needed for the appeal” cannot exceed \$2,780.82, the amount of court reporter costs paid after entry of judgment. Ex, “A” ¶ 4. Transcripts defendant paid for prior to judgment were not paid for because they were “needed for the appeal” of the judgment but for use in

the district court proceedings.² The court reporter costs recoverable by defendant under NRS 18.060 and NRAP 39(e) are limited to transcripts paid for because they were “needed to determine the appeal.” *i.e.*, they were not already paid for and in defendant’s possession prior to the appeal.

2. Of the potential \$2,780.82 in post-judgment court reporter expenses that might constitute costs, defendant has only justified a maximum of \$1,050.82 of such costs.

Of the \$2,780.82 in court reporter costs that *might* have been paid by defendant because they were “needed for the appeal,” \$1,730 cannot be awarded as costs because defendant has failed to properly substantiate the same. That \$1,730, though paid after judgment, was in an unitemized invoice for seven different transcripts, including five that were *not used* in the appeal (they were not in the appeal appendix). Ex. “A” ¶ 5. It is impossible to determine what portion of that \$1,730 is a potentially properly claimed appeal cost (for two out of seven transcripts) and that entire \$1,730 must be denied. *See, Cadle Co.*, 345 P.3d at 1054, and the other authorities discussed, *supra*, requiring itemization of each proper cost. This leaves a total of no more than \$1,052.82 of such costs.

3. Defendant should not be awarded costs for \$490 of court reporter expenses involving unsuccessful issues; its court reporter costs should be limited to \$560.82.

Defendant paid \$490 for the transcript of the hearing held post-judgment on October 22, 2018, on its motion to dismiss the claims, for a new trial, and its opposition to plaintiffs’ motion to amend the judgment. Ex, “A” ¶ 6. It did not secure relief on any of those issues on appeal. *Id.* NRS 18.060 provides “...a party

² Those district court proceeding transcript costs would have been recoverable by defendant at the time of final judgment if it had prevailed in the district court, but it did not. *See*, NRS 18.005(8). Defendant does not become eligible to receive those costs because it appealed, secured a modification of the adverse judgment (which still remains adverse to it) and placed in the record of the appeal numerous transcripts. It remains the loser in the district court proceedings and is not entitled to any district court transcript costs except those specifically incurred for the appeal.

1 obtaining any relief shall have his or her costs.” Defendant was not a party obtaining
 2 “relief” as to those issues and should not be awarded that \$490 in claimed costs.
 3 While defendant will presumably argue they are entitled to all costs since they
 4 obtained *some* relief from the appeal that is neither logical nor reasonable. It is also
 5 contrary to the Supreme Court’s holding in this very case, discussed *supra*. The
 6 language of NRS 18.060 ties the award of costs to the relief itself: “the party” who
 7 secures “any relief shall have his or her costs” meaning *the costs associated with that*
 8 *relief*. It is also unreasonable to reward a party with costs that can be in the thousands
 9 of dollars for raising unsuccessful claims on appeal.

10 **4. Even if the Court were to find court reporter fees paid**
 11 **prior to judgment could be “costs” under NRAP 39(e)**
 12 **defendant has still failed to establish its entitlement to**
 13 **court reporter costs exceeding \$1,050.82.**

13 Defendant will likely insist that the “cost” of a court reporter transcript it “used”
 14 for the post-judgment appeal is recoverable even though it paid that cost for its benefit
 15 in the district court proceedings and prior to judgment or the existence of any appeal.
 16 That interpretation of NRAP 39(e) would be incorrect, as it only allows such costs
 17 when the transcript expense was incurred because it was “needed to determine the
 18 appeal.” But even if the Court were to adopt defendant’s interpretation of such rule,
 19 defendant has not shown under such an approach that more than \$1,050.82 in court
 20 reporter costs were properly incurred for use in the appeal.

21 Defendant seeks costs for six transcripts not even arguably “used” in the appeal
 22 — they were not in its appeal appendix and one of those six was not even from this
 23 case. Those transcripts cost \$2,000. Ex. “A” ¶¶ 5, 7. It seeks costs for a court
 24 reporter transcript from 2017 concerning the injunction issued in this case that was
 25 subject to the 2017 appeal and not part of this appeal. That claimed cost is \$116. *Id.* It
 26 seeks costs of \$1,058.18 (including a \$33.26 credit card fee) for a transcript from
 27 November 3, 2015, on its unsuccessful motion to dismiss and addressing none of the
 28 other issues raised on appeal, it was not necessary to the appeal. Ex. “A” ¶ 7.

1 Defendant's election to place in the appeal record \$1,000 or several thousand dollars
2 worth of useless transcripts does not create a right for it to recover those amounts as
3 "costs" — they were not "needed" for the appeal and defendant does not explain how
4 they were needed.

