

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 20
PAGES 4751-5000**

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129	Case Appeal Statement	08/12/20	11	2685–2688
134	Case Appeal Statement	02/23/21	11	2711–2716
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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
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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
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114	Defendants' Amended Case Appeal Statement	01/15/19	11	2514–2518
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135	Defendants' Motion for Costs	01/13/22	11 12	2717–2750 2751–2810
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140	Defendants' Motion for Declaratory Order	02/11/22	12 13	2854–3000 3001–3064
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8	Joint Case Conference Report	05/28/13	1	62–69
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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
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4	Notice of Entry of Decision and Order	02/13/13	1	39–47
56	Notice of Entry of Decision and Order	06/07/17	5	1033–1050
53	Notice of Entry of Discovery Commissioner’s Report & Recommendations	05/18/17	4	872–880
65	Notice of Entry of Discovery Commissioner’s Report & Recommendations	10/24/17	5	1124–1131
36	Notice of Entry of Discovery Commissioner’s Report and Recommendations	07/13/16	3	547–553
6	Notice of Entry of Order	05/06/13	1	53–56
66	Notice of Entry of Order	12/12/17	5	1132–1135
67	Notice of Entry of Order	12/12/17	5	1136–1139
72	Notice of Entry of Order	01/22/18	6	1270–1275
100	Notice of Entry of Order	10/22/18	9	2042–2045
194	Notice of Entry of Order Continuing Decision on Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal of	11/17/22	22	5383–5386

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATE OF SERVICE

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

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1 terms of motions, he's already got on appeal to the Supreme
2 Court, either in terms of an appeal or in terms of a writ.
3 So, those are being addressed.

4 And this -- you know, and, in response to him
5 saying, oh, I filed a Motion for Turnover of Property
6 because I just noticed this provision in a 2016 agreement,
7 it does not justify him violating this Court's present
8 stay.

9 So, you know, it's -- I don't believe that the
10 plaintiff is being harmed by the Court continuing to
11 enforce the stay. We have an easy solution. If he will
12 just -- you know, like I mentioned, that I believe that the
13 *Dubric* appeal is frivolous entirely, we will be seeking
14 attorneys' fees on that. I've given him multiple
15 opportunities to withdraw that. If he wants to withdraw
16 that, we can proceed in this case appropriately.

17 THE COURT: All right. Here's kind of where I'm
18 at. I apologize, Ms. Rodriguez, if you've answered this.
19 Why is there no security posted? I hear you that you said
20 that the Judges decided it wasn't necessary. But, you
21 know, sometimes what's entered into the record on my end is
22 not entirely clear. There's not -- there's no reasonings
23 provided by the Court. So, how was it decided in this case
24 where there is a Judgment for -- you know, we have to
25 recalculate that amount. But, you know, there's going to

1 be a Judgment for some amount entered at some point. You
2 know? Why is security not necessary if this is stayed for
3 whatever reason?

4 MS. RODRIGUEZ: Well, the stay --

5 THE COURT: I'm going to let Ms. Rodriguez --

6 MS. RODRIGUEZ: The stay, I think, Your Honor,
7 that we're talking about right now is only as of May the
8 3rd.

9 THE COURT: Right. The --

10 MS. RODRIGUEZ: So, we're not talking about a very
11 extensive time period here.

12 THE COURT: Correct.

13 MS. RODRIGUEZ: Everything has been very
14 expedited.

15 THE COURT: Correct.

16 MS. RODRIGUEZ: I'm sorry, Your Honor.

17 THE COURT: But I think Judge Kierny decided that
18 security was not necessary. Is that right?

19 MS. RODRIGUEZ: Additional security. Again, Your
20 Honor, I could pull the exact figures again. But, as I
21 mentioned, Mr. Greenberg has -- he garnished approximately
22 \$300,000. He has that in his trust account.

23 THE COURT: Got it. Okay.

24 MS. RODRIGUEZ: Okay.

25 THE COURT: I think that may answer the question,

1 which is, what you're saying is that Mr. Greenberg is
2 currently holding \$300,000 garnished in trust. And Judge
3 Kierny found that additional security and a -- meaning,
4 security in addition to the \$300,000 that Mr. Greenberg is
5 holding as trust is not necessary. Is that right?

6 MS. RODRIGUEZ: Sort of. Yes. But it was
7 actually Judge Bare who found it --

8 THE COURT: Okay.

9 MS. RODRIGUEZ: -- who found -- who made that
10 determination. Judge Kierny went back, agreed. And, in
11 addition to that, another 139,000 has already been paid to
12 the Department of Labor towards minimum wage. And, then,
13 another 225,000 has been paid towards minimum wage in the
14 *Dubric* case to the same drivers. So, we're talking over
15 600,000 that has already been paid out to the defendants.

16 And, if we go back and look at Mr. Greenberg's
17 submission of his new approximations, the amounts that have
18 been paid out by the defendant already exceed Mr.
19 Greenberg's highest approximations.

20 THE COURT: Understood. Thank you.

21 MS. RODRIGUEZ: So, it is not a million dollar --
22 it's not a million-dollar Judgment that's sitting out
23 there. It's, defendants have paid 600, he's only come up
24 with, like, 586 per his spreadsheets.

25 MR. GREENBERG: Your Honor?

1 THE COURT: Thank you.

2 Mr. Greenberg, I'm going to let you respond. But
3 briefly. Because what I'm interested in is, you know,
4 we're in the stay.

5 MR. GREENBERG: Yes, Your Honor.

6 THE COURT: I'm obviously thinking about it.

7 MR. GREENBERG: This --

8 THE COURT: And I want you to address the security
9 part.

10 MR. GREENBERG: The security issue is critical,
11 Your Honor. And I will contain my distress.

12 Your Honor, I don't hold \$300,000 in security. I
13 hold \$100,000. Two hundred thousand dollars of that is
14 disputed. Those are the Wells Fargo monies that were
15 executed on. Defendants have never conceded that those can
16 be held as security and applied against the Judgment as
17 modified. So, for them to represent that I hold a \$300,000
18 in security in my trust account is just wrong, Your Honor.

19 They have not paid \$139,000 to the Department of
20 Labor. That remains to be credited against the Judgment.
21 Your Honor, those funds were already credited against the
22 Judgment in 2018. Judge Cory gave them a reduction in the
23 Judgment amount, as entered in 2018, based on their payment
24 of those funds years earlier. I repeatedly addressed this
25 to Ms. Rodriguez and implored her to stop making this

1 misrepresentation to the Supreme Court. She refuses to do
2 so. It is clear as day. It's right in the Judgment.

3 In terms of the monies that were paid in *Dubric*,
4 we don't know these monies were paid to. And they were not
5 paid in amounts that correspond to the amounts in this
6 Judgment. Some of them were paid to judgment creditors in
7 this case. There's no question, Your Honor. But some of
8 them were not. Some of them was paid to people who have no
9 Judgments in this case. So, we don't know what impact that
10 might have on their liability in this case.

11 And, in any event, Your Honor, as I told you
12 before, the Judgment prohibited them from making payments
13 of satisfactions without approval by the Court in this
14 case. But we can reach that issue if they're potential
15 credit on that in some further proceedings with itemization
16 and documentation. I'm not saying that can't be done.

17 But, the point is, Your Honor, we hold \$100,000 in
18 security. The Judgment currently, as modified, is for
19 \$685,000. That does -- that includes -- excuse me. That
20 does not include post-judgment interest. When we start to
21 add post-judgment interest from August of 2018, it is over
22 \$830,000 that is currently owed. Plus, I am owed my fees,
23 which remain to be determined, which are substantial. They
24 may approach close to the amount of the Judgment, Your
25 Honor. It would not surprise me at this point. So, there

1 is clearly inadequate security posted.

2 In respect to the prior Judges hearing this case,
3 making findings that security posted was sufficient, Judge
4 Cory never made that finding. He intended to hold further
5 proceedings relating to the appointment of the Special
6 Master. Then he recused himself when Judge Bare took up
7 the case. He did enter an Order in July of -- or, June of
8 2020, appointing the Special Master again. But, in that
9 Order, he was anticipating a further report from the
10 Special Master, which never was filed by the Special
11 Master, who ultimately died six months, five months later,
12 at the end of 2020.

13 The idea that we need to pay for half the cost of
14 a Special Master to enforce the Judgment against the
15 judgment debtor, the one of the judgment creditors of, is
16 extremely strange, Your Honor. Judge Bare gave no reason
17 for that and I cannot fathom it, Your Honor.

18 We did go to Judge Kierny, after the Special
19 Master died at the end of 2020, and we asked Judge Kierny
20 to appoint a receiver. Judge Kierny said, I'm not going to
21 consider it because this was already rejected by the Court.
22 And there's no reason to reconsider.

23 The problem was that when Judge Bare made that
24 prior decision in July of 2020, we tried to appeal that to
25 the Supreme Court because the term receiver was used in the

1 discussion of the dialogue with the Court. Judge Bare was
2 clearly envisioning the Special Master functioning as when
3 he called a receiver without possession, receiver not in
4 possession. These are the terms he was using. The Supreme
5 Court, when we appealed that, said: No, this wasn't a
6 denial of a receiver, so we have no jurisdiction on this
7 appeal.

8 So, of course, I went to Judge Kierny and I said,
9 Judge: Consider the receiver. She said: No, it's already
10 been denied, contrary to that decision from the Supreme
11 Court four months earlier. So, I appealed that to the
12 Supreme Court.

13 The Supreme Court, in a decision that was issued
14 in February of this year, reversed it and said it was -- it
15 was an abuse of discretion by Judge Kierny because her
16 decision was clearly contrary to our prior Order in the
17 prior appeal of Judge Bare's Order. The Court never
18 considered on the merits whether a receiver should be
19 appointed. And it remanded it back here to consider it on
20 the merits, which has never been done.

21 And I would, of course, make that motion to the
22 Court if the stay was lifted, if they're not going to post
23 -- they're not going to pay the Judgment. They need to pay
24 the Judgment.

25 Posting security at this point, this is not a

1 question of a Judgment that's on appeal, Your Honor, as I
2 explained to the Court before. We know what the Judgment
3 owes the drivers. The extent that my fees are in dispute
4 or there's cost, okay. There are amounts there that
5 perhaps are subject to further consideration and dispute.
6 But the amounts owed to the drivers, the 661 remaining
7 drivers, within the statute of limitations, has been
8 adjudicated. There's no question about it, Your Honor.
9 They should get paid. Their Judgment should be enforced.

10 So, I think I answered Your Honor's questions
11 relating to the security issue.

12 THE COURT: You did. Okay. Let me tell counsel,
13 because we're approaching --

14 MS. RODRIGUEZ: Your Honor, may I just make one
15 further comment real quick on what he just said?

16 THE COURT: Yes. Briefly. Yes.

17 MS. RODRIGUEZ: I just want it to be clear that
18 this number that he just keeps throwing out, this 680 or
19 whatever, that's a motion. There is no Judgment presently
20 in the case. We don't have a number. So, for the Court to
21 even try to entertain this is a sufficient amount of
22 security or this is not, we don't have a number presently.
23 Because, you know, in his spreadsheets, first of all,
24 they're full of errors, they're full of people that can't
25 be found, and they're also containing all these *Dubric*

1 people that are going to be excluded. So, we would argue
2 that that number is far, far less, Your Honor.

3 And, so, if anything, those prior determinations
4 about the no need for additional security and no need for a
5 receiver were made at the time that he did have a Judgment
6 in place. Now, we don't even have a Judgment in place. We
7 don't have a number. And he's still saying he wants
8 700,000 in security.

9 That's it, Your Honor. Thank you for your
10 patience.

11 THE COURT: Thank you. Let me ask, very briefly,
12 this is really a yes or no question. Has the issue of
13 security been briefed? Mr. Greenberg?

14 MR. GREENBERG: Your Honor, this was addressed
15 quite a long time ago in respect to the circumstances
16 before Judge Cory. This was in 2019, over three years ago,
17 when he initially appointed Mr. Swarts as Special Master at
18 that time. It was actually December of 2018 when we
19 started to bring this issue. He declined to appoint a
20 receiver without prejudice. And he appointed the Special
21 Master because there were disputes ongoing about the
22 financial issues.

23 THE COURT: Okay. I'm going to cut --

24 MR. GREENBERG: Yes.

25 THE COURT: -- I'm only going to cut you off

1 because I have an 11 o'clock and I want to get to where I'm
2 going. Okay? I would like -- to the extent the issue of
3 security has been briefed before, I would like counsel to
4 e-mail my JEA the briefs you previously filed. That way,
5 given the very extensive record in this case, I do not have
6 to, you know, go back 30 pages in the record to find your
7 briefing. So, if you could please send me those briefs, I
8 would very much appreciate it, because here's where I am.

9 It is very unlike -- I am going to be thinking
10 about all of these issues very hard. It is very unlikely I
11 will disturb the stay, pending this intervened appeal in
12 *Dubric*. However, I do want to be sure that the plaintiffs
13 in this case, because, at some point, there's going to be a
14 Judgment. That Judgment amount is going to be determined.
15 I do want to make sure that they're secure.

16 And I want to make clear, though, my comments
17 today are no way an indication that I think that they
18 aren't already secure. But this is something I want to go
19 back, given my newness to this case, I want to go back and
20 shore up. So, this is why I'm asking for you to e-mail me
21 the briefs. If I believe I need supplemental briefs on
22 this issue, I will issue a minute order asking for
23 supplemental briefs on the issue of security.

24 On the motions that have already been filed, there
25 is a stay in place. I am not -- I am going to wait for the

1 pending motions, which are generally Defendants' Motions
2 for Sanctions, to be fully briefed. I am moving those to
3 chambers calendar, Ms. Rodriguez. So, if my staff could
4 please move those to the next chambers calendar? Those are
5 Defendants' Motions for Sanctions, filed on June 28th, June
6 29th, and July 11th.

7 Once briefing on those closes, I will read
8 everything. Okay? I will issue orders on everything.
9 Until I do this, I am asking, unless there is an emergency
10 that you need this Court's intervention, to restrain the
11 filing of anymore motions. Okay?

12 Obviously, if you need relief from this Court
13 immediately, your clients are going to be, you know,
14 irreparably harmed, file your stuff. I'm not telling you
15 not to do that. What I'm saying is, you know, act with
16 restraint here.

17 But that is where I'm at on everything that's
18 pending and the things I'm going to go back and look at.
19 Before we go off the record, is there anything either
20 counsel would like to add to the record briefly? Mr.
21 Greenberg?

22 MR. GREENBERG: Your Honor, I believe the record
23 is complete in terms of the filings with the Court. In
24 terms of the -- and I would urge the Court to review them.
25 It's probably more efficient for your time. It is quite

1 complicated.

2 On that point, I think it would be helpful if Your
3 Honor would like to have presented to Your Honor the
4 briefings back and forth with the Court at different times
5 regarding this issue of security, that we can each provide
6 -- I would like to provide a limited chronology, not more
7 than, say, three pages, not including the caption page,
8 double spaced, just indicating the chronology, what was
9 presented to which Judge at what time, so the Court has an
10 overview of what happened here historically. Because we
11 went through Judge Cory. There were proceedings before
12 Judge Bare as was discussed, regarding if there was
13 questions of the Special Master who was appointed, and
14 representations that were made to the Court in at various
15 times by parties regarding the sufficiency of security or
16 what -- how that should be dealt with. I'll keep it very
17 brief, as I said. It's like three pages.

18 If Your Honor doesn't want that, you just want us
19 to e-mail a letter and say, here, this -- you know, five --
20 five pleadings that are in the record where this is
21 discussed, and just leave it at that, we will leave it at
22 that. I'm just proposing that we simply give a chronology
23 and just summarize in the chronology what was -- the
24 position that was maintained by each party and what was
25 discussed by the Judge in the transcript on the particular

1 page and particular order. And the Court, of course, can
2 verify that by looking at the record themselves to be sure
3 we're not misrepresenting anything. I'm trying to make it
4 easier for Your Honor --

5 THE COURT: I understand.

6 MR. GREENBERG: -- to get to the bottom of what's
7 gone on here with this history.

8 THE COURT: If you and Ms. Rodriguez are able to
9 present a joint chronology, that is fine with me. I don't
10 want competing chronologies. So, if you're able to present
11 a joint chronology, that is fine. And, by joint, I mean,
12 if you want to put each of your respective positions there
13 briefly, that's fine, too. You don't need to disturb each
14 other's positions on the chronology. But, if you cannot
15 come to agreement on a joint chronology, I do not want to
16 make more work for you all. Okay?

17 MR. GREENBERG: If Your Honor doesn't -- I don't
18 envision we're going to be able to agree on that, Your
19 Honor. I just don't see it's possible, given the state of
20 the record at this point.

21 MS. RODRIGUEZ: I'm sorry, Your Honor. I can't
22 hear Mr. Greenberg.

23 MR. GREENBERG: You -- let me repeat that. What I
24 was saying, Esther, is I don't believe that the Judge's
25 suggestion is -- made in good faith by the Court of course,

1 will be possible, given the state of the proceedings we're
2 in right now and the disagreements between counsel.

3 If Your Honor simply wishes us to submit a letter
4 indicating what portions of the record discussed the issue
5 of security without commentary further, we can simply send
6 a letter indicating that everything is the record. I take
7 it, we don't need to actually attach that? Or, if we
8 should attach that with the letter, we will do so.