5 The only two transcripts defendant has identified that were arguably "used" and
6 "needed" for the purposes of the appeal were for the two issues it secured relief upon
7 on the appeal: the tolling of the statute of limitations and the post-judgment quashing
8 of the judgment execution. In respect to the former, prepared prior to judgment, it had
9 court reporter costs of \$816.32. In respect to the latter it did not justify its costs for
10 that transcript since it presented it as part of a \$1,730 invoice covering seven different
11 (and five not used) transcripts.

12 IN SUPPORT OF THE COUNTER MOTION

13 Upon remittitur from the Supreme Court the judgment against A Cab for
14 \$1,033,027 will be amended to remove damages that pre-dated October 8, 2010. This
15 will leave a damages judgment of approximately \$675,000 (not including post-
16 judgment interest from August of 2018) in favor of the class members against A Cab
17 plus post-judgment interest of approximately \$122,000.³ Any award of costs to A Cab
18 should be applied as a set-off against the class members' judgment, to be born *pro-*
19 *rata* by each class member. Plaintiffs' counsel will perform the necessary calculations
20

21
22 ³ This "post-October 8, 2010" damages amount was already established in the
23 prior proceedings, it was calculated separately and incorporated into the final
24 judgment total with the separately calculated pre-October 8, 2010 damages. *See*
25 Declaration of Class Counsel filed June 20, 2018, at Ex. "C" and Ex. 1-5 thereto. The
26 modified judgment will involve a purely arithmetical exercise using what is already in
27 the record and this Court is bound by the Supreme Court's affirmance of the post-
28 October 8, 2010 damages amount. Plaintiffs' counsel expects to provide the necessary
arithmetical breakout to the Court shortly after remittitur issues. Any argument by A
Cab that further findings will need to be made as to the modified judgment amount is
specious.

1 to do so and present them to the Court and defendant's counsel after remittitur when a
2 modified judgment is presented to the Court for entry.

3
4 **CONCLUSION**

5 For all the foregoing reasons, defendants' motion should be denied and plaintiffs'
6 counter-motion granted..

7 Dated: February 3, 2022

8 LEON GREENBERG PROFESSIONAL CORP.

9
10 /s/ Leon Greenberg
11 Leon Greenberg, Esq.
12 Nevada Bar No. 8094
13 2965 S. Jones Boulevard - Ste. E-3
14 Las Vegas, NV 89146
15 Tel (702) 383-6085
16 Attorney for the Class
17
18
19
20
21
22
23
24
25
26
27
28

1
2 PROOF OF SERVICE
3

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

5 **PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR COSTS**
6 **COUNTER MOTION TO**
7 **OFFSET COSTS AGAINST**
8 **JUDGMENT**

9 by court electronic service to:

10 TO:

11 Esther C. Rodriguez, Esq.
12 RODRIGUEZ LAW OFFICES, P.C.
13 10161 Park Run Drive, Suite 150
14 Las Vegas, NV 89145
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Ruthann Devereaux-Gonzalez

Ruthann Devereaux-Gonzalez

004187

EXHIBIT "A"

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

Defendants.

Case No.: A-12-669926-C

Dept.: II

**DECLARATION OF CLASS
 COUNSEL, LEON
 GREENBERG, ESQ.**

Leon Greenberg, an attorney duly licensed to practice law in the State of Nevada, hereby affirms, under the penalty of perjury, that:

1. I have been appointed by the Court as class counsel in this matter. I offer this declaration in connection with plaintiffs' opposition to defendant's motion for an award of costs on their final judgment appeal.

2. I spoke with defendant's counsel, Esther Rodriguez, on January 25, 2022, as also confirmed in my letter to her of January 31, 2022 (attached). At that time I urged her to withdraw without prejudice or at least continue this motion until such time as remittitur issues from the Supreme Court since this Court lacks jurisdiction to

1 have such request presented to it until remittitur issues. She refused that request and
2 insisted the motion must be heard on February 16, 2022.

3 3. When I spoke with Esther Rodriguez on January 25, 2021, I asked her to
4 remove from defendant's costs request motion items that were clearly improper. I
5 specifically discussed with her that the request for \$1,000 in "Supersedeas Bond
6 Premiums" for "District Court Cost Bond" that was claimed was in error, as the \$500
7 deposit (two deposits being claimed) made with the Clerk of the Court per NRAP Rule
8 7 (the "bond" at issue) was fully refundable — that is not a "premium" paid for a
9 supersedeas bond. Ms. Rodriguez acknowledged that was true and no such cost
10 actually existed, refused to withdraw this requested item of costs from her motion, and
11 then insisted on terminating our phone call without any further discussion of this or
12 any other improperly claimed cost issue.