9 THE COURT: If you all, in submitting your briefs
10 to me, want to send a letter that identifies which portions
11 of the record, without argument, -- or, rather, which
12 portions of the briefs you send, without argument, that I
13 should turn my attention to, please feel free --

14 MR. GREENBERG: I will --

15 THE COURT: -- to do that.

16 MR. GREENBERG: I will -- that is what I will do,
17 Your Honor. I will simply -- I will not make any
18 commentary in my submission. But we should attach the
19 particular items as exhibits to the submission. Correct,
20 Your Honor?

21 THE COURT: Correct. I want the briefs. I do not
22 want anything new. But I want things that were previously
23 filed. That way, you know, I make sure I'm looking at the
24 right things in the very, very extensive record.

25 MR. GREENBERG: Yes, Your Honor.

1 THE COURT: Ms. Rodriguez, is that okay with you?

2 MS. RODRIGUEZ: That's perfect, Your Honor. When
3 would this Court want this by?

4 THE COURT: Would two weeks from today be
5 sufficient for you all?

6 MR. GREENBERG: That's fine with plaintiffs, Your
7 Honor.

8 THE COURT: Thank you very much.

9 MS. RODRIGUEZ: Fine with defendants.

10 THE COURT: I appreciate both sets of counsel
11 making the time to come here today for my benefit. And I
12 look forward to your submissions. And you will get -- soon
13 after the chambers tickler, you'll get my decision on all
14 the pending motions.

15 MS. RODRIGUEZ: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. GREENBERG: Thank you, Your Honor.

18 THE COURT: Thank you, Mr. Greenberg.

19

20 PROCEEDING CONCLUDED AT 11:04 A.M.

21 * * * * *

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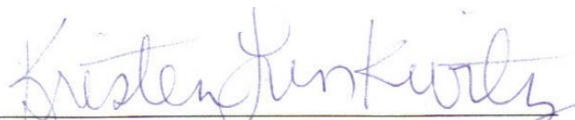
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CERTIFICATION

I certify that the foregoing is a correct transcript from the audio-visual recording of the proceedings in the above-entitled matter.

AFFIRMATION

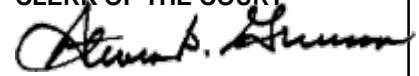
I affirm that this transcript does not contain the social security or tax identification number of any person or entity.



KRISTEN LUNKWITZ
INDEPENDENT TRANSCRIBER

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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.: 9

**PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION
FOR ENTRY OF A MODIFIED
JUDGMENT AS PROVIDED
FOR BY REMITTITUR**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this reply to defendants' opposition to plaintiffs' 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.

SUMMARY OF REPLY

An amended judgment must be entered as directed by the Supreme Court; except for a now corrected duplicate award of \$883.88 caused by a typographical error in A Cab's records defendants raise no colorably proper objection to the entry of the proposed amended judgment.

As discussed in the motion, the task given to this Court by the Supreme Court's remand, in respect to entering an amended judgment, is purely ministerial and arithmetic. All damages calculated, awarded, and in the record for the period *after* October 8, 2010, have been affirmed by the Supreme Court and all damages calculated, awarded, and in the record for the period *before* October 8, 2010, are disallowed and must be removed from the judgment. This is a purely arithmetical exercise, involving the record made in this case prior to the entry of the final judgment on August 21, 2018. That arithmetic was performed on the record by the plaintiffs and presented to the Court in the moving papers. No examination by this Court of the findings already made, and in the record, in respect to the damages for the period after October 8, 2010, are possible or permissible. They have been fully affirmed by the Supreme Court and are *res judicata*. See, *Budget Financial Corp. v. System Investment Corp*, 511 P.2d 1047-48 (Nev. Sup. Ct. 1973) (Proceedings after remittitur cannot re-examine matters encompassed by first appeal of judgment).

Defendants, in their opposition, had the opportunity to address the arithmetic submitted by the plaintiffs to the Court and identify any errors in that arithmetic and/or provide their own set of competing arithmetic. Defendants have identified one arguable duplicate award for \$883.88 contained in that submitted arithmetic (the plaintiffs now submitting at Ex. "A" hereto a corrected set of arithmetic at Exhibit "1" thereto without that \$883.88 award). Defendants have otherwise failed to present any proper opposition to the motion and the amended judgment should be entered in the form annexed to the moving papers as Exhibit "G" (proposed Order Modifying Final Judgment) with Ex. "1" to Ex. "A" hereto being the "Ex. A" referenced in that proposed Order.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Plaintiffs agree the \$883.88 duplicate award to Michael Murray should be removed; they submit revised arithmetic doing so.

As discussed in the annexed Exhibit “A” declaration of Charles Bass, defendants have identified a proposed award in the moving papers to plaintiff Michael P. Murray that is listed twice for \$883.88, arising from a typographical error in a Cab’s records, listing that plaintiff once as “Murray, Michael P.” and once as “Murray, MichaelP.” *See, also* Motion, Bates 121, at Ex. “2” to Ex. “E” thereto. This is the same person and plaintiffs agree the resulting amended judgment should not grant this award twice. They so agree even though the issue was arguably waived by A Cab since it was never raised in its appeal of the final judgment where the record containing this duplicate award for this person for the period after October 8, 2010, was affirmed.

A revised set of arithmetic, removing this duplicate award, for use in entering the amended judgment (to appear as Ex. “A” to the proposed Order that is at Ex. “G” of the moving papers) is at Ex. “1” to Ex. “A” hereto.

II. All of defendants’ other objections are without merit; they are in direct conflict with the Supreme Court’s remand and its affirmance of the final judgment and lack any colorable basis in law or fact.

The arguments made by defendants in their opposition (except their objection to the aforesaid \$883.88 duplicate award) are wholly without merit. Some are both nonsensical and unexplained. Others make assertions that are directly contrary to the facts, to the law, and to the Supreme Court’s rulings in this case.

A. It is impossible for the *Dubric* final judgment to impact any aspect of the final judgment entered in this case and affirmed by the Supreme Court.

The final judgment in this case was entered on August 21, 2018, against the entity now known as A Cab Series LLC. The Supreme Court, in its Opinion of December 30, 2021, affirmed, as reduced by the damages awarded by this Court for

1 the period prior to October 8, 2010, every finding made by this Court in connection
2 with the entry of that final judgment. Ex. “B” Opinion. In its subsequent Order on
3 that appeal, issued prior to its remittitur, the Supreme Court re-iterated that the
4 portions of the August 21, 2018, final judgment that it affirmed (*i.e.*, the final
5 judgment in this case’s award of damages for the period after October 8, 2010), must
6 be treated as having a continuous existence since August 21, 2018. Ex. “C” Supreme
7 Court Order of February 3, 2022.

8 The final judgment in *Dubric* was entered on August 31, 2021, over three years
9 after the final judgment in this case. While the *Dubric* final judgment purports to
10 resolve the liabilities of persons or entities *besides* A Cab Series LLC, it is impossible,
11 as a matter of law, for *Dubric* to impact the earlier, affirmed, final judgment entered in
12 this case against A Cab Series LLC. A Cab’s repeated insistence there is “no final
13 judgment” in this case as a result of the Supreme Court’s Opinion, and the *Dubric* final
14 judgment may act as a release of the judgment in this case, is baseless.¹

18 ¹ A Cab’s “no final judgment exists” argument is predicated upon the false
19 assertions it makes arising from the Supreme Court’s December 30, 2021, Opinion.
20 Yet the *Dubric* final judgment was entered on August 31, 2021, when, according to A
21 Cab, there was “still a final judgment” in this case. That means on August 31, 2021,
22 *Dubric* could not possibly have had subject matter jurisdiction over the claims against
23 A Cab encompassed into the August 21, 2018, final judgment that was under appeal.
24 Lacking subject matter jurisdiction over those claims, the *Dubric* judgment is *void ab*
25 *initio*, in respect to the same. *See, State Indus. Ins. System v. Sleeper*, 679 P.2d 1273,
26 1274 (Nev. Sup. Ct. 1984) (“There can be no dispute that lack of subject matter
27 jurisdiction renders a judgment void.”). The Nevada Supreme Court, in resolving an
28 earlier *Dubric* writ proceeding, also recognized such lack of subject matter jurisdiction
by *Dubric* as a result of the August 21, 2018, final judgment. *See, Ex. “D” Nevada*
Supreme Court Order of September 13, 2018, terminating those proceedings because
the August 21, 2018, final judgment against A Cab Series LLC had “resolved” the
“class claims” against A Cab.

1 **B. There is no “class decertification” issue.**

2 A Cab insists “...by order of the Nevada Supreme Court (“NSC”) certain steps
3 must be taken including appropriate decertifications of the existing class.” Opp p., 2.,
4 1. 14-15. A Cab cites to nothing in the Supreme Court’s Opinion so finding, or
5 implying, such a need and the Supreme Court gave no such instruction. This
6 is an abusive, nonsensical, and frivolous argument by A Cab.

7 A Cab is arguing that because class member claims prior to October 8, 2010,
8 were found to be non-recoverable by the Supreme Court Court (beyond the statute of
9 limitations) the “class” must be reconstituted (“decertified”) and noticed accordingly.
10 That is absurd — the class was properly certified, the Supreme Court did not modify
11 the class certification (no appeal was taken from that issue), and all of the class
12 members proceeded to a final judgment on their claims. That some class members
13 failed partially, or entirely, on their damages claims as a result of the Supreme Court’s
14 ruling on A Cab’s appeal does not modify that judgment’s finality for any class
15 member. There is no damages “class” to “decertify” or class member claims to
16 adjudicate. The class judgment has finally and fully resolved each class member’s
17 damages claim, either with, or without, a recovery.

18 **C. There are no “spreadsheet errors” beyond the**
19 **\$883.88 duplicate award to Michael Murray.**

20 A Cab insists that the moving papers rely upon spreadsheets that are “fraught
21 with errors” in addition to the afore-discussed \$883.88 duplicate award to Michael
22 Murray. Opp., p. 8, l. 20, and Ex. “7” thereto. It offers no explanation of what those
23 errors are, only a spreadsheet (Ex. “7”) listing nine plaintiffs on nine lines with cryptic
24 “notes” saying “Pd but not on Leon’s list” and “Leon’s had wrong amount” and
25 “Credited to Norberg, but should have been Chris Norvell.” A Cab offers no
26 declaration or documentary evidence explaining those alleged errors. That list of nine
27 plaintiffs also references the arithmetic done in connection with the judgment as
28 entered in 2018 and its inclusion of damages for prior to October 8, 2010. The nature

1 of those alleged errors is unexplained and incomprehensible. They do not even
 2 necessarily concern the damages that have been affirmed for the period after October
 3 8, 2010. And to the extent A Cab is claiming (as it appears it is) that such nine
 4 plaintiffs were improperly awarded damages for the period after October 8, 2010, it
 5 needed to raise those claims prior to the entry of the final judgment on August 21,
 6 2018 or in its appeal of that judgment. All such claims (if they were even
 7 comprehensible) are now waived.

8 **D. There are no damages awards or class member claims to be**
 9 **corrected or decertified for the period after June 26, 2014.**

10 A Cab asserts that it must have the class member claims after June 26, 2014
 11 “decertified” or removed from the judgment. Opp. p. 7, l. 1 - p. 8, l. 18. Those
 12 damages total \$211.72 and were incorporated into the August 21, 2018, judgment. *Id.*
 13 This argument is frivolous as the Supreme Court fully affirmed the August 21, 2018,
 14 judgment’s award of damages for the entire period after October 8, 2010. Ex. “B” p.
 15 14-20. That award is *res judicata* and this Court may not now entertain A Cab’s
 16 request that award for the period after June 26, 2014, be set aside or decertified.² *See,*
 17 *Budget Financial Corp.*, 511 P.2d at 1047-48.

18 **E. The Department of Labor settlement payments were applied as**
 19 **an offset to A Cab’s liability in the final judgment and in the**
 20 **arithmetic submitted to the Court for the amended judgment.**

21 A Cab falsely asserts that “Plaintiffs do not account for in their request to the
 22 Court” the prior Department of Labor settlement payments that should be credited
 23 against its liability. Opp., p. 9, l. 3-4. A Cab is well aware that assertion is false. The
 24 judgment entered on August 21, 2018, expressly accounted for those payments (to the
 25 extent A Cab was able to establish them). *See*, Motion, Ex. “A” p. 19-22, ¶¶ 27-29.
 26 All of the arithmetic submitted in connection with this motion carries forward that
 27 same information from the August 21, 2018, final judgment, listing in Column “H” the

28 ² A Cab could have, but did not, raise that issue in its final judgment appeal.

1 exact amount of that set off (if any) for each plaintiff and fully credits it to reduce A
2 Cab's liability to that plaintiff. Motion, Ex. "A" at Bates 38; Ex. "2" to Ex. "C" at
3 Bates 113; and p. 1 of Ex. "1" to Ex. "A" hereto. A Cab is making a statement to the
4 Court that it must know is false by asserting the arithmetic presented by plaintiffs does
5 not fully account for these Department of Labor settlement payments.

6 **F. There are no "ghost claimants" and A Cab must pay all**
7 **of the class member judgments, including those in favor**
8 **of class members who cannot be located.**

9 A Cab cites no support (since none exists) for its assertion there are "ghost
10 claimant" class members who are not entitled to judgments, such as the 243 persons
11 the Department of Labor was allegedly unable to contact. Opp., p. 9, l. 4-9, and Ex.
12 "8" thereto. A Cab does not enjoy free reign to violate Nevada's minimum wage law
13 to a class of its employees and then keep the unpaid minimum wages it owes to certain
14 class members because they cannot be found. An inability to currently locate certain
15 class member judgment creditors has no bearing on the entry (or enforcement) of an
16 amended judgment. The judgment amounts in favor of those presently unlocated class
17 members were affirmed and must be in the amended judgment. The disposition of the
18 funds that A Cab may have to pay to satisfy those judgments (perhaps to a *cy pres*
19 beneficiary or Nevada's abandoned property fund) is an issue to be dealt with in the
20 future.

21 **G. There is no "appropriate defendant" to be determined by**
22 **this Court upon remand; A Cab Series LLC's liability for**
23 **the judgment, as modified, was fully affirmed.**

24 A Cab falsely insists that upon remand "...the Nevada Supreme Court
25 specifically stated that a determination had to be made as to which entity existed at the
26 time and which bears liability for any damages that are determined." Opp., p. 9, l. 15-
27 17. It cites to no portion of the Supreme Court's Opinion and no such holding was
28 made. A Cab is intentionally misrepresenting the Supreme Court's rulings on A Cab's

1 appeal of post-judgment orders denying its motion to quash a judgment execution and
2 granting the plaintiffs' motion to amend the judgment. Ex. "B" p. 26-31.

3 The Supreme Court only granted A Cab a right to a further hearing upon remand
4 on whether that judgment execution (alleged by A Cab to have seized property *not*
5 belonging to judgment debtor A Cab Series LLC) should be quashed.³ *Id.* p. 31. It
6 did not direct any findings on remand as to A Cab Series LLC's liability for the
7 modified judgment — it fully affirmed that liability as that is the changed name of the
8 originally summoned corporate defendant and judgment debtor. *Id.* p. 30.

9 **CONCLUSION**

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

11
12 Dated: July 18, 2022

13 LEON GREENBERG PROFESSIONAL CORP.

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

26 ³ A Cab has never requested that hearing, likely because its assertion that over
27 \$220,000 was improperly seized is unsupportable. The Court may want to consider at
28 what point A Cab has waived its right to that hearing and the Court will find those
monies are properly applied towards the judgment.

PROOF OF SERVICE

The undersigned certifies that on August 12, 2022, she served the within:

**PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO
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

004775

004775

EXHIBIT "A"

1 LEON GREENBERG, ESQ.
2 Nevada Bar No.: 8094
3 Leon Greenberg Professional Corporation
4 2965 South Jones Boulevard - Suite E-3
5 Las Vegas, Nevada 89146
6 (702) 383-6085
7 (702) 385-1827(fax)
8 leongreenberg@overtimelaw.com
9 Attorneys for Plaintiffs

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

12 MICHAEL MURRAY and
13 MICHAEL RENO, individually and
14 on behalf of all others similarly
15 situated,

16 Plaintiffs,

17 vs.

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

22 Defendants.

Case No.: A-12-669926-C

DEPT.: II

DECLARATION OF CHARLES BASS

23 **Charles Bass hereby affirms, under penalty of perjury,**
24 **that:**

25 1. I am offering this declaration to supplement my declaration of February 11,
26 2022, and to correct an error in Ex. "2" of that declaration.

27 2. Ex. "2" of my February 11, 2022, declaration contains a listing at line 427 for
28 "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.

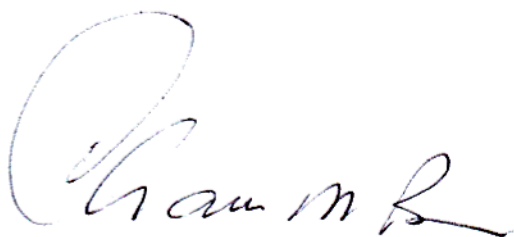
16 4. The duplicate listing error of Michael P. Murray in the modified judgment
17 list provided with my February 22, 2022, declaration arose from a typographical error
18 in A Cab’s records. Those records identified that person using two different spellings:
19 “Murray, MichaelP” and “Murray, Michael 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 “B”

137 Nev., Advance Opinion **84**
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

FILED
DEC 30 2021
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

Appeal from a summary judgment and post-judgment orders in
a minimum wage class action. Eighth Judicial District Court, Clark
County; Kenneth C. Cory, Judge.