13 4. My office reviewed the court reporter costs claimed by defendant in their
14 motion and the invoices indicating when those costs were paid. Defendant paid
15 \$2,780.82 in such claimed costs after entry of the final judgment in this case in August
16 of 2018, meaning no more than \$2,708.82 of such claimed costs may have been
17 incurred in connection with this appeal.

18 5. Defendant's present a claim for \$1,730 in court reporter fees set forth in a
19 single invoice for preparation of transcripts of seven hearings held on 1/11/2013,
20 8/11/2015, 3/16/2016, 5/23/2018, 6/1/2018, 9/26/2018, and 9/28/2018. The
21 transcripts for the first five of those hearings were not included in the appendix used
22 by defendant in its appeal. That invoice does not detail the cost for each of those
23 transcripts, meaning the cost for the two transcripts potentially subject to a costs award
24 (for 9/26/2018 and 9/28/2018) is unknown.

25 6. Defendant presents a claim for \$490 in court reporter fees for a transcript
26 of the hearing held on October 22, 2018. That hearing concerned requests by
27 defendant to dismiss the plaintiffs' claims, to have a new trial, and its opposition to the
28

1 plaintiffs' motion to amend the judgment. In its appeal of the judgment defendant did
2 not secure any relief on any of those issues and the district court's rulings made on
3 October 22, 2018, and the subject of such transcript, were fully affirmed by the
4 Supreme Court.

5 7. Defendant presents a claim for \$270 in court reporter costs for the pre-
6 judgment preparation of a transcript from February 14, 2017, in another case (*Dubric*
7 *v. A Cab*). That transcript was not filed in the appendix used by defendant on its
8 appeal. It is also seeks costs of \$116 for the pre-judgment preparation of a transcript
9 from February 14, 2017, concerning the issuance of an injunction that was not part of
10 this appeal (it was resolved in a prior appeal in 2018).

11
12 I have read the foregoing and affirm the same is true and correct.

13
14 Affirmed this 3rd Day of February, 2022

15
16 /s/ Leon Greenberg
17 Leon Greenberg, Esq.

LEON GREENBERG

Professional Corporation

Attorneys at Law

2965 South Jones Boulevard • Suite E-3

Las Vegas, Nevada 89146

(702) 383-6085

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Leon Greenberg

Member Nevada, California

New York, Pennsylvania and New Jersey Bars

Joseph Adamiak

Law Clerk

January 31, 2022

Esther C. Rodriguez, Esq.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

VIA WIZNET SYSTEM SERVICE

Re: Murray v. A Cab
Motion for Appeal Costs

Dear Ms. Rodriguez:

I write to confirm our conversation on January 25, 2022, about this. In relevant part we discussed:

1. My agreement to have some portion of the costs you itemized in this motion awarded as an offset to the judgment and in favor of your client, for example a \$250 appeal filing fee cost.
2. That certain costs you itemized in this motion are not even arguably proper. By way of example, you assert claims of \$500 twice, for a total of \$1,000 as "Premiums Paid for Supersedas Bond" further described as "District Court Cost Bond." As I pointed out to you during our conversation, the \$500 an appellant deposits with the Clerk to cover appeal costs is refunded, in full, upon request. You acknowledged that to me but refused to discuss agreeing to remove your request for these costs, or any other costs, from your motion and then terminated our phone call.

You have repeatedly asserted plaintiffs' counsel in this case has improperly inflated their attorney's fee claim by engaging in excessive and unnecessary litigation activities. Your conduct in respect to this motion demonstrates that the

opposite it true. It is you, on behalf of your client, that continues to engage in unnecessary and time consuming litigation activities that, in turn, create a need for larger (and otherwise avoidable) fee awards to plaintiffs' counsel.

Instead of reviewing the relevant issues raised by this motion, and working to resolve them (or at least appropriately narrow the issues to conserve the time of plaintiffs' counsel and the Court), you insist on presenting what you acknowledge are improper cost requests to the Court. Plaintiffs' counsel must, in turn, then expend the time to explain to the Court your improper requests. And your client is responsible for the time consumed by plaintiffs' counsel doing so, time expenditures that you are insisting they undertake.

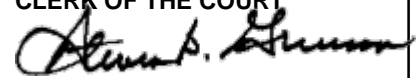
I remain available to work with you to resolve this motion, at least in part, and conserve my time and spare your client its liability for my fees that will accrue from the time I will have to spend refuting your improper cost requests. Do contact me most promptly if you wish to work with me on that.

Very truly yours,


Leon Greenberg

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1 **NOAS**

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

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

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

18 Plaintiffs,

19 vs.