Affirmed in part, reversed in part, and remanded.

Hutchison & Steffen, PLLC, and Michael K. Wall, Las Vegas; Rodriguez
Law Offices, P.C., and Esther Rodriguez, Las Vegas,
for Appellants.

Leon Greenberg Professional Corporation and Leon Greenberg, Las Vegas,
for Respondents.

BEFORE THE SUPREME COURT, EN BANC.¹

¹The Honorable Kristina Pickering, Justice, voluntarily recused
herself from participation in the decision of this matter.

OPINION

By the Court, STIGLICH, J.:

Under the Minimum Wage Act (MWA) of the Nevada Constitution, employers are required to pay their employees minimum wage and to annually notify employees of the minimum wage rate. Employers are also statutorily required to maintain records of wages and hours worked by employees and to readily provide that information to employees upon request.

Respondents Michael Murray and Michael Reno, the named representatives in this class action, were taxi drivers who brought suit against their former employer, appellants A Cab, LLC, and A Cab Series, LLC (collectively A Cab),² and its owner, alleging A Cab failed to pay them minimum wage. The district court severed the claims against A Cab's owner, Creighton Nady, and entered summary judgment for the drivers. A Cab appeals from the summary judgment, challenging certain interlocutory orders as well, and from several post-judgment orders.

We affirm in part, reverse in part, and remand. We must first consider subject matter jurisdiction, and after doing so, we conclude this matter was properly in front of the district court because plaintiffs in a class action may aggregate damages for jurisdiction. Accordingly, we overrule *Castillo v. United Federal Credit Union*, 134 Nev. 13, 409 P.3d 54 (2018), to the extent that it held to the contrary.

²As discussed in this opinion, the parties strongly disagree as to whether "A Cab, LLC," and "A Cab Series, LLC," are separate entities or one and the same. Given the judgment appealed to this court lists them separately, we do so as well here.

For the reasons discussed in this opinion, we further conclude that (1) the district court erred in tolling the statute of limitations because it incorrectly interpreted the MWA notice requirement, (2) damages were reasonably calculated using approximation evidence, (3) claims against A Cab, LLC's owner were properly severed, (4) the attorney fees award must be reconsidered for reasonableness, (5) the award of costs, including expert witness fees, must be reconsidered under the proper standards, (6) the judgment was properly amended to include the new name of A Cab, LLC, and (7) the district court erroneously denied a motion to quash a writ of execution without conducting an evidentiary hearing.

BACKGROUND

In 2006, Nevada voters amended the state constitution by enacting the MWA. Nev. Const. art. 15, § 16. The MWA requires, in part, that employers pay employees the minimum wage set forth therein, as adjusted yearly. *Id.* at § 16(A). Following publication of the yearly adjustment, employers "shall provide written notification of the rate adjustments to each of [their] employees." *Id.*

Murray³ and Reno's 2012 district court class action complaint against A Cab and its owner alleged that A Cab failed to pay drivers the minimum wage under the MWA and compensation due to former employees

³Due to a clerical error, Murray was listed as Michael *Murphy* in the caption of the original complaint, which was corrected in the first amended complaint. Although A Cab alleged below and on appeal that "Michael Murray" and "Michael Murphy" are two different men, we have been provided with no evidence to support that contention, and it appears the correct parties are involved. A district court can correct a misnomer in the caption at any time, "so long as it is not misleading." *Detwiler v. Eighth Judicial Dist. Court*, 137 Nev., Adv. Op. 18, 486 P.3d 710, 716 (2021) (internal quotation marks omitted).

under NRS 608.040.⁴ The drivers sought compensatory damages, injunctive and equitable relief, and punitive damages. Although taxicab drivers were exempt from statutory minimum wage protections when the complaint was filed, in 2014, we clarified that taxicab drivers were afforded minimum wage protections under the MWA. *Thomas v. Nev. Yellow Cab Corp.*, 130 Nev. 484, 327 P.3d 518 (2014).

In 2015, A Cab offered to settle with Murray and Reno for \$7,500 and \$15,000, respectively, but they did not accept the offers. Also in 2015, the drivers amended their complaint to add Creighton Nady (the principal of A Cab) as a defendant. Two new claims were added specifically against Nady: one for civil conspiracy, concert of action, and liability as the alter ego of the corporate defendants; and the other for unjust enrichment. Thereafter, the district court certified the class as "all persons employed by any of the defendants as taxi drivers in the State of Nevada at any[]time from July 1, 2007[,] through December 31, 2015." Additionally, the district court equitably tolled the statute of limitations for drivers who were employed by A Cab on the annual minimum wage notification date because it found that A Cab did not provide proper annual notice for the minimum wage rate.

Throughout the litigation, the parties disputed what evidence should be provided to determine damages. In theory, minimum wage damages are simple to calculate: multiply the hours worked in a pay period by the applicable minimum hourly wage to calculate the minimum amount due, then subtract the actual pay received to determine whether a deficiency exists. For the time period between January 1, 2013, and

⁴In issuing the summary judgment, the district court dismissed the NRS 608.040 claims without prejudice.

December 31, 2015, that is what occurred. A Cab electronically provided the drivers with all relevant data points, and the damages calculations were easily performed, compiled, and submitted by the drivers to the court as proof of damages. For the period between July 1, 2007, and January 1, 2013, however, A Cab provided the information in a different format. The drivers were given data, in electronic format, for the wages paid and the number of shifts worked. A Cab failed to provide computed hours worked data, however. Instead, A Cab provided copies of the drivers' handwritten "tripsheets," which reflected the hours actually worked during each shift. Extracting the needed hours-per-shift data from these tripsheets would have required extensive (and expensive) effort.

The district court found that supplying the hours-worked information only in the form of the tripsheets constituted noncompliance with the statutory requirements for employer record-keeping. Consequently, the district court appointed a special master to calculate the hours-per-shift information from the tripsheets and ordered A Cab to pay the special master's fees. A Cab failed to meet deadlines the district court set to pay the special master, however, so the drivers proved damages for the pre-2013 time period another way. The drivers' expert calculated the average hours per shift using the data from the 2013-2015 time period and multiplied that estimated average by both the number of shifts per each pay period and the minimum wage per hour to determine the wages that should have been paid for each pay period. The amount actually paid per period was subtracted to determine the deficiency. For this period, the only *estimated* data point was the hours-per-shift. Against A Cab's objection, the district court accepted the drivers' proof of damages.

The district court then severed the claims against Nady and granted summary judgment against A Cab, determining that the drivers were entitled to damages for A Cab's failure to pay minimum wages. The parties engaged in lengthy post-judgment motion practice. A Cab moved to reconsider and to dismiss for lack of subject matter jurisdiction, arguing that Murray and Reno had failed to demonstrate their claims met the minimum threshold amount for district court jurisdiction under this court's decision in *Castillo v. United Federal Credit Union*, 134 Nev. 13, 16, 409 P.3d 54, 57 (2018), and that there was no longer a claim for injunctive relief. The court denied the motions to dismiss and for reconsideration, concluding it did not believe it was devoid of jurisdiction in the matter. The drivers moved to amend the judgment to include "A Cab Series, LLC," as a defendant and for costs and attorney fees. The court granted these motions. A Cab appeals the summary judgment and the post-judgment orders.

DISCUSSION

District courts have original jurisdiction over class actions when the aggregate amount in controversy exceeds the statutory threshold

A Cab argues that the district court lacked subject matter jurisdiction because no individual class member sought damages in an amount that met the statutory threshold. It argues that, per this court's decision in *Castillo*, individual class members' claims may not be aggregated to establish district court jurisdiction. See *Castillo v. United Fed. Credit Union*, 134 Nev. 13, 16, 409 P.3d 54, 57 (2018). A Cab further

contends that the district court did not have jurisdiction based on the drivers' request for injunctive relief.⁵

In Nevada, justice courts have original jurisdiction over most actions seeking to recover less than a statutory amount-in-controversy threshold, which, when this action was filed in 2012, was \$10,000.⁶ See 2011 Nev. Stat., ch. 253, § 54, at 1136 (amending NRS 4.370(1) and taking effect July 1, 2011); *Castillo*, 134 Nev. at 16, 409 P.3d at 57. District courts have original jurisdiction over matters in which the amount in controversy is greater than this statutory threshold. See Nev. Const. art. 6, § 6(1).

Historically, whether aggregation of class claims to meet the statutory threshold to establish district court jurisdiction was permitted under the Nevada Constitution had never been meaningfully challenged. And NRCP 23—setting out the rules for class actions—was silent on the issue prior to its amendment in 2019. In 2018, however, the ability to aggregate class claims to establish jurisdiction was directly challenged and heard by this court in *Castillo*.

In *Castillo*, plaintiffs in a consumer protection case sought to aggregate their claims to meet the statutory threshold amount to establish jurisdiction in the district court. 134 Nev. at 14, 409 P.3d at 56. The defendant filed a motion to dismiss, arguing the district court did not have jurisdiction because each plaintiff failed to prove that they were individually entitled to damages in excess of the statutory threshold. *Id.* at

⁵In light of this disposition, we need not reach the issue of whether subject matter jurisdiction was proper as a result of the request for injunctive relief.

⁶The statutory amount has since been raised to \$15,000. 2015 Nev. Stat., ch. 200, § 2.2, at 945.

15, 409 P.3d at 56. The district court determined the plaintiffs could not aggregate their claims and dismissed the case. *Id.* The plaintiffs then appealed to this court. *Id.* Ultimately, a panel of this court reversed the district court's decision and remanded the case, but did so on the basis that the district court had jurisdiction through the plaintiffs' request for injunctive relief. *Id.* at 19, 409 P.3d at 59.

However, in *Castillo*, the court also considered the aggregation issue and concluded that class claims could not be aggregated to establish district court jurisdiction. *Id.* at 14, 409 P.3d at 56. In deciding that aggregation of class claims was not permissible, the *Castillo* court looked to other jurisdictions and distinguished Nevada. *See id.* at 16-17, 409 P.3d at 57-58. *Castillo* noted that "[o]ther jurisdictions have allowed for aggregation" in meeting their district court equivalents' jurisdictional threshold because those states' courts of limited jurisdiction are not "equipped to adjudicate class actions." *Id.* (quoting *Dix v. Am. Bankers Life Assurance Co. of Fla.*, 415 N.W.2d 206, 210-11 (Mich. 1987), and citing *Thomas v. Liberty Nat'l Life Ins. Co.*, 368 So. 2d 254, 257 (Ala. 1979); *Judson Sch. v. Wick*, 494 P.2d 698, 699 (Ariz. 1972); and *Galen of Fla., Inc. v. Arscott*, 629 So. 2d 856, 857 (Fla. Dist. Ct. App. 1993)). *Castillo* distinguished Nevada because, under JCRCP 23, "justice courts have the ability to hear class actions." *Id.* at 17, 409 P.3d at 58.

Thereafter, disagreeing with the court's conclusion regarding aggregation of claims, multiple parties moved to proceed as amicus curiae and requested this court depublish *Castillo*. *See generally* Amicus Curiae Progressive Leadership Alliance of Nev.'s Motion to De-Publish Opinion and to Stay Issuance of Remittitur, and for Possible Alternative Relief and Motion to Exceed Page Limitation, *Castillo v. United Fed. Credit Union*,

Docket No. 70151 (Apr. 27, 2018). This court denied the motion to depublish and stated that, “[b]ecause the aggregation discussion is not necessary to the disposition, it arguably constitutes dictum, not mandatory precedent.” *Castillo*, Docket No. 70151, at *2 (Order Denying Motion to Depublish, June 12, 2018).

Then, in 2019, NRCP 23 was amended to expressly allow for the aggregation of class claims to establish district court jurisdiction. *See In re Creating a Comm. to Update & Revise the Nev. Rules of Civil Procedure*, ADKT 522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules, Dec. 31, 2018). Under the current rule, “[t]he representative parties may aggregate the value of the individual claims of all potential class members to establish district court jurisdiction over a class action.” NRCP 23(b).

Recognizing this complicated and conflicting history, we take this opportunity to review our decision in *Castillo* and to clarify the rule regarding aggregation of class claims to establish district court jurisdiction. Applying this court’s precedent, we are not persuaded the aggregation holding in *Castillo* is nonbinding dicta. In *St. James Village, Inc. v. Cunningham*, we indicated, “[a] statement in a case is dictum when it is unnecessary to a determination of the questions involved.” 125 Nev. 211, 216, 210 P.3d 190, 193 (2009) (internal quotation marks omitted). Despite the panel’s subsequent equivocation in its Order Denying Motion to Depublish, the *Castillo* court expressly chose to consider the aggregation issue prior to resolving the injunctive-relief issue, and therefore, we disagree that the aggregation discussion was mere dicta. *See* 134 Nev. at 16-17, 409 P.3d at 57-58.

"[U]nder the doctrine of *stare decisis*," this court will not overturn its prior decisions absent compelling reasons to do so. *Armenta-Carpio v. State*, 129 Nev. 531, 535, 306 P.3d 395, 398 (2013) (alteration in original) (quoting *Miller v. Burk*, 124 Nev. 579, 597, 188 P.3d 1112, 1124 (2008)). Compelling reasons include "badly reasoned" or "unworkable" decisions. *State v. Lloyd*, 129 Nev. 739, 750, 312 P.3d 467, 474 (2013) (internal quotation marks omitted). We are persuaded that there are compelling reasons for overturning *Castillo*, to the extent that it holds that individual class members' claims cannot be aggregated to determine jurisdiction.⁷

First, *Castillo* suggests that justice courts' ability to hear class actions under JCRCP 23 somehow counsels against aggregation, but nothing in JCRCP 23 speaks to aggregation and the two concepts are not mutually exclusive.⁸

Second, the *Castillo* aggregation holding is in conflict with the newly amended NRCP 23(b),⁹ which expressly allows for aggregation of claims to establish district court jurisdiction.

⁷This opinion does not alter the approach to aggregation of claims in non-class actions. In non-class actions with multiple plaintiffs, each plaintiff must meet the statutory and constitutional requirements for the court to have subject matter jurisdiction over its claim. See NRS 4.370(1); Nev. Const. art. 6, § 6(1).

⁸Nothing in this opinion prevents justice courts from hearing *small* class actions in which the *total* amount claimed does not exceed the jurisdictional threshold.

⁹While the recently amended NRCP 23(b) expressly permits aggregation of class members' alleged damages for jurisdictional purposes, amendments to court rules do not apply retroactively, so NRCP 23(b) does not apply in this case. See *Nev. Pay TV v. Eighth Judicial Dist. Court*, 102

Finally, we believe the opinion did not account for the purposes behind the jurisdictional threshold and failed to fully consider the impact of its decision on justice courts, which, as this case illustrates, could be significant. *Castillo* correctly observed that Nevada justice courts have the authority under JCRCP 23 to hear class actions, but it did not consider whether a justice court is—as a practical matter—“equipped to adjudicate” a *large* class action, with hundreds of plaintiffs and millions of dollars at stake. The foreign cases the court cited, soundly, were not concerned so much with the legal authority of local courts of limited jurisdiction to adjudicate such a case as with those courts’ ability to provide “effective relief.” *Wick*, 494 P.2d at 699 (emphasis added). Justice courts are designed to handle relatively small cases efficiently and quickly; that is precisely why the Legislature has imposed a maximum amount in controversy on the jurisdiction of justice courts. In our view, the monetary threshold of NRS 4.370 was designed to limit justice courts’ civil docket to relatively small and simple cases—not to blindly impose a rule that would result in a justice court hearing a massive and complex case like the one before us today.

We find these practical concerns to be serious and not fully ameliorated by the existence of a procedural rule—JCRCP 23—allowing justice courts to preside over class actions. We are unaware of even a single large class action that has ever been tried in a Nevada justice court pursuant to JCRCP 23. We have the utmost respect for the competence and professionalism of Nevada’s justices of the peace, but we think the best way

Nev. 203, 205 n.2, 719 P.2d 797, 798 n.2 (1986) (citing NRS 2.120), *superseded by rule on other grounds as stated in State, Dep’t of Motor Vehicles & Pub. Safety v. Eighth Judicial Dist. Court*, 113 Nev. 1338, 948 P.2d 261 (1997).

to show that respect is by declining to saddle them with massive class actions for which they are wholly unprepared.

Accordingly, as it appears that no “legitimate reliance interest[]” will be affected by our decision today, *South Dakota v. Wayfair, Inc.*, ___ U.S. ___, ___, 138 S. Ct. 2080, 2098 (2018) (internal quotation marks omitted) (“Reliance interests are a legitimate consideration when the Court weighs adherence to an earlier but flawed precedent.”), we hold that the jurisdictional interpretation set forth in *Castillo* regarding aggregation was incorrect and that total damages sought by the class, rather than those sought by any individual class member, must be considered in determining whether the justice court has jurisdiction under NRS 4.370.¹⁰ Because the class here sought more than \$10,000, jurisdiction was proper in district court. *Castillo* is overruled to the extent it is inconsistent with this opinion. *The district court improperly interpreted the MWA notice requirements and so improperly tolled the statute of limitations*.