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

22 Defendants.

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF APPEAL

23
24
25 Michael Murray and Michael Reno individually and behalf of others similarly
26 situated, by and through their counsel of record Leon Greenberg, Esq., hereby appeal
27 to the Supreme Court of Nevada from the District Court's orders granting defendants'
28

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

2 Submitted by:

3 Leon Greenberg Professional Corporation

4 /s/ Leon Greenberg

5 Leon Greenberg, Esq.

6 Attorney for the Proposed Intervenor/Objectors

7 2965 South Jones Boulevard - Suite E3

8 Las Vegas, Nevada 89146

9 (702) 383-6085

10 leongreenberg@overtimelaw.com

11 PROOF OF SERVICE

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

13 NOTICE OF APPEAL

14 by court electronic service to:

15 TO:

16 Esther C. Rodriguez, Esq.

17 RODRIGUEZ LAW OFFICES, P.C.

18 10161 Park Run Drive, Suite 150

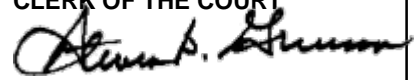
19 Las Vegas, NV 89145

20 /s/ Leon Greenberg

21 Leon Greenberg

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christian@gabroy.com

Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: IX

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

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

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

Honorable Gloria Sturman and Senior Judge Michael Cherry.

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

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

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

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

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

18 All attorneys are admitted to practice law in Nevada.

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

22 Appellants were represented by retained counsel.

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

26 Appellants are represented by retained counsel.

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

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

No.

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

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

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

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

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. On December 30, 2021, the Nevada Supreme Court, in an *en banc* Opinion, affirmed that judgment and modified it by directing it be reduced by the amount awarded for the time period preceding October 8, 2010, the two-year statute of limitations. *A Cab LLC v. Murray*, 501 P.3d 961, 971 (Nev. Sup. Ct. 2021). The application of that shorter statute of limitations period reduces that judgment by about 34% to \$685,886 on behalf of 661 class member taxi drivers.

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

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

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

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

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

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

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

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

7

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

9 This case does not involve child custody or visitation.

10

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

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

14

15 Dated: June 14, 2022

16

Submitted by

17

Leon Greenberg Professional Corporation

18

/s/ Leon Greenberg

19

Leon Greenberg, Esq.
LEON GREENBERG PROFESSIONAL
CORPORATION

20

21

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

22

23

24

25

26

27

28

1
2 PROOF OF SERVICE

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

4 CASE APPEAL STATEMENT

5 by court electronic service to:

6 TO:

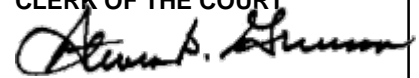
7
8 Esther C. Rodriguez, Esq.
9 RODRIGUEZ LAW OFFICES, P.C.
10 10161 Park Run Drive, Suite 150
11 Las Vegas, NV 89145

12 /s/ *Leon Greenberg*

13
14 _____
15 Leon Greenberg
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MOT

LEON GREENBERG, ESQ., SBN 8094
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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
SERIES LLC formerly known as A
CAB LLC, and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: IX

**PLAINTIFFS' MOTION TO
RECONSIDER AWARD OF
COSTS**

Hearing Requested

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this motion to reconsider the June 3, 2022 order awarding certain
appellate costs to defendants. Ex. "A" order.

SUMMARY OF MOTION

**Reconsideration of the Court's costs award Order should be
be granted as that Order was, in part, clearly erroneous.**

The Court's cost award Order was clearly erroneous in the following respects:

- (1) Defendants have not established their entitlement to more than \$1,342.32
in "reasonable and necessary" appeal costs as required by controlling
Nevada Supreme Court precedents;

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- 1 (2) The award of appeal costs must be to defendant “A Cab Series LLC”
2 only, as the other defendant (Nady) was not a party to the appeal.

3 **CURRENT STATUS OF THIS CASE**

4 On August 21, 2018, the plaintiffs secured a class action judgment for 889 taxi
5 driver employees of defendant A Cab Series LLC (“A Cab”) for over \$1,000,000 for
6 unpaid minimum wages. Ex. “B” judgment. On December 30, 2021, the Nevada
7 Supreme Court, in an *en banc* Opinion, affirmed that judgment and modified it by
8 directing it be reduced by the amount awarded for the time period preceding October
9 8, 2010, the two-year statute of limitations. *A Cab LLC v. Murray*, 501 P.3d 961, 971
10 (Nev. Sup. Ct. 2021). The application of that shorter statute of limitations period
11 reduces that judgment by about 34% to \$685,886 on behalf of 661 class member taxi
12 drivers. The amount of that modified judgment is established by the record of these
13 proceedings but has not been confirmed by the Court owing to a stay of these
14 proceedings, requested by defendants and directed by Judge Kierny who is no longer
15 hearing this case. See, Ex. “C” motion filed February 14, 2022, seeking entry of
16 modified judgment as directed by Remittitur (without 149 pages of exhibits thereto);
17 Ex. “D” declaration of Charles Bass of March 28, 2022, at ¶¶ 1- 2 explaining prior
18 error of \$883.88 in declaration submitted in support of that motion and detailing the
19 \$685,886.60 owed to 661 taxi driver class members under the modified judgment; and
20 Ex. “E” Order of May 3, 2022, staying this case pending the resolution of the *Dubric*
21 appeal, Nevada Supreme Court Case No. 83492. Judge Kierny’s Order staying this
22 case is the subject of a writ petition that defendants have been Ordered to answer, their
23 answer currently being due June 30, 2022. Ex. “F” Order of the Nevada Supreme
24 Court.

25 The Nevada Supreme Court has also confirmed that the plaintiffs’ judgment, as
26 modified by its Opinion, is to be considered to have existed, and to continue to exist
27 and accrue post judgment interest, since the date of its initial entry on August 21,
28

1 2018. Ex. "G" Order. This means over \$125,000 of post-judgment interest has
2 accrued and the plaintiff class members are currently owed in excess of \$800,000.

3 Two separate orders were issued granting this motion. On May 16, 2022 at 5:34
4 pm, counsel for defendants submitted via email a proposed order granting defendants'
5 motion for costs on appeal to the Department 2 inbox, though this case was transferred
6 to Department 9 prior to that date. The following day on May 17, 2022 at 2:18 p.m.
7 plaintiffs' counsel submitted its order on the same motion to the Department 9 inbox,
8 the department hearing this case. After plaintiffs' submitted their order to the correct
9 Department (Department 9), Judge Sturman, who heard the motion, signed defendants'
10 proposed order at 2:59 p.m. on May 17, 2022. On June 3, 2022 at 9:02 a.m. Senior
11 Judge Cherry, assigned to the vacant Department 9, signed plaintiffs' proposed order
12 granting defendants' motion for costs on appeal. Plaintiffs take no position on which
13 order should be controlling, agree the entry of these two Orders was irregular and may
14 have resulted from a communication oversight by the Court's staff, and believe both
15 Orders are erroneous (though not as to all of the same issues). They have filed a notice
16 of appeal as to both Orders and have previously moved for reconsideration of the May
17 17, 2022, Order (hearing, in Chambers, set for the same in Department 9 on July 11,
18 2022).

19 ARGUMENT

20 I. **The Court's May 17, 2022, Order was, in part, clearly** 21 **erroneous; it should be reconsidered and suitably amended.**

22 This motion is made within the requisite time period for reconsideration of the
23 June 3, 2022, Order and the district court may reconsider a previously decided issue if
24 "...the decision is clearly erroneous." *Masonry and Tile Contractors Ass'n of S. Nev.*
25 *v. Jolley, Urga & Wirth, Ltd.*, 941 P.2d 486, 489 (Nev. Sup. Ct. 1997) (district
26 judge's reconsideration and reversal of order entered by different district judge was
27 proper as order was "clearly erroneous"). *See, also, Jones v. Gugino*, 2015 WL
28 6830932 (Nev. Ct. App. 2015) (district judge properly found prior decision by senior

judge was “clearly erroneous” and granted reconsideration, citing *Masonry and Tile Contractors*).

A. It was clearly erroneous to grant the costs award in favor of all defendants, it can only be for the appellant, A Cab.

There are two defendants in this case — A Cab¹ and Creighton J. Nady. The only appellant was A Cab, the Nevada Supreme Court dismissing Nady’s effort to appeal for lack of standing and denying him appellant status. Ex. “H” order. The award of appeal costs must only be in favor of A Cab, the only appellant, not A Cab and Nady jointly. It was clearly erroneous for the Order to grant costs to “defendants” collectively.²

B. It was clearly erroneous to award costs in excess of \$1,342.32; \$6,764.87 in court reporter costs were awarded but A Cab was entitled to, at most, \$1,050.82 of those costs.