A Cab contends that the district court’s equitable tolling of the MWA’s two-year statute of limitations was based on an improper interpretation of the MWA’s notice requirement in the Nevada Constitution. *Perry v. Terrible Herbst, Inc.*, 132 Nev. 767, 768, 383 P.3d 257, 258 (2016) (concluding that applying the two-year statute of limitations in NRS 608.260 is proper for MWA claims). “We review questions of

¹⁰At oral argument before this court, counsel for A Cab expressed concern that, should we overrule *Castillo*, plaintiffs would have the option of aggregating their damages or not as they saw fit and could therefore choose whether to file in district court or justice court. We can identify no legal basis for that concern, but to remove any doubt, we clarify that the total damages sought by the class *must*—not may—be considered.

constitutional interpretation de novo." *W. Cab Co. v. Eighth Judicial Dist. Court*, 133 Nev. 65, 73, 390 P.3d 662, 670 (2017).

Under the MWA, the Labor Commissioner is required each spring to publish a bulletin announcing the adjusted minimum wage rates. The MWA provides that "[a]n employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin." Nev. Const. art. 15, § 16(A). Here, the district court concluded that "[a] plain reading of the MWA can only result in an obligation on the employer to 'provide' to 'each' of its employees 'written notification' of the rate adjustments to the minimum wage." Upon determining that the drivers had not been properly informed of yearly minimum wage increases, the district court remedied the situation by tolling the statute of limitations, such that drivers whose claims arose prior to October 2010 and who were employed by A Cab on the annual notification date—July 1—of 2007, 2008, 2009, and/or 2010 were included in the class.

The purpose of the MWA annual notification requirement is to inform employees of the current minimum wage. There is no express requirement that each employee be individually provided with written notice; notice posted in a common work area is a form of written notification that is available to each employee. The drivers here obtained this notification, in writing, through the notices posted by A Cab in employee common areas along with other required employment information. We therefore conclude that, by posting the written notices in a common, conspicuous area to which each driver had access, A Cab fulfilled the MWA's

requirements to provide written notice to each employee.¹¹ *See, e.g.*, NRS 608.013 (requiring employers to “conspicuously post and keep so posted on the premises where any person is employed a printed abstract of this chapter [on Compensation, Wages and Hours] to be furnished by the Labor Commissioner” to inform employees of their rights).

Given that the district court’s incorrect reading of the MWA was its only justification for tolling the statute of limitations, we reverse the tolling decision and conclude that the drivers’ claims extend backwards only two years before their suit was filed. We remand to the district court to recalculate damages for this shorter time period.

The district court properly granted summary judgment for the drivers

A Cab contends that the district court erred by entering summary judgment in favor of the drivers, arguing that there were outstanding issues of material fact regarding claims for wages for both the 2013-2015 period and prior to 2013. A Cab argues that, as for the pre-2013 period, detailed analysis of the tripsheets it provided is the only accurate way to calculate any damages, although the district court found that A Cab did not present any evidence of inaccuracy in the final calculations.

A district court’s decision to grant summary judgment is reviewed de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other

¹¹While we do not defer to an agency’s interpretation of the state constitution, we find it persuasive that, for over a decade, the Office of the Nevada Labor Commissioner has required only posted notice. The Office of the Labor Commissioner website instructs employers to post the annual minimum wage bulletin in each place of business where employees work and does not mention sending additional notices. State of Nev. Dep’t of Bus. & Indus., Office of the Labor Comm’r: Required Emp’r Postings (Dec. 3, 2021) (https://labor.nv.gov/Employer/Employer_Posters/).

evidence on file demonstrate that no genuine issue of material fact exists "and that the moving party is entitled to a judgment as a matter of law." *Id.* (internal quotation marks omitted). All evidence "must be viewed in a light most favorable to the nonmoving party." *Id.* To withstand summary judgment, the nonmoving party cannot rely solely on general allegations and conclusions set forth in the pleadings but must instead present "specific facts demonstrating the existence of a genuine factual issue" supporting the party's claims. *Id.* at 731, 121 P.3d at 1030-31 (internal quotation marks omitted).

Period between 2013 and 2015

Reviewing A Cab's claim that the district court erred in ordering summary judgment, this later time period, 2013-2015, presents a simple question for our review. A Cab provided the drivers with its own computerized pay and hour records, and the drivers' expert simply entered that data into a spreadsheet to calculate each driver's hours, pay, and minimum wage deficiencies. The calculations showed a disparity between the amounts owed as minimum wage and the actual pay, entitling the drivers to recovery. The district court concluded that these spreadsheets were mathematically accurate and entered summary judgment for the damage amounts calculated in those spreadsheets.

A Cab argues that we should reverse the summary judgment as to this period, yet it has not demonstrated existing issues of material fact on the underlying data points (data points *it* provided to the drivers), the calculations performed by the drivers' experts, or the minimum wage deficiencies revealed by those calculations. As a result, we have been provided with no justification to reverse the district court's order granting summary judgment for this period.

Period before 2013

A Cab contends the district court incorrectly granted summary judgment for the pre-2013 time period, arguing the records it provided to the drivers were sufficient and that the district court improperly shifted the burden to A Cab by requiring it to pay for a special master. Because A Cab believes it provided all statutorily required information, A Cab further asserts that the district court allowing reasonable approximation damages was not appropriate. We review this issue de novo and conclude the district court properly granted summary judgment for this period.

Pursuant to NRS 608.115(1), every employer is required to "establish and maintain records of wages" for each pay period for its employees. In pertinent part, these wage records must "show[] for each pay period," among other things, the "[g]ross wage," "[n]et cash wage," and "total hours employed in the pay period by noting the number of hours per day." NRS 608.115(1)(a), (c) & (d). Additionally, employers are required to maintain these records for two years, and the employer is required to provide this information "to each employee within 10 days after the employee submits a request." NRS 608.115(2)-(3).

During the discovery process, A Cab provided the drivers with two forms of pay information for the period before 2013: data from its computerized pay records and handwritten tripsheets. There is no dispute that the computerized data for this period did not contain information regarding the total hours worked per shift. However, the tripsheets accounted for all hours worked by the drivers, including the start and end times and handwritten notes from the drivers about breaks during the shift. So, the wage and shift information was in the computerized form, and the hours worked information was in the handwritten tripsheets. Therefore, to determine hours worked per shift and pay period for each of the drivers in

the class based on the tripsheets, it would have been necessary to perform extensive calculations from the tripsheets, and then to harmonize those with the shift and wages per pay period information to establish any deficiencies.

The district court held that the information A Cab provided to the drivers did not conform to the requirements of what records employers must keep and provide under NRS 608.115. We agree. The plain meaning of the statute requires employers to keep records showing an employee's wage and the number of hours worked per day and to provide this information to employees on request. See NRS 608.115(1), (2); *Beazer Homes Nev., Inc. v. Eighth Judicial Dist. Court*, 120 Nev. 575, 579-80, 97 P.3d 1132, 1135 (2004) (providing this court interprets clear and unambiguous language by its plain meaning). Although the drivers could have ultimately determined hours worked from what was provided, A Cab did not fulfill its burden to provide this statutorily required information to the drivers.¹²

As a result, we conclude that the district court properly required A Cab to pay for a special master to analyze the information. Under NRCP 53, a court may appoint a master to assess and determine factual issues, and the court is required to consider fairness when imposing the expenses of the master on the parties. We agree with the district court

¹²We recognize that this information provided by A Cab may be sufficient in other civil actions. See *Pizarro-Ortega v. Cervantes-Lopez*, 133 Nev. 261, 265, 396 P.3d 783, 787 (2017) (recognizing that a party requesting damages has a duty to provide a computation of damages based upon information available to it). However, in this matter, the employer has the burden to maintain and produce the records in the manner provided by the statute. See NRS 608.115.

that "it would not have been equitable nor justified to require Plaintiffs to pay for work performed by the Special Master when it was Defendant A Cab's failure to comply with NRS 608.115" that led to the need to hire a special master in the first place.

After A Cab did not pay the special master fees, the district court appropriately permitted the drivers to approximate the damages for this time period. In doing so, the district court relied on *Anderson v. Mount Clemens Pottery Co.*, 328 U.S. 680 (1946), *superseded by statute on other grounds as stated in Integrity Staffing Sols., Inc. v. Busk*, 574 U.S. 27 (2014), which this court relied upon in *Bombardier Transportation (Holdings) USA, Inc. v. Nevada Labor Commissioner*, 135 Nev. 15, 28, 433 P.3d 248, 259 (2019). In *Mount Clemens*, the United States Supreme Court permitted plaintiffs to use approximate calculations of damages in a Fair Labor Standards Act action when the defendant employer failed to keep proper and accurate records and also failed to produce evidence to negate the approximation evidence. 328 U.S. at 687-88. In *Bombardier*, this court agreed with that analysis on the grounds that employees "should not be penalized for the employer's failure to keep accurate records as required by law." 135 Nev. at 28, 433 P.3d at 259 (internal quotation marks omitted).

Although here, A Cab had the information required and requested, it was in a form different and more complicated than that required by statute, and we conclude this difference is immaterial for the purposes of a *Mount Clemens* analysis. We conclude that the district court's decision to permit the drivers to approximate damages was proper, given A Cab's insufficient information and refusal to pay the special master.

We must next consider whether the spreadsheets for this period were reasonable approximations of the records that the district court found

defendants should have produced. In *Mount Clemens*, the approximation evidence presented was employee testimony regarding time spent walking to worksites and engaging in extensive work-related preparation before the shift period began, which the employees would not be able to prove with a high degree of reliability or accuracy. 328 U.S. at 692-93. In *Bombardier*, the evidence was in the form of the plaintiffs' reasonable estimates of what proportion of hours worked and tasks completed "constituted repair work." 135 Nev. at 28, 433 P.3d at 259. Here, as described above, the drivers made calculations from the actual pay given to the drivers, the actual number of shifts worked by the drivers per pay period, and an approximation of the hours worked per shift (using the hours-per-shift in the 2013-2015 data to estimate the average shift length in the earlier time period). We agree this was an appropriate method to approximate damages. See *Mount Clemens*, 328 U.S. at 693 ("Unless the employer can provide accurate estimates, it is the duty of the trier of facts to draw whatever reasonable inferences can be drawn from the employees' evidence . . .").

A Cab points out that the district court initially declined to enter summary judgment on the calculations based on the estimations, which is true. However, the district court had merely said that, while its *preference* would have been for the special master to make calculations based on the tripsheets, A Cab did not enable that to happen, and consequently, the district court was permitted to use less specific data to calculate damages. See *id.* at 687-88 (stating that when an employer does not keep accurate records, "[t]he burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence to negative the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the

court may then award damages to the employee, even though the result be only approximate"); *see also* *Bombardier*, 135 Nev. at 28, 433 P.3d at 259. The spreadsheets provided reasonable approximations of the records that defendants should have produced and provided appropriate calculations of damages. The only approximation evidence was the 9.21 hours-per-shift average estimate, which had ample support, including one of A Cab's own experts' testimony acknowledging that his average sampling would have allowed for 9.7 hours-per-shift. Therefore, with damages calculated based on these reasonable estimates, the district court properly granted summary judgment. We affirm the district court's summary judgment; however, as stated above, we remand to the district court to recalculate damages based on the two-year statute of limitations.

The district court did not abuse its discretion in severing the claims against Nady

A Cab argues that the district court erred in severing the claims against Nady, contending that the district court severed the claims only "to artificially create finality" to beat a similar, concurrently litigated class action to judgment. We have not previously stated the standard of review for a severance under NRCP 21. We note that "NRCP 21 parallels FRCP 21," *Valdez v. Cox Commc'ns Las Vegas, Inc.*, 130 Nev. 905, 908, 336 P.3d 969, 971 (2014), and under the federal rule, "[t]he trial court has broad discretion to sever issues to be tried before it," *Brunet v. United Gas Pipeline Co.*, 15 F.3d 500, 505 (5th Cir. 1994). We today clarify that we review a district court's severance of claims for an abuse of discretion.

Under NRCP 21, the court may drop or add a party through a motion of any party or on its own, and the court may sever claims. We have said that "when a judgment has been entered resolving claims properly severed, it is final and appealable, despite the existence of other pending,

unsevered claims.” *Valdez*, 130 Nev. at 907, 336 P.3d at 971. However, we have not provided guidance on when severance is proper.

Federal courts consider several factors in deciding whether severance is proper under FRCP 21, including

- (1) whether the claims arise out of the same transaction or occurrence;
- (2) whether the claims present some common questions of law or fact;
- (3) whether settlement of the claims or judicial economy would be facilitated;
- (4) whether prejudice would be avoided if severance were granted; and
- (5) whether different witnesses and documentary proof are required for separate claims.

Parchman v. SLM Corp., 896 F.3d 728, 733 (6th Cir. 2018).

The trials of A Cab and Nady had already been bifurcated for purposes of judicial economy under NRCP 42(b). During the summary judgment hearing, the drivers stressed the importance of finality as to the corporate defendants and asked the court to sever the remaining claims against Nady. The district court severed all claims against Nady pursuant to NRCP 21 and stayed them for 60 days in its order.¹³

A Cab’s only cogent argument against the severance is based on one case, where the United States Court of Appeals for the Second Circuit found an abuse of discretion because “the severance was so transparently a confusion of” bifurcation and severance “or an attempt to separate an essentially unitary problem” for the purposes of creating finality. *Spencer*,

¹³In 2019, we dismissed Nady’s appeal in this matter on the jurisdictional ground that no final judgment had been entered against Nady since the claims against him had been severed. *Nady v. Murray*, No. 77050, 2019 WL 3072593 (Nev. July 12, 2019) (Order Dismissing Appeal).

White & Prentis Inc. of Conn. v. Pfizer Inc., 498 F.2d 358, 362 (2d Cir. 1974) (internal quotation marks omitted). A Cab argues this matter is comparable to *Spencer* and that the district court severed the claims against Nady to win the race between the two similar class actions, to get to a final judgment to vindicate the MWA, and to defeat Nady's right to a timely trial.

We find no merit in A Cab's arguments that the district court abused its discretion and no support for its bald claims regarding the district court's supposed ulterior motives for severing the case. A Cab speculates on the judge's actual reasons for granting finality while ignoring the judge's legitimate, stated reasons. In considering the *Parchman* factors, we see several reasonable justifications for the district court's severance. Most prominently, the district court sought to facilitate settlement and judicial economy by severing the alter ego claims—particularly because, if the drivers collected the full amount of their judgment against the corporate defendants, there would be no need to proceed with the claims against Nady. The claims against Nady (as an alter ego of A Cab and under an unjust enrichment theory) were severable under the *Parchman* factors because those claims involved different forms of evidence and might be rendered unnecessary. Therefore, we conclude that A Cab has not shown that the district court abused its discretion in severing these claims.

The award of attorney fees must be reconsidered, in light of this disposition, and the district court abused its discretion in awarding costs

A Cab argues that the district court disregarded procedural rules and awarded excessive fees and costs, even though the eventual

recovery by the class representative plaintiffs was less than the amounts A Cab had offered in settlement.¹⁴

Under the MWA, "[a]n employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs." Nev. Const. art. 15, § 16(B). "A district court's decision regarding an award of costs will not be overturned absent a finding that the district court abused its discretion." *Village Builders 96, L.P. v. U.S. Labs., Inc.*, 121 Nev. 261, 276, 112 P.3d 1082, 1092 (2005). The district court in this matter awarded the drivers \$568,071 in attorney fees and \$46,528 in costs, including \$29,022 in expert fees. For the reasons outlined below, we reverse the award of attorney fees and costs, and remand to the district court for further proceedings consistent with this opinion.

Attorney fees

With respect to attorney fees, district courts have discretion regarding which method is used to determine the fees but must consider the four factors outlined in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349-50, 455 P.2d 31, 33 (1969). These factors include the attorney's "professional qualities, the nature of the litigation, the work performed, and the result. In this manner, whichever method the court ultimately uses, the result will prove reasonable as long as the court provides sufficient reasoning and findings in support of its ultimate determination." *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 865, 124 P.3d 530, 549 (2005).

¹⁴A Cab argues the drivers did not best the settlement offer under NRCP 68 and therefore may not recover any attorney fees or costs. However, we need not consider this argument because the drivers were entitled to reasonable attorney fees and costs under the MWA. See Nev. Const. art. 15, § 16(B).

A Cab argues the attorney fees award was excessive and that the drivers did not provide proper documentation for the district court to calculate the amount awarded. The drivers supported their request for attorney fees with a declaration by counsel that detailed the experience of the advocates, the difficulty of the work, and the time devoted to the work through a review of "contemporaneous time records" (which were not attached). A Cab argues this did not meet NRCP 54(d)(2)(B)'s requirement at the time that a request for fees must, among other things, "state the amount sought or provide a fair estimate of it; and be supported by counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable, [as well as] documentation concerning the amount of fees claimed." NRCP 54(d)(2)(B) (2009). The district court awarded attorney fees in the amount of \$568,071. It supported that award by going through three possible formulations to calculate hours and fees and through a consideration of the four *Brunzell* factors. We conclude that the declaration of counsel constituted the "documentation" required under NRCP 54(d)(2)(B), and A Cab has not shown that the attorney fees award was unsupported or excessive beyond asserting that the drivers did not provide the appropriate documentation. However, in light of this disposition and the district court's improper tolling of the statute of limitations, the amount of the attorney fees must be reconsidered for reasonableness, and we therefore reverse and remand the award of attorney fees.

Costs

With respect to costs, trial courts are urged to exercise restraint and strictly construe statutes permitting recovery of costs. *Bergmann v. Boyce*, 109 Nev. 670, 679, 856 P.2d 560, 566 (1993), *superseded by statute on other grounds as stated in In re DISH Network Derivative Litig.*, 133 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017). "To support an award of costs,

justifying documentation must be provided to the district court to demonstrate how such [claimed costs] were necessary to and incurred in the present action." *In re DISH*, 133 Nev. at 452, 401 P.3d at 1093 (alteration in original) (internal quotation marks omitted).

The drivers supported their request for nonexpert costs with a declaration by counsel that included a table noting litigation expenses extracted from a review of office records. However, this documentation was insufficient because the drivers did not provide justification for why each cost was necessary or proof that each cost was incurred in the present action. *See id.*; *see also Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 121, 345 P.3d 1049, 1054 (2015) ("[J]ustifying documentation' must mean something more than a memorandum of costs."); *Village Builders 96, L.P. v. U.S. Labs, Inc.*, 121 Nev. 261, 276-78, 112 P.3d 1082, 1092-93 (2005) (explaining that providing justification for each copy made or call placed is necessary in order for the district court to properly assess whether the cost was actually incurred and reasonable); *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1352-53, 971 P.2d 383, 386 (1998) (concluding the district court abused its discretion in awarding costs where parties did not provide itemization or justification of certain costs incurred). Accordingly, the district court abused its discretion in awarding the drivers their nonexpert-related costs, and we remand for further proceedings.

A Cab additionally argues that the district court erred in its award of expert witness fees because the amount exceeded the statutory cap and the case did not go to trial. NRS 18.005(5) caps expert witness fees at \$1,500 per expert, for not more than five experts. Any award beyond that cap requires careful evaluation by the district court, in which the court must consider several factors, including "the importance of the expert's testimony

to the party's case," the extent of the expert's work, and "whether the expert had to conduct independent investigations or testing." *Frazier v. Drake*, 131 Nev. 632, 650-51, 357 P.3d 365, 377-78 (Ct. App. 2015).

We conclude that the district court did not adequately support its award of expert witness fees in excess of NRS 18.005(5)'s limitation, in light of *Frazier's* instructions for how that analysis should be conducted. The district court referenced the dispute regarding who bore the burden of providing and analyzing wage-and-hour information, saying "defendants might have a colorable argument against the [drivers'] expert costs had the [s]pecial [m]aster completed his work regarding the trip sheets. . . . [The drivers'] experts were necessary and their expenses were reasonable given the extent of the work performed in calculating the damages based upon the computer data information which was provided by A Cab." However, this weighs against awarding excess expert witness fees. The drivers did not hire an expert to do the work the special master would have done; their expert performed only the wage-and-hour calculations that would have been required even if A Cab had provided sufficient information for both time periods. Given that the district court did not provide a reasonable justification for such excess expert fees, we also reverse and remand this portion of the costs award for further consideration by the district court in light of *Frazier*.

The district court did not err in amending the judgment, but it should have held an evidentiary hearing on the motion to quash collection of the judgment amount

The day after summary judgment was entered, the district court granted a motion to amend the judgment to include "A Cab Series LLC" (one of the named appellants here). This order allowed the judgment to be amended "to indicate it is against 'A Cab Series LLC' as the current

name of the originally summoned defendant and judgment debtor 'A Cab LLC.'" A Cab contends that "A Cab, LLC," and "A Cab Series, LLC," are different entities and the district court's order "add[ed] a party after final judgment." The drivers insist that "A Cab Series, LLC," is simply the new name of the defendant they originally sued.

A Cab urges us to review this order as an impermissible addition of a third party as a judgment debtor. For the purposes of framing this question, we use the language of amending the judgment, as per the district court's order. NRCP 59(e) permits motions to alter or amend a judgment. Orders deciding an NRCP 59(e) motion are not independently appealable but are reviewed for an abuse of discretion when included with a proper appeal. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010).

In 2005, Nevada amended NRS 86.296 to allow for the creation of "Series LLCs," a relatively new form of corporate entity that exists only in certain states. 2005 Nev. Stat., ch. 459, § 27, at 2193-94. Within a Series LLC structure, an "LLC may establish and contain within itself separate series or cells. . . . Each such separate Protected Series is treated as an enterprise separate from each other and from the Series LLC itself." Alberto R. Gonzales & J. Leigh Griffith, *Challenges of Multi-State Series and Framework for Judicial Analysis*, 42 J. Corp. L. 653, 655 (2017). If certain conditions are met, then "[t]he debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series." NRS 86.296(3). In Nevada, a Series LLC is created by first allowing for the creation of one or more cell series in the articles of organization or operating

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agreement of an LLC. NRS 86.296(2). Second, in order to trigger the liability shield protections of the created cell series, a cell series must have separate records from the LLC as a whole and from any other cell series, and the articles of organization or operating agreement must provide that debts, liabilities, and expenses are only enforceable against that individual cell series. NRS 86.296(3).

Although we have not previously had occasion to interpret the statutory scheme, the plain text of the statute governs a few important considerations for this case. First, the one-or-more cell series within the Series LLC is created by the LLC's operating agreement or articles of organization—not by a filing with the Nevada Secretary of State. NRS 86.296(2). Second, NRS 86.296(2) provides a list of optional, but not mandatory, attributes for a Series LLC. Third, the liability shield protections require the triggers discussed above, which are shown in the operating agreement or articles of organization and through the practice of separate and distinct record-keeping and accounting. NRS 86.296(3).

In 2012, A Cab, LLC, amended its articles of organization and filed them with the Secretary of State. The attached articles listed the name of the company as "A Cab, LLC," and stated in one article—

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

According to A Cab, after the Series LLC was formed, at least five separate cell series entities were created: "A Cab Series, LLC, Maintenance Company; [A] Cab Series, LLC, Administration Company; A Cab Series, LLC, Taxi Leasing Company; A Cab Series, LLC, Employee Leasing Company[;] A Cab Series, LLC, Medallion Company; and others." In 2016, the Nevada Taxicab Authority authorized "Admiral Taxicab Service, LLC d b a A Cab, LLC," to operate 115 taxicab medallions. In 2017, A Cab, LLC, again filed with the Secretary of State an amendment to the articles of organization, with the statement, "The name is now A Cab, Series L.L.C."

Following the district court's summary judgment in August 2018, the drivers moved to amend the judgment to include "A CAB SERIES LLC," and then served a writ of garnishment (execution) on Wells Fargo Bank for any accounts or monies "owned by judgment debtors A Cab LLC or A Cab Taxi Service LLC."¹⁵ The defendants moved to quash that writ of execution on the grounds that funds were taken from "separate independent entities which although related to A Cab LLC are not subject to execution," i.e., various series companies created under the umbrella of A Cab Series, LLC, and that the court had not yet granted the drivers' motion to amend the judgment. The district court then granted the drivers' motion to amend the judgment to include "A Cab Series, LLC," and denied the defendants' motion to quash the writ of execution.

¹⁵A Cab Taxi Service LLC was named as a party to the case from the beginning but was not served and did not appear, and it does not appear to exist.

On appeal, A Cab argues again that the district court should not have allowed a new, third party (A Cab Series, LLC) to be added to the judgment and should not have allowed garnishment from accounts belonging to separate series entities such as "A Cab Series, LLC, Maintenance Company." A Cab argues that the requirements of NRS 86.296 have been met, and as a result, separate, shielded series entities exist. The drivers respond that no third party was added because "A Cab Series, LLC," is one and the same as "A Cab, LLC," given the name change in 2017. Further, the drivers contend that collection from the individual series entity accounts is appropriate because no cell series entities with the NRS 86.296(3) liability shield exist. Even if cell series entities *did* exist, the drivers insist the cell entities' alleged injury should not be part of this appeal since neither of the appellants may assert the rights of third parties.

The record convinces us that the drivers are correct that the original defendant "A Cab, LLC," no longer exists except under the changed name of "A Cab Series, LLC," and the district court properly allowed the judgment to be amended to reflect that change. In 2012, A Cab, LLC, became a Series LLC, and, in 2017, it changed its name to reflect that shift. A Cab's arguments that there are two separate entities is belied by the record, the 2017 name change document, and even the way the names were used interchangeably to refer to the parties within the dispute below and on appeal. As a result, we conclude that the district court did not abuse its discretion in amending the judgment to include "A Cab Series, LLC."¹⁶

¹⁶For clarity, the district court should have *substituted* "A Cab, LLC," with "A Cab Series, LLC," to reflect the fact that there was only ever one such entity.

We next must consider whether the district court nevertheless erred in permitting collection from the Wells Fargo accounts without conducting an evidentiary hearing on whether the requirements of NRS 86.296 had been met and the separate series liability shield had been created. Series entities under the umbrella of a Series LLC either exist or not based on their compliance with NRS 86.296. In a hearing on the motion to amend the judgment, the district court said, "I don't think this is the time to take evidence, frankly," and such evidence was never taken. We acknowledge that the district court's concerns about standing were valid. The district court was understandably unsure of what corporate entities were even *represented* during the hearings discussing the motions to quash the writ of execution and to amend the judgment.

But the district court did err in denying the motion to quash without conducting an evidentiary hearing. The district court acknowledged that while the issues could potentially "be cured by a belated appearance by the alleged series LLCs (if they are, in fact, properly constituted and exist), the interests of justice, and the need to promote judicial efficiency" led the court to make its decision without such appearances. The only way to assess the existence of the individual series entities for the purpose of judgment collection is through examining the operating agreements, and A Cab did not have the opportunity to use those agreements to present the district court with an argument for the series' existence. A Cab (and the series entities, if they actually exist and join the action) is entitled to an opportunity to present such evidence and argue its motion to quash. Accordingly, we reverse on this point and remand to the district court in order to reconsider the motion to quash the writ of execution.

CONCLUSION

This complex litigation ultimately hinged on two questions: (1) were the drivers underpaid? and (2) if yes, by how much? As a preliminary matter, we necessarily conclude the district court had jurisdiction over this class action because the drivers could aggregate their claims to meet the statutory threshold. Accordingly, we overrule *Castillo* to the extent that it conflicts with this opinion.

We conclude the district court erred by tolling the statute of limitations far beyond two years based on an erroneous interpretation of the MWA's notice requirements. We affirm the district court decision to grant summary judgment for the drivers using reasonable approximation evidence when A Cab failed to disclose the drivers' hours worked as required by statute. And we conclude the claims against Nady were properly severed. However, we conclude the district court must reconsider the award of attorney fees, in light of this disposition. Furthermore, the district court erred in its award of costs because its order did not adequately support the award of expert fees in excess of the statutory cap. Additionally, the drivers did not provide sufficient documentation for the district court to award the remaining costs. Finally, while the district court properly amended the judgment to include "A Cab Series, LLC," it erred by denying A Cab's motion to quash the execution of judgment without taking evidence on what corporate entities existed and were actually liable for the judgment.

Accordingly, we affirm in part the district court's summary judgment, as amended to include A Cab Series, LLC, and the severance of claims against Nady; however, we reverse the summary judgment as to damages for claims outside of the two-year statute of limitations, the order denying the motion to quash, the order awarding attorney fees, and the

costs award. We remand this matter to the district court for further proceedings consistent with this opinion.

Stiglich, J.
Stiglich

We concur:

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

Silver, J.
Silver

Herndon, J.
Herndon

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.

Supreme Court No. 77050
District Court Case No. A669926

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: February 03, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc (without enclosures):

Hutchison & Steffen, LLC/Las Vegas \ Michael K. Wall
Rodriguez Law Offices, P.C. \ Esther Rodriguez
Leon Greenberg Professional Corporation \ Leon M. Greenberg, Dana
Sniegocki
Cory Reade Dows & Shafer \ Jay A. Shafer
Kenneth C. Cory

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on FEB - 4 2022.

HEATHER UNGERMANN

Deputy District Court Clerk

RECEIVED
APPEALS

FEB - 4 2022

CLERK OF THE COURT

EXHIBIT "C"

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

FILED

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

22-03633

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.

EXHIBIT "D"

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
KATHLEEN E. DELANEY, DISTRICT
JUDGE,

Respondents,

and

JASMINKA DUBRIC; A CAB, LLC; A
CAB SERIES LLC; EMPLOYEE
LEASING COMPANY; AND
CREIGHTON J. NADY,
Real Parties in Interest.

No. 75877

FILED

SEP 13 2018

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

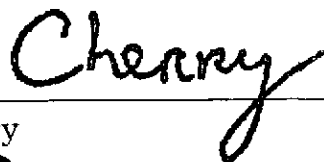
ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

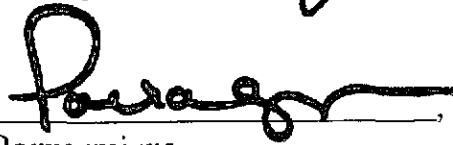
This original petition for a writ of mandamus challenges a district court order denying petitioner class representatives' motion to intervene the underlying competing Minimum Wage Act (MWA) action in which real parties in interest have jointly moved for conditional certification of the same or a similar class for settlement purposes and preliminary approval of a proposed class settlement agreement.


On August 29, 2018, petitioners submitted to this court a declaration and exhibits showing that, on August 21, 2018, the district court entered summary judgment in favor of the class in the MWA action in which

petitioners are representatives.¹ Although petitioners state that they are unsure how the judgment affects their request for writ relief since real parties in interest have not indicated whether they intend to continue pursuing class certification and settlement approval, we conclude that the judgment renders this petition moot and thus we dismiss it without prejudice. In that regard, the final judgment in the competing class action appears to obviate petitioners' reasons for seeking intervention, at least at this time, as the class claims have been resolved and real parties in interest may proceed differently in the underlying case. If petitioners still believe they should be allowed to intervene, they may file a renewed request to do so in district court addressing the change in the status of the class claims, and if denied, they may seek writ relief in this court, if warranted. Accordingly, we

ORDER this petition DISMISSED.

_____, J.
Cherry

_____, J.
Parraguirre

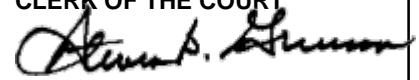
_____, J.
Stiglich

cc: Hon. Kathleen E. Delaney, District Judge
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.

¹We grant petitioners' motion to supplement their petition with the declaration and exhibits attached to the motion.

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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.: 9

**PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION
FOR ENTRY OF MODIFIED
AWARD OF PRE-JUDGMENT
ATTORNEY'S FEES AS
PROVIDED FOR BY
REMITTITUR**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this reply to defendants' opposition to plaintiffs' motion for the entry of
a modified award of pre-judgment attorney's fees, as originally awarded by the Court's
Order of February 6, 2019, and modified as directed by the Nevada Supreme Court's
Opinion in this case issued on December 30, 2021, 501 P.3d 961, 137 Nev. Adv. Op.
84.

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. Defendants falsely argue there is no final judgment; that the Supreme Court denied an award of attorney's fees; and the parameters of the final judgment are uncertain and must be determined before an attorney's fee award can be made.

Defendants falsely assert Judge Cory's determinations about the final judgment in this case were "...reversed by the Nevada Supreme Court on several grounds due to serious errors; and remanded to this Court for new determinations." Opp., p. 2, l. 3-5. Citing to no part of the Supreme Court's Opinion dealing with the final judgment (instead sometimes citing to its rulings on other post-judgment orders), defendants engage in a laundry list of fabrications about the final judgment appeal in this case. Opp., p. 2. They then go on to falsely claim that the Nevada Supreme Court in its Order of February 3, 2022, issued after its Opinion and prior to remand (Ex. "1" of opposition), "denied" an award of attorney's fees to plaintiffs. That Order did no such thing — it found the plaintiffs' request addressed by that Order (for attorney's fees *for work on appeal*, an issue addressed to this Court by a separate motion) needed to be made to the district court and declining, without prejudice, to rule on that issue. *Id.*

Defendants' assertions there is no final judgment, or the contours of that final judgment are so diffuse and unknown so as to require a deferral of any attorney's fee award, are frivolous. The final judgment is known in an exact amount and has (in that amount) been fully affirmed by the Supreme Court. These issues are fully addressed in the other briefings submitted to the Court in connection with the entry of the amended judgment and the Court is referred to those briefings.

II. The only finding to be made about the attorney's fee award is the amount to reduce the prior award based on the statute of limitations reversal; defendants submit nothing supporting a reduction of more than 3% or at most 5%.

A Cab, in addition to its frivolous assertion there is "no final judgment" in this

1 case, and its other frivolous assertions, blatantly mischaracterizes the Supreme Court's
2 Opinion as finding "the prior award [of attorney's fees] was not reasonable." Opp, p.
3 6, l. 4-5. This is completely untrue. As discussed in the motion, the Supreme Court
4 found the attorney's fee award was properly made and would have affirmed it in its
5 entirety if the district court had not erred on the statute of limitations issue. The
6 examination of the "reasonableness" of that award is limited to the Supreme Court's
7 reversal of that point. To the extent that award compensated plaintiffs' counsel for
8 their success on that issue (a success reversed on appeal) it must be reduced in a like
9 amount. No other reduction in the fee award is appropriate or allowed.