1. A Cab, as the party seeking costs, must establish “why each cost was necessary” to be awarded such cost.

As the Nevada Supreme Court observed in the appeal of this very case, 137 Nev. Adv. Op. 84, p. 24-25, “trial courts are urged to exercise restraint and strictly construe statutes permitting recovery of costs” and a party seeking costs must provide “justifying documentation” demonstrating “how such [claimed costs] were necessary to and incurred in the present action.” citing *In re DISH Network Derivative Litig.*, 133 Nev. 401 P.3d at 1093 (2017); *Cadle Co. v. Woods & Erickson, LLP*, 345 P.3d 1049, 1054 (Nev. Sup. Ct. 2015); *Village Builders 96, L.P. v. U.S. Labs, Inc.*, 112 P.3d 1082, 1092-93 (Nev. Sup. Ct. 2009) and *Bobby Berosini, Ltd., v. PETA*, 971 P.2d 383, 386 (Nev. Sup. Ct. 1998). Defendant provides no justification for the vast majority of the

¹ A Cab, as discussed in the Supreme Court’s Opinion, is but a single entity, although it goes or has gone by more than one name as set forth in the caption.

² Plaintiffs tried to secure defendants’ agreement to a revision of the Order to make its costs award solely in favor of A Cab but defendants refused to do so.

1 \$6,864.87 for reporter's transcript costs awarded. An examination of the record
2 indicates no more than \$560.82, or possibly \$1,050.82, of those costs can be justified.

3 **2. No more than \$2,780.82 of the claimed \$6,764.87 in court**
4 **reporter fees could have been "needed" for the post-**
5 **judgment appeal; \$3,984.05 in claimed court reporter**
6 **fees were paid prior to judgment and for use during**
7 **the district court proceedings not for the appeal.**

8 Defendant claims court reporter costs totaling \$6,764.87 for transcripts of
9 hearings on 24 different dates, all allegedly incurred because they were "needed to
10 determine the appeal." The amount actually paid for transcripts that were "needed for
11 the appeal" cannot exceed \$2,780.82, the amount of court reporter costs paid after
12 entry of judgment. Ex. "I" ¶ 2. Transcripts defendant paid for prior to judgment were
13 not paid for because they were "needed for the appeal" of the judgment but for use in
14 the district court proceedings.³ The court reporter costs recoverable by defendant
15 under NRS 18.060 and NRAP 39(e) are limited to transcripts paid for because they
16 were "needed to determine the appeal." *i.e.*, they were not already paid for and in
17 defendant's possession prior to the appeal.

18 **3. Of the potential \$2,780.82 in post-judgment court**
19 **reporter expenses that might constitute costs, defendant**
20 **has only justified a maximum of \$1,050.82 of such costs.**

21 Of the \$2,780.82 in court reporter costs that *might* have been paid by defendant
22 because they were "needed for the appeal," \$1,730 cannot be awarded as costs because
23 defendant has failed to properly substantiate the same. That \$1,730, though paid after
24 judgment, was in an unitemized invoice for seven different transcripts, including five
25 that were *not used* in the appeal (they were not in the appeal appendix). Ex. "I" ¶ 3. It

26 ³ Those district court proceeding transcript costs would have been recoverable
27 by defendant at the time of final judgment if it had prevailed in the district court, but it
28 did not. *See*, NRS 18.005(8). Defendant does not become eligible to receive those
costs because it appealed, secured a modification of the adverse judgment (which still
remains adverse to it) and placed in the record of the appeal numerous transcripts. It
remains the loser in the district court proceedings and is not entitled to any district
court transcript costs except those specifically incurred for the appeal.

1 is impossible to determine what portion of that \$1,730 is a potentially properly claimed
 2 appeal cost (for two out of seven transcripts) and that entire \$1,730 must be denied.
 3 *See, Cadle Co.*, 345 P.3d at 1054, and the other authorities discussed, *supra*, requiring
 4 itemization of each proper cost. This leaves a total of no more than \$1,052.82 of such
 5 costs.

6 **4. Defendant is entitled to a maximum of \$1,050.82 in court
 7 reporter costs, or more properly \$560.82 of such costs.**

8 As discussed, *supra*, and corroborated in Ex. “I,” no more than \$1,050.82 of
 9 court reporter fees are potentially properly taxed as costs for defendant. Of that
 10 amount, \$490.00 was paid for the transcript of the hearing held post-judgment on
 11 October 22, 2018, on defendant’s motion to dismiss the claims, for a new trial, and its
 12 opposition to plaintiffs’ motion to amend the judgment. Ex, “I” ¶ 4. It did not secure
 13 relief on any of those issues on appeal. *Id.* NRS 18.060 provides “...a party obtaining
 14 any relief shall have his or her costs.” Defendant was not a party obtaining “relief” as
 15 to those issues and should not be awarded that \$490 in claimed costs. While defendant
 16 will presumably argue they are entitled to all costs since they obtained *some* relief
 17 from the appeal that is neither logical nor reasonable. It is also unreasonable to reward
 18 a party with costs that can be in the thousands of dollars for raising unsuccessful
 19 claims on appeal. It is also contrary to the Supreme Court’s holding in this very case,
 20 discussed *supra*. The language of NRS 18.060 ties the award of costs to the relief
 21 itself: “the party” who secures “any relief shall have his or her costs” meaning *the*
 22 *costs associated with that relief*. That \$490 should be excluded from such a costs
 23 award. This results in a total cost award of \$560.82 to defendant for court reporter
 24 appeal transcripts.