10 Defendants offer no explanation as to why a reduction of more than 3%, or at
11 most 5%, of the prior attorney's fee award should be made, as explained in the moving
12 papers. Defendants do not dispute that the attorney time and effort expended on the
13 reversed statute of limitations issue, and for which attorney's fees were originally
14 awarded in an amount commensurate with those time expenditures, was quite small.
15 Nor do they offer any other theory or explanation of why that 3% or at most 5%
16 reduction in the attorney's fee award is justified as a result of the modification of the
17 judgment.

18 CONCLUSION

19
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21 In compliance with the Supreme Court's Opinion, and as detailed in the moving
22 papers and not competently refuted by defendants, only a small reduction in the fees
23 awarded previously, by no more than 3% (reduced by \$17,042 to \$551,029) and
24 certainly less than 5% (\$28,404 would be a 5% reduction of the attorney's fee award
25 to \$539,667) is proper. The Court should enter an Order awarding attorney's fees to
26 plaintiffs' counsel in the amount it determines they should be so modified from its
27 prior award of \$568,071, consistent with the Supreme Court's Opinion, along with
28

1 interest that shall accrue on said fees from the date of entry of the final judgment in
2 this case, August 21, 2018.¹

3 Dated: July 18, 2022

4 LEON GREENBERG PROFESSIONAL CORP.

5
6 /s/ Leon Greenberg
7 Leon Greenberg, Esq.
8 Nevada Bar No. 8094
9 2965 S. Jones Boulevard - Ste. E-3
10 Las Vegas, NV 89146
11 Tel (702) 383-6085
12 Attorney for the Class
13
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26 ¹ As explained in the errata filed after plaintiffs' motion the moving papers'
27 original assertion that interest should accrue from the later date of the original
28 attorney's fee award was in error. *See, Waddell v. L.V.R. Inc.*, 125 P.3d 1160, 1167
(Nev. Sup. Ct. 2006) (In Nevada attorney's fee awards accrue interest from date of
final judgment, not from the later date an award is made and set forth in an order).

PROOF OF SERVICE

The undersigned certifies that on August 12, 2022, she served the within:

**PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR ENTRY OF MODIFIED AWARD OF
PRE-JUDGMENT ATTORNEY'S FEES 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

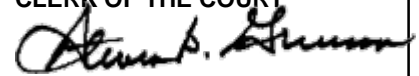
Ruthann Devereaux-Gonzalez

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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.: 9

**PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION
FOR AN AWARD OF
ATTORNEY'S FEES ON
APPEAL**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this reply to defendants' opposition to plaintiffs' motion for an award of
attorney's fees in connection with the defendants' appeal of this Court's final
judgment that resulted in the Nevada Supreme Court's Opinion in this case issued on
December 30, 2021, 501 P.3d 961, 137 Nev. Adv. Op. 84.

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. Defendants misrepresent the Nevada Supreme Court's rulings on both the final judgment appeal and on the fees properly awarded to plaintiffs in connection with that appeal; none of those rulings support the defendants' opposition.

Defendants falsely assert Judge Cory's determinations about the final judgment in this case were "...reversed by the Nevada Supreme Court on several grounds due to serious errors; and remanded to this Court for new determinations, including exorbitant attorneys' fees." Opp., p. 2, l. 7-9. It cites no portion of the Supreme Court's Opinion which made such findings and no such findings were made. The only reversal of Judge Cory's rulings relevant to the final judgment were his statute of limitations ruling.¹ In addition, two of his post-judgment rulings, denying A Cab's motion to quash a judgment execution, and awarding certain costs to plaintiffs, were remanded for further findings (in respect to the judgment execution only if A Cab sought an evidentiary hearing, which it has yet to do). The Supreme Court did not find the original award of attorney's fees to plaintiffs' counsel (for securing the judgment) to be "exorbitant" — it found the exact opposite, rejecting A Cab's claim they were excessive and affirming them: "A Cab has not shown that the attorney fee award was unsupported or excessive beyond asserting that the drivers did not provide appropriate documentation." 501 P.3d at 975. But because the district court erred on the statute of limitations ruling, the fee award was to be reconsidered solely to the extent the reasonableness of its amount was impacted by that reversal. *Id.*

A Cab falsely claims that the Nevada Supreme Court in its Order of February 3, 2022, issued after its Opinion and prior to remand (Ex. "1" of opposition), "denied" an

¹ A Cab's numerous misstatements about the Supreme Court's Opinion and its findings relative to the final judgment are addressed at length in the plaintiffs' motion for entry of an amended judgment and not repeated here.

award of attorney's fees to plaintiffs. That Order did no such thing — it found the plaintiffs' request for a fee award for their attorney's appellate work needed to be made to the district court and declining, without prejudice, to rule on that award. *Id.* While it was plaintiffs' belief that award was best made by the Supreme Court, there being no clear precedent in Nevada whether such awards should be made by the District Court or the Supreme Court, the Supreme Court found it should be made by this Court.² In doing so it offered no view on the fee award to be made.

II. Defendants offer no explanation as to how the requested \$63,760 fee is unreasonable for the success secured by plaintiffs' counsel in connection with the appeal and the affirmance of the final judgment.

Defendants do not offer any substantive explanation as to how the fee requested is excessive or unjustified (such as by documenting it is grossly disproportionate to the fees incurred by defendants on the appeal). Nor do they cite any authority supporting the conclusion that Article 15, Section 16, of the Nevada Constitution (the Nevada Minimum Wage Amendment or "MWA") does not grant an award of attorney's fees for an employee's success on appeal.

A. NRAP 38 does not control and plaintiffs have prevailed.

NRAP 38 concerns frivolous appeals, not the right to counsel fees on an appeal of a claim where attorney's fees are awarded by statute (or under the MWA by Nevada's Constitution). It has no relevance to the attorney's fee award being sought. Plaintiffs have also prevailed on the vast majority of the issues presented by the appeal and are the "prevailing party" on such appeal, having secured an affirmance, as

² There is no uniform approach to the handling of appellate attorney's fee awards under fee shifting statutes such as the MWA. *Compare, Cummings v. Connell*, 402 F.3d 936, 947-48 (9th Cir. 2005) and Ninth Circuit Rule 39-1.8 (district court has no authority to award fees on appeal absent a transfer order from the Ninth Circuit Court of Appeals authorizing it to do so) and *Souza v. Southworth*, 564 F.2d 608, 613-614 (1st Cir. 1977) (district court has authority to award attorney's fees on appeal). *See, also, Yaron v. Township of Northampton*, 963 F.2d 33, 36 (3rd Cir. 1992) (collected cases on conflicting holdings of the Courts of Appeal on the issue).

1 modified and reduced, of the final judgment. They are accordingly entitled to an
2 appropriate award of attorney's fees on that appeal that is commensurate with their
3 success on the appeal.

4 **B. Plaintiffs' request for attorney's fees includes an**
5 **appropriate disallowance of fees for unsuccessful**
6 **appellate work or time expenditures; defendants**
7 **offer no explanation of how that request is excessive.**

8 Plaintiffs' motion explains with exacting detail that the requested fee award
9 (\$63,760) grants plaintiffs' counsel no award for their time expenditures on the
10 reversed statute of limitations issue or other work they performed on the appeal that
11 was unsuccessful for the plaintiffs. Defendants offer no explanation as to how
12 plaintiffs' resulting fee request is excessive (such as by representing an inordinate time
13 expenditure on the issues plaintiffs prevailed upon or an inappropriate hourly fee rate).
14 Instead defendants insist that because plaintiffs were unsuccessful in securing on
15 appeal a victory on the statute of limitations issue (as plaintiffs did by motion in this
16 Court) they should be denied any fees on the appeal. Except for repeating their wholly
17 made up assertions about what the Supreme Court decided (and their insistence there
18 is "no judgment" in this case and therefore plaintiffs did not succeed on appeal in any
19 fashion) they offer no colorable reason for the Court to deny the requested \$63,760
20 award of attorney's fees to plaintiffs' counsel for their appellate work.

21 **CONCLUSION**

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

23 Dated: July 18, 2022

24 LEON GREENBERG PROFESSIONAL CORP.

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

PROOF OF SERVICE

The undersigned certifies that on August 12, 2022, she served the within:

**PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEY'S FEES
ON APPEAL**

by court electronic service to:

TO:

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

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

/s/ Ruthann Devereaux-Gonzalez

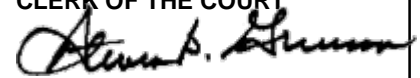
Ruthann Devereaux-Gonzalez

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LEON GREENBERG, ESQ., SBN 8094
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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.: 9

**PLAINTIFFS' REPLY TO
DEFENDANTS' 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**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby submit this reply to defendants' opposition to plaintiffs' motion for an award of attorney's fees in connection with their successful appeal of this Court's Order of February 22, 2021; for opposing defendants' now mooted motion filed March 15, 2021, seeking attorney's fees in response to the plaintiffs' properly presented motion seeking the appointment of a receiver, and for costs on such appeal.

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MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. The Supreme Court denied A Cab's rehearing request.

A Cab's petition of March 7, 2022, for the Nevada Supreme Court to rehear and modify its Order reversing this Court, was denied on March 21, 2022. Ex. "A" Petition, Ex. "B" Order.

II. Although not germane to this motion, this Court can still consider the receiver appointment request on the merits and grant that request.

A Cab does not actually discuss, as explained in the moving papers, the basis for the requested attorney's fee award. That award is necessary irrespective of whether this Court ultimately finds, on the merits, a receiver appointment should be made. A Cab also errs by insisting that appointment is not possible as a result of the Supreme Court's December 30, 2021, Opinion affirming, as modified, the final judgment.

A. A Cab must pay attorney's fees under the MWA for improperly obstructing the Court's consideration of the receiver request.

A Cab does not address, much less refute with an argument supported by points and authorities and precedents, the reason for the fee award sought as explained in the moving papers. Plaintiffs are the prevailing parties in this case as they have secured a judgment in their favor under the MWA. Attorney's fees must be awarded to prevailing plaintiffs under the MWA. A Cab has declined to satisfy that judgment, meaning all post-judgment proceedings involving issues upon which the plaintiffs' prevail are *also* subject to mandatory attorney fee awards. No reason is articulated by A Cab for this Court to reject that approach (it is uniformly supported by precedent, as discussed in the moving papers). And, of course, if A Cab had consented to have this Court address the receiver request on the merits, defeated it on the merits, and prevailed on the subsequent appeal, no basis would exist to award attorney's fees under the MWA. Its liability for the requested attorney's fees is not dependent upon

whether a receiver is ever appointed. It has incurred that liability by failing in its argument that no receiver request can be considered.

B. A Cab's argument there is no final judgment and a receiver cannot be appointed as a result of the Supreme Court's December 30, 2021, Opinion is specious and was also rejected by the Supreme Court.

A Cab reiterates its frivolous argument there is "no final judgment" in this case and/or the indefinite contours of that judgment make consideration of a receiver request impossible. That argument even if correct is, as discussed *supra*, irrelevant to the motion. It has no basis in fact or law as discussed in the plaintiffs' other briefings.¹ The Supreme Court also expressly *rejected* that argument which was the basis for A Cab's Petition for Rehearing. *See*, Ex. "A" Petition, Ex. "B" Order denying rehearing.

III. Plaintiffs' fee award request is justified under *Brunzell* as plaintiffs have fully succeeded on their appeal; NRAP 38 does not control that request and no other colorable basis exists to deny it.

A. Plaintiffs' fee request complies with *Brunzell*.

A Cab insists that the requested fee does not comply with *Brunzell v. Golden Gate Nat. Bank*, 455 P.2d 31, 33 (Nev. Sup. Ct. 1969) but provides nothing to support that assertion. Plaintiffs have fully prevailed on their appeal, as discussed *supra*, the only *Brunzell* factor ("results achieved") A Cab discusses. In respect to the other *Brunzell* factors, A Cab offers nothing and no basis exists to find the requested fee unreasonable. A Cab does not dispute that the requested fee is appropriate when considering the skill and experience of the involved counsel, their reasonable hourly rate, the reasonable amount of time they were forced to expend, and so forth. The requested fee should be granted.

B. NRAP 38 does not control.

NRAP 38 concerns frivolous appeals, not the right to counsel fees on an appeal of a claim where attorney's fees are awarded by statute (or under the MWA by

¹ *See*, Plaintiffs' motion to enter an amended judgment, reply on that motion, and other filings.

1 Nevada's Constitution). It has no relevance to the attorney's fee award requested and
2 A Cab cites no authority supporting its insistence NRAP 38 is controlling and
3 overrides the authorities and considerations discussed in the plaintiffs' moving papers.

4
5 **C. Fees are properly awarded for opposing A Cab's**
6 **frivolous fee motion; plaintiffs have prevailed on that issue.**

7 A Cab claims that their request for attorneys fees for having to oppose plaintiffs'
8 motion to appoint a receiver is "not moot" and has not been ruled upon and therefore
9 plaintiffs cannot have prevailed on that issue. Opp., p. 5, l. 18-20, fn 1. This is
10 untrue. This Court refused to rule on that motion by A Cab precisely because no such
11 fees could possibly be granted to A Cab if plaintiffs won their appeal of the Order
12 denying the appointment of a receiver. Ex. "C" minute order of June 9, 2021.
13 Plaintiffs have won their appeal and the time their counsel was forced to expend
14 prevailing over that issue must also be awarded under the MWA.

15
16 **III. Plaintiffs request for costs of \$291.50 is properly supported.**

17
18 Contrary to A Cab's assertions, the plaintiffs' request for \$291.50 in costs — all
19 for court filing fees — is supported by a sworn verification. See, Motion, Ex. "B" ¶ 8,
20 affirmation of plaintiffs' counsel. There is no requirement that such sworn verification
21 be in a filed document denominated as a "Memorandum of Costs" and not in such a
22 declaration. All of those fees are matters of record (\$250 is the Supreme Court's
23 appeal filing fee, \$24 is the fee charged by this Court for a notice of appeal, and
24 Wiznet charges \$3.50 for each filing in this Court and plaintiffs made a minimum of
25 five such filings in connection with the matters at issue)

1 **CONCLUSION**

2 For all the foregoing reasons, plaintiffs' motion should be granted and this Court
3 should Order that plaintiffs counsel be awarded \$46,400 in attorneys fees and \$291.50
4 in costs, against A Cab Series LLC with interest thereon to accrue from the date of
5 the Supreme Court's Order of February 17, 2022.

6
7 Dated: July 19, 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
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15 Tel (702) 383-6085
16 Attorney for the Class
17
18
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27
28

PROOF OF SERVICE

The undersigned certifies that on August 12, 2022, she served the within:

**PLAINTIFFS' REPLY TO DEFENDANTS' 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**

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 "A"

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Electronically Filed
 Mar 07 2022 04:40 p.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

Appellants,

v.

A CAB TAXI SERVICE, LLC; A CAB)
 LLC, AND CREIGHTON J. NADY)

Supreme Court No. 82539

District Court No. A-12-669926-C

Respondents.

RESPONDENTS PETITION FOR REHEARING

Esther Rodriguez (6473)
 RODRIGUEZ LAW OFFICE, P.C.
 10161 Park Run Drive, Suite 150
 Las Vegas, NV 89145

Attorney for Respondents

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Pursuant to Nevada Rule of Appellate Procedure 40, Respondents request a rehearing on the Court's decision to remand the matter to the District Court for a hearing on the merits of Appellants' request for appointment of a receiver over the taxicab company to aid judgment enforcement. *Order of Reversal and Remand*, Feb 17, 2022. With this Court's decision to remand for a hearing on the merits, respectfully, one critical fact was overlooked; and one critical fact was misapprehended. Specifically, the Court overlooked that this appeal should have been rendered moot and dismissed based upon this Court's own partial reversal and remand contained in its decision of December 30, 2021: *A Cab, LLC v. Michael Murray*, 137 Nev. Adv. Op. 84 (Dec 30, 2021) (hereinafter "*MSJ Reversal*"). Secondly, the District Court did engage in a review of the merits of Appellants' request for a receiver, and found that Appellants had refused to comply with the outstanding district court order pertaining to the special master who was to make the recommendation pertaining to a receiver. The District Court made a determination that the process was not moving forward specifically because Appellants were in direct defiance of the District Court order that they share in the costs for the special master. This Court, on the contrary appears to have relied upon Appellants' representation that the Special Master's death was the stalling point; and that the District Court did not base its decision on an actual

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review of the merits of the request, but solely upon Appellants' untimeliness.

1. Appellants' appeal is moot and should not be remanded for a hearing on the merits.

The underlying motion which has been remanded for a hearing on the merits has been rendered moot by this Court's decision to partially reverse and remand the entry of summary judgment. *MSJ Reversal*. Appellants' underlying motion was "for the appointment of a Receiver of the judgment debtor, A Cab Series LLC, formerly known as A Cab LLC, to aid in judgment enforcement." AA0643. In this Court's review of the entry of summary judgment in this case, this Court determined that the judgment must be reversed and remanded on a number of issues for further determination and findings by the district court. *MSJ Reversal*. These reversals include a new determination of what any judgment will be after subtracting more than 3 years of claimed damages (July 1, 2007 to October 8, 2010), as well as excluding all claimants who were employed during this time period. The Court determined these years to be outside of the statute of limitations. *MSJ Reversal*, p. 32.

Secondly, this Court also remanded for a determination of what entity would even be liable for any 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. This Court stated that the District Court erred “without taking evidence on what corporate entities existed and were actually liable for the judgment.” *MSJ Reversal*, p. 32.

Accordingly, the underlying motion cannot be remanded for a hearing on the merits of appointing a receiver in aid of judgment collection against A Cab, LLC and A Cab Series, LLC when: 1) the amount of the judgment has not been determined; and 2) these named entities have not been determined to be the appropriate debtors.

This Court should dismiss this appeal as moot in light of its recent decision. To remand this issue for a hearing on the merits is nonsensical and a waste of judicial resources when this Court has already ordered the District Court to make other predominant findings and determinations. One can foresee an incongruous outcome of appointing a receiver over A Cab LLC, for example; and then the District Court determining that it is not even a proper debtor.

2. The District Court determined not to vacate the standing orders pertaining to appointment of a receiver, after a review of the merits.

In this Court’s decision to remand for a consideration on the merits of whether a Receiver should have been appointed, it misconstrued as to why

Appellants' request for receiver was "still pending"; and that Judge Kierny erred in not reviewing the merits while the request for receiver was "still pending."¹ However, Judge Kierny was briefed, understood, and considered the reasons as to why Appellants' request for a receiver was "still pending." In its decision, the Court appears to have relied upon Appellants' description that the Special Master was unable to complete his task because he passed away. The truth as reflected in the record is that Appellants refused to comply with Hon. Rob Bare's outstanding order that they should share in half of the Special Master's fees. AA630-AA0636. Once Judge Bare issued his order, Appellants refused to pay the Special Master. That is the only reason why the report by the Special Master remained pending and was not submitted to the District Court; not that the Special Master had passed away. Judge Bare's order was entered on July 17, 2020. AA630-AA0636. The Special Master, George Swarts, passed away December 25, 2020. *Defendants' Opposition to Plaintiffs' Motion for Appointment of Receiver*, p. 7 (AA0695).

Plaintiffs never complied with the Court's order to pay Mr. Swarts their share of his fees; and therefore Mr. Swarts ceased working on the matter with good reason. *Id.* It was Plaintiffs who initiated the original request for an

¹ "[A]ppellants' request remained pending at the time they brought the motion underlying this appeal. Because appellants' request for a receiver was still pending, we conclude that the district court abused its discretion when it declined to consider the merits of appellants' motion." Order of Reversal and Remand, February 17, 2022, p. 3

independent person to review the financials of the company; but when the Court ordered payment to be shared, Plaintiffs dropped the request to move forward.

Judge Kierny understood that Appellant was simply refusing to comply with the outstanding District Court order that was in place already to determine whether appointment of a receiver was appropriate. A party cannot simply disregard a Court order, and ask for a do-over while in contempt of an outstanding order. This is exactly what occurred here.

As stated in the district court's order, Hon. Carli Kierny did conduct a review of the merits of the request, and determined there was no need to vacate the standing order of the case issued by Hon. Rob Bare and to replace it with an appointment of a receiver. The district court order states that the appellant has put forth no good cause to vacate the standing orders of her predecessors. In sum, a review of the merits was conducted in rendering this determination that there was no good cause to stray from the recommended course of a special master to provide guidance to the Court pertaining to the need for a receiver. The District Court denied Plaintiffs' motion indicating, "The record reflects Judge Bare was careful in his decision and he did factor in the *Nelson* factors² before rendering a limited stay as defendants had posted a partial security of nearly \$300,000." *Order*

² *Nelson v. Heer*, 122 P.3d 1252, 1254 (2005)

on Plaintiffs' Motion for Appointment of Receiver, AA0870.

As the District Court determined, it is incumbent upon the Appellants to demonstrate that something has changed that would require the new Judge to vacate the standing orders of her predecessors. To make this determination, the Court did engage in a review of the extensive history and the present circumstances, and rendered its decision after this review of the merits. After reviewing “the lengthy history of the case”, the briefings and the findings of her predecessors, Judge Cory and Judge Bare, Judge Kierny wrote: “[T]he Court fully reviewed the briefings of the parties and finds this is a motion for reconsideration and not a new motion.”

However, before issuing its denial, the District Court did engage in a thorough review of the history of the 9 year litigation and determined that although Appellants were filing as a “new” motion, their motion was not in fact a new motion. The District Court astutely determined that all of these same requests for a receiver, for a bond, for further security, had all been brought and ruled upon. It is clear that this is why the District Court considered Appellants’ request as for reconsideration, as it was a re-hearing on the same issues. Nevertheless, Judge Kierny conducted an independent analysis yet again to come to this determination.

The appointment or denial of a request for a receiver rests in the discretion

of the court to which the application is made, to be governed by a consideration of the entire circumstances of the case, and will not be disturbed upon appeal unless there has been a clear abuse. *See Bowler v. Leonard*, 269 P.2d 833, 70 Nev. 370 (1954).³

Judge Kierny was briefed and considered that in this 9 year litigation when the Court had sought further detail, it has relied upon the appointment of a Special Master. AA0343-AA0350; AA0437-AA0442. In the prior opinions of the District Court judges, there had never been adequate grounds for the appointment of a Receiver. AA0343-AA0350; AA0630-AA0636. The District Court judges understood and determined that appointment of a receiver was not necessary.

Included in Judge Kierny's consideration of the merits was:

1. There had been and were presently other tools available to the Court to ascertain any questions regarding the financial condition of the taxicab company, namely a Special Master; and namely that there was

³ In this appeal, there was no abuse of discretion. Three (3) District Court judges, as well as a Federal Bankruptcy Judge, all determined that appointment of a receiver was not appropriate in this case and denied Appellants' repeated requests to do so. AA343-AA0350; AA0630-AA0636; RA00333-RA00354 All judicial officers reviewed and were familiar with the totality of the circumstances of the case and proceeded to deny Appellants' request for a receiver, a remedy of last resort.

an outstanding Court order in existence which Appellants were disregarding. AA0694

2. The District Court recognized that a taxicab company is a unique species that is highly regulated by the State Taxicab Authority and the Nevada Transportation Authority. AA0702-AA0704 These regulatory agencies not only supervise operations but also the financial well-being of the taxicab companies with required monthly reporting, audits, and year-end required reporting. NRS 706.196; NAC 706.218
3. An appointment of a receiver would also violate the provisions of NRS 706.8827. Judge Kierny was informed of this important distinction which had already been noted by Judge Cory, in that the regulatory agency for the taxicab industry (the State of Nevada Taxicab Authority) had indicated its opposition to an appointment of a "receiver," which would pose problems for licensing and operations, as a "receiver" does not hold a license to operate the business. (See NRS 706.491 Motor carrier must be licensed. Every person operating as a common, contract or private motor carrier must, before commencing operation in this State in any calendar year,

secure from the Department a license and make payments therefor as provided in NRS 706.011 to 706.861, inclusive, as applicable.)

AA0702-AA0705

4. The District Court recognized that more than **\$300,000.00** is being held in Appellants' trust account through voluntary payments from Respondent, as well as seizures from the other Series LLC companies. AA0701; AA08070
5. The District Court considered that A Cab had already paid more than **\$139,998.00** (*Thomas E. Perez v. A Cab, LLC*, USDC 2:14-cv-01615-JCM-VCF) towards the claims for minimum wage for overlapping time periods, which had already distributed to the claimants through the Department of Labor. AA0088
6. Evidence was put before Judge Kierny that Plaintiffs' request for a receiver was contrary to the existing Special Master Report submitted to the Court. AA609; AA705-AA706; AA769-AA0775

Therefore, the District Court recognized the untruthfulness in Appellants' statements that a receiver was necessary as no security was provided towards their judgment. Substantial funds of a half million had already been paid. As in the *Bowler* case, the District Court determined that this was not a proper case for

receivership since an adequate remedy at law exists.

Appellants' assertions that Judge Kierny did not weigh the factors in making her determinations or in assessing the factors outlined in *Nelson v. Heer*, 122 P.3d 1252, 1254 (2005) is without basis. The record is clear that Judge Kierny and her predecessors were presented with substantial evidence and briefing to support their decisions. Multiple hearings addressed the "receiver" issue as the transcripts reflect, demonstrating that more than ample consideration has been given to Appellants' repeated requests. As Judge Kierny's order reflects, she reviewed the "lengthy history of this case," and the merits each time this was raised; and determined nothing new was presented warranting a reversal in course.

AA0869

As such, the District Court was well within its discretion to deny Appellants' motion for a receiver both as time-barred and without merit after a full consideration of the record.

CONCLUSION

Respectfully, this Court should dismiss this appeal as it is moot; or in the alternative, affirm the decision below.

EXHIBIT “B”

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; AND MICHAEL
 RENO, INDIVIDUALLY AND ON
 BEHALF OF OTHERS SIMILARLY
 SITUATED,
 Appellants,
 vs.
 A CAB TAXI SERVICE LLC; A CAB,
 LLC; AND CREIGHTON J. NADY,
 Respondents.

No. 82539

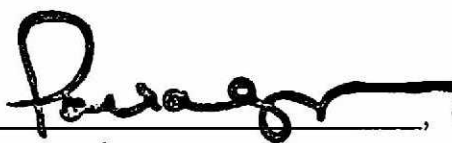
FILED**MAR 21 2022**


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

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

, C. J.
 Parraguirre

, J.
 Hardesty

, S. J.
 Gibbons

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

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EXHIBIT "C"

A-12-669926-C

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 09, 2021

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

June 09, 2021 09:30 AM All Pending Motions

HEARD BY: Kierny, Carli COURTROOM: RJC Courtroom 16B

COURT CLERK: Castle, Alan

RECORDER: Kirkpatrick, Jessica

REPORTER:

PARTIES PRESENT:

Jay A. Shafer Attorney for Defendant

Leon Greenberg Attorney for Plaintiff

JOURNAL ENTRIES

Defendant's Motion for Attorney's Fees Incurred in Responding to Duplicative and Unmerited Motion by Plaintiffs ... Plaintiffs' Response to Defendant A Cab's Motion Seeking Attorney's Fees Counter- Motion for Set Off Judgment Owed

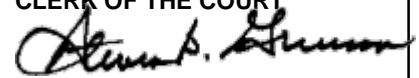
Parties advised that this Court declines to rule on the Motion and Counter Motion at this time until the Nevada Supreme Court decision has been made as it may affect this Court's decision or authority to rule.

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MOT

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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

**PLAINTIFFS' MOTION TO
LIFT STAY AND HAVE
PENDING MOTIONS
DECIDED**

Hearing Requested

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this motion to lift the stay of this case and have four pending and fully
briefed motions decided.

**ON THE CURRENT STATUS OF
THE STAY AND ENDING THAT STAY**

On March 9, 2022, as confirmed in the Court's written Order entered on May 3,
2022 (Ex. "A"), Judge Kierny Ordered this case stayed until the Nevada Supreme
Court decided a pending appeal, *Dubric*, Nevada Supreme Court Case No 83492.

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1 The Nevada Supreme Court has now decided that appeal. Ex. "B" Order of August 11,
2 2022. Accordingly, the stay of this case should be immediately terminated.

3
4 **ON THE PENDING AND FULLY
BRIEFED MOTIONS AWAITING DECISION**

5 The following four motions are fully briefed and await decision by the Court:

- 6
- 7 (1) Plaintiffs' Motion for Entry of a Modified Judgment as Provided
8 for by Remittitur filed on February 14, 2022; Opposition filed on
9 February 28, 2022; Reply filed on August 12, 2022;
- 10
- 11 (2) Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment
12 Attorney's Fees as Provided For by Remittitur filed on February
13 16, 2022, with Errata filed on February 23, 2022; Opposition filed
14 on March 2, 2022; Reply filed on August 12, 2022;
- 15
- 16 (3) Plaintiffs' Motion for an Award of Attorney's Fees on Appeal,
17 filed February 17, 2022; Opposition filed on March 2, 2022;
18 Reply filed on August 12, 2022;
- 19
- 20 (4) Plaintiffs' Motion for an Award of Attorney's Fees on Appeal of
21 Order Denying Receiver, Opposing Motion for Attorney's Fees,
22 and for Costs on Appeal filed February 22, 2022; Opposition filed
23 on March 8, 2022; Reply filed on August 12, 2022.
- 24

25 No impediment exists to the Court proceeding promptly (with a hearing for
26 argument by counsel if that is of assistance) to decide these fully briefed motions. To
27 the extent the parties argue different positions on whether *Dubric* had subject matter
28

1 jurisdiction to render a judgment impacting the judgment in this case, that issue
2 remains to be ruled on by this Court. In rendering its decision in the *Dubric* appeal
3 the Nevada Supreme Court declined to rule on that issue, finding it had not been
4 properly raised. Ex. “B” p. 5, fn 5. It remains to be raised and ruled upon by this
5 Court in this case since subject matter jurisdiction, until ruled upon, may be raised at
6 any time by a party. See, *Superpumper v. Leonard*, 495 P.3d 101, 106 (Nev. Sup. Ct.
7 2021) (en banc) citing *Landreth v. Malik*, 251 P.3d 163, 166 (Nev. Sup. Ct. 2011) (en
8 banc) “....whether a court lacks subject matter jurisdiction ‘can be raised by the parties
9 at any time’” citing and quoting *Swan v. Swan*, 796 P.2d 221, 224 (Nev. Sup. Ct.
10 1990) and other cases.¹

11 12 CONCLUSION

13
14 For all the foregoing reasons, plaintiffs’ motion should be granted, the stay in this
15 case terminated, and the four above listed fully briefed motions decided promptly by the
16 Court.

17 Dated: August 12, 2022

18 LEON GREENBERG PROFESSIONAL CORP.

19
20 /s/ Leon Greenberg
21 Leon Greenberg, Esq.
22 Nevada Bar No. 8094
23 2965 S. Jones Boulevard - Ste. E-3
24 Las Vegas, NV 89146
25 Tel (702) 383-6085
26 Attorney for the Class

27
28 ¹ As discussed with the Court at the July 25, 2022, status conference, and in
plaintiffs’ various motion briefs, a direct appeal in *Dubric* was pursued to expedite a
final resolution of the subject matter jurisdiction issue at the appellate level. That
issue will now have to be decided collaterally in this case and be subject to a possible
future appeal to the Nevada Supreme Court.

1
2 PROOF OF SERVICE
3

4 The undersigned certifies that on August 12, 2022 she served the within:
5 **PLAINTIFFS' MOTION TO LIFT STAY AND HAVE PENDING MOTIONS**
6 **DECIDED**

7 by court electronic service to:

8 TO:

9 Esther C. Rodriguez, Esq.
10 RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
11
12
13

14 */s/ Ruthann Devereaux-Gonzalez*

15 Ruthann Devereaux-Gonzalez
16
17
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21
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004871

EXHIBIT "A"

004872

004872

ORDR

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, 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.
 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.
11 RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive. Ste. 150
12 Las Vegas, NV 89145
Attorney for Defendants
13

EXHIBIT "B"

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; MICHAEL RENO;
MICHAEL SARGEANT,
INDIVIDUALLY AND ON BEHALF OF
A CLASS OF PERSONS SIMILARLY
SITUATED; MARCO BAKHTIARI;
MICHAEL BRAUCHLE; THOMAS
COHOON; GARY GRAY; JORDAN
HANSEN; ROGER KELLER; CHRIS D.
NORVELL; POLLY RHOLAS; AND
GERRIE WEAVER,
Appellants,

vs.

JASMINKA DUBRIC, INDIVIDUALLY
AND ON BEHALF OF THOSE
SIMILARLY SITUATED; A CAB, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; A CAB SERIES LLC;
EMPLOYEE LEASING COMPANY, A
NEVADA SERIES LIMITED LIABILITY
COMPANY; AND CREIGHTON J.
NADY, AN INDIVIDUAL,
Respondents.

No. 83492

FILED

AUG 11 2022

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order approving a class action settlement. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.¹

Appellants and respondent Jasminka Dubric are taxi drivers who allege that their employer, respondents A Cab, LLC, and A Cab Series LLC, Employing Leasing Company (collectively, the A Cab respondents)

¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted.

failed to pay them and other drivers minimum wage. The taxi drivers filed two separate class action suits against the A Cab respondents: the underlying matter brought by Dubric (the *Dubric* action) and another brought by appellants Michael Murray, Michael Reno, and Michael Sargeant (collectively, the Murray intervenors) (the *Murray* action).² The Murray intervenors secured a judgment against the A Cab respondents in the *Murray* action, see *A Cab, LLC v. Murray*, 137 Nev., Adv. Op. 84, 501 P.3d 961 (2021), and then intervened in the *Dubric* action, objecting to the proposed class action settlement because of its potential impact on the judgment in the *Murray* action. The remaining appellants are unnamed class members of both the *Murray* action and the *Dubric* action who objected to the *Dubric* settlement.

The Murray intervenors unsuccessfully sought to recuse or disqualify Judge Kathleen Delaney from presiding over the *Dubric* action due to alleged bias toward their counsel. After sending notice to all potential class members, class counsel in the *Dubric* action received nine objections to the proposed class settlement and only one member, in addition to the Murray intervenors, opted out.³ Thereafter, the district court conducted a final fairness hearing and granted respondents' joint

²While there is some overlap of class membership, the *Dubric* class action settlement encompasses claims that go beyond the timeframe of those resolved in the *Murray* class action.