25 **5. Even if the Court were to find court reporter fees paid
 26 prior to judgment could be “costs” under NRAP 39(e)
 27 defendant has still failed to establish its entitlement to
 28 court reporter costs exceeding \$1,050.82.**

27 Defendant will likely insist that the “cost” of a court reporter transcript it “used”
 28 for the post-judgment appeal is recoverable even though it paid that cost for its benefit

1 in the district court proceedings and prior to judgment or the existence of any appeal.
2 That interpretation of NRAP 39(e) would be incorrect, as it only allows such costs
3 when the transcript expense was incurred because it was “needed to determine the
4 appeal.” But even if the Court were to adopt defendant’s interpretation of such rule,
5 defendant has not shown under such an approach that more than \$1,050.82 in court
6 reporter costs were properly incurred for use in the appeal.

7 Defendant seeks costs for six transcripts not even arguably “used” in the appeal
8 — they were not in its appeal appendix and one of those six was not even from this
9 case. Those transcripts cost \$2,000. Ex. “I” ¶¶ 3, 5. It seeks costs for a court
10 reporter transcript from 2017 concerning the injunction issued in this case that was
11 subject to the 2017 appeal and not part of this appeal. That claimed cost is \$116. *Id.* It
12 seeks costs of \$1,058.18 (including a \$33.26 credit card fee) for a transcript from
13 November 3, 2015, on its unsuccessful motion to dismiss and addressing none of the
14 other issues raised on appeal, it was not necessary to the appeal. Ex. “I” ¶ 6.
15 Defendant’s election to place in the appeal record \$1,000 or several thousand dollars
16 worth of useless transcripts does not create a right for it to recover those amounts as
17 “costs” — they were not “needed” for the appeal and defendant does not explain how
18 they were needed.

19 The only two transcripts defendant has identified that were arguably “used” and
20 “needed” for the purposes of the appeal were for the two issues it secured relief upon
21 on the appeal: the tolling of the statute of limitations and the post-judgment quashing
22 of the judgment execution. In respect to the former, prepared prior to judgment, it had
23 court reporter costs of \$816.32. In respect to the latter it did not justify its costs for
24 that transcript since it presented it as part of a \$1,730 invoice covering seven different
25 (and five not used) transcripts.
26
27
28

CONCLUSION

For all the foregoing reasons, plaintiffs' motion should be granted.

Dated: June 16, 2022

LEON GREENBERG PROFESSIONAL CORP.

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

1
2 PROOF OF SERVICE

3
4 The undersigned certifies that on June 16, 2022 she served the within:
5 **PLAINTIFFS' MOTION TO RECONSIDER AWARD OF COSTS**
6 by court electronic service to:

7 TO:

8 Esther C. Rodriguez, Esq.
9 RODRIGUEZ LAW OFFICES, P.C.
10 10161 Park Run Drive, Suite 150
11 Las Vegas, NV 89145
12

13 /s/ Ruthann Devereaux-Gonzalez

14 Ruthann Devereaux-Gonzalez
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APPENDIX OF EXHIBITS - *Murray v. A Cab LLC*, A-12-669926-C
Table of Contents

Exhibit	Description	Bates Nos.
A	Order Granting Defendants' Motion for Costs filed June 3, 2022	0001–0003
B	Order Granting Summary Judgment, Severing Claims. And Directing Entry of Final Judgment filed August 21, 2018	0004–0068
C	Plaintiffs' Motion for Entry of a Modified Judgment as Provided for by Remittitur filed February 14, 2022	0069–0077
D	Declaration of Chrles Bass March 28, 2022	0078–0096
E	Order Granting Defendants' Motion to Stay filed May 3, 2022	0097–0100
F	Order Directing Supplementation of Appendix With Written Order and Directing Answer in Supreme Court Case No. 84456	0101–0103
G	Order Denying Motion A Cab LLC v. Murray in Supreme Court Case No. 77050 filed February 3, 2022	0104–0107
H	Order Dismissing Appeal in Supreme Court Case No. 77050 filed July 12, 2019	0108–0111
I	Declaration of Class Counsel Leon Greenberg, May 31, 2022	0112–0145

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EXHIBIT "A"

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004212

ORDR

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER GRANTING DEFENDANTS'
MOTION FOR COSTS**

Hearing Date: February 16, 2022

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

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

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

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

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

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

IT IS SO ORDERED.

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

Michael A. Cherry

DISTRICT COURT JUDGE

Approved as to Form:

RODRIGUEZ LAW OFFICES, P.C.

NOT APPROVED

Esther C. Rodriguez, Esq.
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Submitted by:
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Michael Cherry
LEON GREENBERG PROFESSIONAL
District Court Judge
CORPORATION

/s/ Leon Greenberg

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EXHIBIT “B”

Steven D. Grierson

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

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

17 Defendants.
18
19
20
21

Case No.: A-12-669926-C

DEPT.: I

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

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

22 On June 5, 2018, with all the parties appearing before the Court by their
23 respective counsel as noted in the record, the Court heard argument on plaintiffs'
24 motion filed on April 17, 2018 on an Order Shortening Time seeking various relief
25 ("Plaintiffs' Motion"), including the holding of defendants in contempt for their
26 violation of the Court's prior Orders appointing a Special Master; granting partial
27 summary judgment to the plaintiffs pursuant to their motion filed on November 2,
28 2017; striking defendants' answer, granting a default judgment, and directing a prove

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

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

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

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

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

5 **FINDINGS SUPPORTING RELIEF GRANTED BY THE COURT**
6

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

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

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

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

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

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

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

1 by examining the start time and end time of each trip sheet and
2 calculating the interval between those two times a workday length could
3 be ascertained. After deducting any non-working break time recorded on
4 the trip sheet from that workday length, the total amount of time worked
5 by the taxi driver for that workday could be determined.
6

- 7 9. The requirements of NRS 608.115(1)(d) are mandatory for employers and
8 compliance with those requirements are of critical importance to the
9 MWA.¹ Whether an employer has paid the minimum wage required by
10 the MWA during a particular pay period requires an examination of both
11 the wages paid to the employee and the hours they worked during the pay
12 period.² A Cab's failure to maintain the records required by NRS
13 608.115(1)(d) prior to 2013, unless remedied, would render a pay period
14 by pay period accounting of its MWA compliance, based upon an exact
15 record of the hours worked by and wages paid to each individual class
16 member, impossible for the period prior to 2013.
17

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

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

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

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

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

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

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12. In assessing the character of A Cab's conduct, it is instructive to note that A Cab did not make, or offer to make, an *admissible* showing of its financial position in order to evidence that it was unable to make such payment. Rather, it relied solely on its strenuous protests and summary balance sheet buttressed only by the self-serving affidavit of Defendant Nady.
13. The Court, in a minute Order issued on March 6, 2018, noted its awareness of A Cab's failure to pay the then overdue \$25,000 deposit to the Special Master and A Cab's communication with the Court advising it was experiencing financial difficulties and claiming it did not currently possess the funds to make that payment. For unrelated reasons the Court in that Order stayed this case, suspended the Special Master's work, and granted A Cab additional time to raise the funds needed to pay the Special Master during the pendency of that stay. Via a minute Order on May 22, 2018 the Court lifted that stay.
14. On May 23, 2018, June 2, 2018, and June 5, 2018 the Court conducted hearings in connection with Plaintiffs' Motion and also received various written submissions from A Cab and plaintiffs' counsel regarding A Cab's failure to pay the Special Master. The result of those hearings and submissions, in respect to the status of the Special Master and A Cab's payment to him for the completion of his work, was that A Cab either will not or cannot make any payment to the Special Master. Except for urging this Court to stay this case, and await the conclusion of certain other proceedings that A Cab asserts will narrow the class claims in this
- 8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

hours per shift is used to make those calculations;⁹

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

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

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

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

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

- 11
12 28. In response to plaintiffs' counsel's assertions regarding the United
13 States Department of Labor ("USDOL") settlement, A Cab, in its
14 "Supplemental Authority In Response to Declaration of June 20,
15 2018," filed on July 10, 2018, asserts it provided relevant
16 documentation regarding that settlement at Response 7 to
17 plaintiffs' Fifth Set of Interrogatories. That response to plaintiffs'
18 request that A Cab specify the amounts paid to each involved class
19 member under the USDOL settlement consists of three words:
20 "Please see attached." A Cab provides "attached" to that
21 interrogatory response seven pages of documents with the names of
22 various persons, and associated amounts that, facially, would seem
23 to indicate a record of payments made to those persons. It offers no
24 explanation, in its interrogatory response, of what those documents
25

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

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

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

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

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

10 DISCUSSION OF RELIEF GRANTED

11 Plaintiffs' Motion for Summary Judgment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 Accordingly, the following alternative basis is offered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

22 **IT IS SO ORDERED.**

23
24 
25 Honorable Kenneth Cory
26 District Court Judge
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28

Date 8-21-18