³This court denied appellants' previous request for extraordinary relief in which they sought an order requiring the district court to allow their class counsel to opt out from the *Dubric* settlement on behalf of all members of the *Murray* class. See *Murray v. Eighth Judicial Dist. Court*, No. 82126, 2020 WL 7296993 (Nev. Dec. 10, 2020) (Order Denying Petition for Writ of Prohibition or Mandamus).

motion to approve their proposed settlement, finding that the settlement was fair, reasonable, and adequate and in the best interest of the class members. Appellants now challenge the order granting final approval of the *Dubric* settlement, as well as the order denying the Murray intervenors' motion to disqualify Judge Delaney.

As a preliminary matter, we first reject the A Cab respondents' arguments that appellants lack standing to bring this appeal, as appellants are potentially aggrieved by the *Dubric* settlement order in that it appears to release some of the class claims against the A Cab respondents for less than the amount of the judgments obtained in the *Murray* action. See *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (defining an aggrieved party as one whose personal or property rights are adversely and substantially affected). Although the Murray intervenors cannot demonstrate that they are *individually* aggrieved because they were not included in the *Dubric* settlement class, we conclude that they have standing as class representatives to assert claims on behalf of those *Murray* class action members who may be adversely affected by the *Dubric* settlement. See *Las Vegas Police Protective Ass'n Metro, Inc. v. Eighth Judicial Dist. Court*, 122 Nev. 230, 239, 130 P.3d 182, 189 (2006) (providing that intervenors have "a right to appeal independent from that of the original parties" so long as they are also aggrieved parties pursuant to NRAP 3A(a)). And this court has previously recognized that unnamed class members who objected to a proposed settlement have standing to appeal that settlement. See *Marcuse v. Del Webb Cmtys., Inc.*, 123 Nev. 278, 285, 163 P.3d 462, 467 (2007) (concluding that unnamed class members "had standing to object to [a] proposed settlement and to appeal the district court's order dismissing the class action based on the settlement").

Next, we reject appellants' challenge to the order denying the motion to disqualify Judge Delaney. The Murray intervenors' motion to intervene in the *Dubric* class action was still pending when they sought Judge Delaney's disqualification. Therefore, the Murray intervenors were not yet parties to the *Dubric* class action, see *Aetna Life & Cas. Ins. Co. v. Rowan*, 107 Nev. 362, 363, 812 P.2d 350, 350 (1991) ("[A] proposed intervenor does not become a party to a lawsuit unless and until the district court grants a motion to intervene."), and thus lacked standing to move to disqualify Judge Delaney. See NRS 1.235(1) (providing that "[a]ny party to an action [may] seek[] to disqualify a judge for actual or implied bias" (emphasis added)). As such, we conclude that the district court did not abuse its discretion when it denied the motion to disqualify. See *Ivey v. Eighth Judicial Dist. Court*, 129 Nev. 154, 162, 299 P.3d 354, 359 (2013) (reviewing the denial of a motion to disqualify for an abuse of discretion).

We also reject appellants' challenge to Dubric serving as the class representative because she is a judgment debtor of the A Cab respondents in a related federal action. The judgment that forms the basis of Dubric's purported conflict of interest did not arise until after the respondents reached a settlement in the *Dubric* action and the record does not otherwise demonstrate that she had an injury or "interest in the outcome of the litigation" that differed from the other class members such that she could not "fairly and adequately protect the interests of the class."⁴ *Jane Doe Dancer I-VII v. Golden Coin, Ltd.*, 124 Nev 28, 34-35, 176 P.3d 271, 275-76 (2008) (discussing the prerequisites for serving as a class representative).

⁴We are not persuaded by appellants' remaining arguments regarding Dubric's standing to serve as class representative.

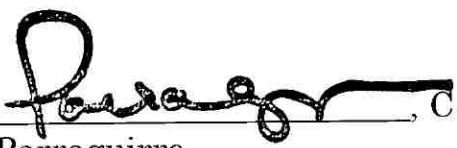
Finally, while appellants advance several arguments contesting the *Dubric* settlement terms, they fail to point to any Nevada caselaw or statute that would require reversal.⁵ And although we decline appellants' invitation to adopt the Ninth Circuit's eight-factor test for determining whether a proposed class action settlement is fair, adequate, and reasonable at this time, *see Churchill Vill., LLC v. Gen. Elec.*, 361 F.3d 566, 575 (9th Cir. 2004),⁶ we note that the district court here appeared to consider many of those factors and the *Dubric* settlement would likely satisfy that test if applied. Indeed, we discern no abuse of discretion in the district court's decision to approve the *Dubric* class settlement. *See Marcuse*, 123 Nev. at 286, 163 P.3d at 467 (reviewing a district court's approval of a class action settlement for an abuse of discretion). The record demonstrates that respondents reached the settlement as the result of lengthy negotiations

⁵We decline to consider appellants' argument that the district court lacked subject matter jurisdiction to approve the *Dubric* settlement because appellants fail to support this argument with citation to relevant authority. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that a party is responsible for supporting its arguments with salient authority). We also decline to address appellants' request that this court impose monetary sanctions against *Dubric's* counsel pursuant to NRS 7.085, raised for the first time in their reply brief. *See Phillips v. Mercer*, 94 Nev. 279, 283, 579 P.2d 174, 176 (1978).

⁶We note that *Churchill Village*, 361 F.3d at 575, concerned whether a proposed class settlement was fair and adequate, an explicit requirement under the Federal Rules of Civil Procedure, whereas the Nevada Rules of Civil Procedure do not contain the same requirement. *Compare* FRCP 23(e)(2) (providing that a court may only approve a proposed settlement upon "finding that it is fair, reasonable, and adequate"), *with* NRCP 23(f) (requiring court approval before "[a] class action [may] be dismissed or compromised").

after conducting a significant amount of discovery and with the assistance of both a jointly retained expert and an experienced judicial officer. And although there were objections to the settlement, the number of objections represented only a small fraction of the total class, and those objectors chose not to opt out of the settlement. Lastly, we note that no Nevada caselaw or statute requires the district court to make specific findings regarding the individual objections to a proposed class settlement or its basis for approving such a settlement as appellants suggest. Based upon the foregoing, we

ORDER the judgment of the district court AFFIRMED.


Parraguirre, C.J.

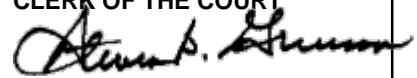

Hardesty, J.


Silver, J.

cc: Hon. Kathleen E. Delaney, District Judge
William C. Turner, Settlement Judge
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Bourassa Law Group, LLC
Eighth District Court Clerk

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177



RESP

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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. IX

Hearing: September 14, 2022
9:30 a.m.

**RESPONSE TO PLAINTIFFS' MOTION TO LIFT STAY AND
HAVE PENDING MOTIONS DECIDED**

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 Response *Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided* (herein "Motion").

1. Plaintiffs Are Once Again Defying This Court's Orders and Are In Contempt.

In their present motion, Plaintiffs request decisions on their "pending and fully briefed

1 motions awaiting decision” by the Court:

- 2 1. Plaintiffs’ Motion for Entry of a Modified Judgment as Provided for by Remittitur
- 3 filed on February 14, 2022; Opposition filed on February 28, 2022; ***Reply filed on***
- 4 ***August 12, 2022;***
- 5 2. Plaintiffs’ Motion for Entry of Modified Award of Pre-Judgment Attorney’s Fees as
- 6 Provided For by Remittitur filed on February 16, 2022, with Errata filed on February
- 7 23, 2022; Opposition filed on March 2, 2022; ***Reply filed on August 12, 2022;***
- 8 3. Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal, filed February 17,
- 9 2022; Opposition filed on March 2, 2022; ***Reply filed on August 12, 2022;*** and
- 10 4. Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal of Order Denying
- 11 Receiver, Opposing Motion for Attorney’s Fees, and for Costs on Appeal filed
- 12 February 22, 2022; Opposition filed on March 8, 2022; ***Reply filed on August 12,***
- 13 ***2022.***

14 Plaintiffs have again violated this Court’s Stay in this matter by filing the replies to these four

15 motions *before* this Court has lifted its stay or provided leave to file! Plaintiffs’ repeated disregard

16 of this Court’s orders is egregious. As admitted in Plaintiffs’ Motion, the replies to the stayed

17 motions were filed on August 12, 2022. Later that day, and in order to present to the Court that the

18 motions were “fully briefed”, Plaintiffs *then* filed the Motion to Lift Stay and requested that their

19 “fully briefed” motions be decided. Again, Plaintiffs’ counsel is engaging in gamesmanship with

20 this side-stepping of the rules, ignoring the stay in place, and trying to get first bite at the apple by

21 having the Court decide its motions before Defendants’ pending motion.

22 However, Plaintiffs’ motions are not “first in line.” Prior to the filing of any of Plaintiffs’

23 motions, on February 11, 2022, Defendants’ filed their “Motion for Declaratory Order.” Defendants

24 also initiated correspondence with opposing counsel to stipulate to partially decertify the class in

25 compliance with the Nevada Supreme Court’s remand. [The claims outside of the statute of

26 limitations as well as those years where there is no evidence of underpayments must be decertified.]

27 It was in response to these issues that Plaintiffs filed their motions. Defendants are waiting for this

28 Court’s order to lift the stay prior to filing the Reply to their Motion for Declaratory Order, and other

1 necessary motions that the Court must consider in line with the remand.

2 All of Defendants' filings in this matter while the stay has been in place have been in
3 response to Plaintiffs' filings which violate the Stay but require responsive pleadings.

4 Presently, the stay has not been lifted nor have Plaintiffs sought leave of Court to file their
5 replies. Plaintiffs are simply ignoring, openly disregarding and disobeying the Court's Order.

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

9 The Nevada Supreme Court has not ordered a lifting of the stay. Therefore, there is no
10 proper basis for Plaintiffs to continue to disregard and to defy the Order of the District Court, to
11 proceed with their filings as if it is nonexistent, and then request a lifting of the stay.

12 **Plaintiffs' counsel has a duty of candor, honesty, and to be forthright with the Court,**
13 **which is being violated here by continuing to file pleadings in violation of the Order of Stay to**
14 **get their motions heard "first in line" and hoping the Court will miss the fact that Defendants'**
15 **motion, filed prior to any of Plaintiffs, is also still pending.** Defendants' motion is not "fully
16 briefed" with a reply simply because Defendants are complying with the Court's order which stays
17 filings.

18 **2. The Nevada Supreme Court Has Affirmed the Final Judgment Entered in *Dubric* for**
19 **Numerous Class Members Releasing All of Their Claims.**

20 With the Nevada Supreme Court's refusal to vacate the settlement and final judgment of the
21 class members reached in the *Dubric* case, it should be clear that this Court must consider these
22 settlements and final judgment of the class members who did not opt out of *Dubric*, and yet remain
23 as part of Plaintiffs' class herein. These plaintiffs are requesting a second judgment in their favor
24 through Plaintiffs' pending motions. The Nevada Supreme Court noted in its decision that even the
25 "objectors" did not opt out of the *Dubric* settlement. *Order of Affirmance, Exhibit 1*, p. 6. The
26 Court indicated:

27 "Indeed, we discern no abuse of discretion in the district court's decision to approve
28 the *Dubric* class settlement. *See Marcuse*, 123 Nev. at 286, 163 P.3d at 467

(reviewing a district court's approval of a class action settlement for an abuse of discretion.) The record demonstrates that respondents reached the settlement as the result of lengthy negotiations after conducting a significant amount of discovery and with the assistance of both a jointly retained expert and an experienced judicial officer." *Id.*, p. 5-6.

Plaintiffs' counsel in the *Dubric* matter, the Bourassa Law Group ("Bourassa"), recently filed a status report to Hon. Kathleen Delaney, a copy of which is attached hereto as **Exhibit 2**. Bourassa indicated in its report to the Court, that on May 31, 2022, Class Counsel issued a total 867 checks to the class members in the amounts provided on the expert's (Omps) February 10, 2022 report and mailed those checks to the last known address of each individual class member.

"To date, 261 of the 867 checks were returned as undeliverable. Class Counsel has been able to perform an advanced address search (i.e. skip trace) on 215 class members whose check was returned by using Westlaw People Map Search of Public Records, a reputable research tool to locate a current address. Class Counsel re-mailed the 215 checks to the current address located. Class counsel continues to research additional addresses for the remaining 46 checks that have been returned to date and will continue to do so for any other checks that are returned to Class Counsel. To date, 347 checks have cleared the ILOTA Trust Account for the class action settlement fund. A list of the class members whose checks have cleared the ILOTA Trust Account is attached hereto as Exhibit "2." *Dubric* status report, **Exhibit 2**, 2:11-22.

As represented to the Court at the recent case management conference, defense counsel will submit briefing on these issues to the court once the stay is lifted.

Plaintiffs' request that this Court should rush to consider their 4 pending motions without considering the events which have transpired and the orders that have been entered by the Nevada Supreme Court, is disingenuous. Respectfully, this Court should not proceed in such a requested haphazard fashion without considering the entirety of the issues which have been remanded and at the minimum, the associated decertifications and releases.

CONCLUSION

Defendants respectfully request this Court strike Plaintiffs' replies filed in violation of the Order of Stay. Defendants also respectfully request that the Court lift the Order of Stay, allowing all parties the opportunity to properly file the Replies to the pending Motions, as well as the briefing that is appropriate given the Nevada Supreme Court's *Order of Affirmance* of the *Dubric* judgment, and its remand of the judgment entered in this case. Defendants also respectfully request a hearing on their Motion for Declaratory Order as it is first in priority.

DATED this 26th day of August, 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 26th day of August, 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
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

004888

004888

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; MICHAEL RENO;
MICHAEL SARGEANT,
INDIVIDUALLY AND ON BEHALF OF
A CLASS OF PERSONS SIMILARLY
SITUATED; MARCO BAKHTIARI;
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vs.

JASMINKA DUBRIC, INDIVIDUALLY
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SIMILARLY SITUATED; A CAB, LLC, A
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NEVADA SERIES LIMITED LIABILITY
COMPANY; AND CREIGHTON J.
NADY, AN INDIVIDUAL,
Respondents.

No. 83492

FILED

AUG 11 2022

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

ORDER OF AFFIRMANCE

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failed to pay them and other drivers minimum wage. The taxi drivers filed two separate class action suits against the A Cab respondents: the underlying matter brought by Dubric (the *Dubric* action) and another brought by appellants Michael Murray, Michael Reno, and Michael Sargeant (collectively, the Murray intervenors) (the *Murray* action).² The Murray intervenors secured a judgment against the A Cab respondents in the *Murray* action, see *A Cab, LLC v. Murray*, 137 Nev., Adv. Op. 84, 501 P.3d 961 (2021), and then intervened in the *Dubric* action, objecting to the proposed class action settlement because of its potential impact on the judgment in the *Murray* action. The remaining appellants are unnamed class members of both the *Murray* action and the *Dubric* action who objected to the *Dubric* settlement.

The Murray intervenors unsuccessfully sought to recuse or disqualify Judge Kathleen Delaney from presiding over the *Dubric* action due to alleged bias toward their counsel. After sending notice to all potential class members, class counsel in the *Dubric* action received nine objections to the proposed class settlement and only one member, in addition to the Murray intervenors, opted out.³ Thereafter, the district court conducted a final fairness hearing and granted respondents' joint

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³This court denied appellants' previous request for extraordinary relief in which they sought an order requiring the district court to allow their class counsel to opt out from the *Dubric* settlement on behalf of all members of the *Murray* class. See *Murray v. Eighth Judicial Dist. Court*, No. 82126, 2020 WL 7296993 (Nev. Dec. 10, 2020) (Order Denying Petition for Writ of Prohibition or Mandamus).

motion to approve their proposed settlement, finding that the settlement was fair, reasonable, and adequate and in the best interest of the class members. Appellants now challenge the order granting final approval of the *Dubric* settlement, as well as the order denying the Murray intervenors' motion to disqualify Judge Delaney.

As a preliminary matter, we first reject the A Cab respondents' arguments that appellants lack standing to bring this appeal, as appellants are potentially aggrieved by the *Dubric* settlement order in that it appears to release some of the class claims against the A Cab respondents for less than the amount of the judgments obtained in the *Murray* action. See *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (defining an aggrieved party as one whose personal or property rights are adversely and substantially affected). Although the Murray intervenors cannot demonstrate that they are *individually* aggrieved because they were not included in the *Dubric* settlement class, we conclude that they have standing as class representatives to assert claims on behalf of those *Murray* class action members who may be adversely affected by the *Dubric* settlement. See *Las Vegas Police Protective Ass'n Metro, Inc. v. Eighth Judicial Dist. Court*, 122 Nev. 230, 239, 130 P.3d 182, 189 (2006) (providing that intervenors have "a right to appeal independent from that of the original parties" so long as they are also aggrieved parties pursuant to NRAP 3A(a)). And this court has previously recognized that unnamed class members who objected to a proposed settlement have standing to appeal that settlement. See *Marcuse v. Del Webb Cmtys., Inc.*, 123 Nev. 278, 285, 163 P.3d 462, 467 (2007) (concluding that unnamed class members "had standing to object to [a] proposed settlement and to appeal the district court's order dismissing the class action based on the settlement").

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We also reject appellants' challenge to Dubric serving as the class representative because she is a judgment debtor of the A Cab respondents in a related federal action. The judgment that forms the basis of Dubric's purported conflict of interest did not arise until after the respondents reached a settlement in the *Dubric* action and the record does not otherwise demonstrate that she had an injury or "interest in the outcome of the litigation" that differed from the other class members such that she could not "fairly and adequately protect the interests of the class."⁴ *Jane Doe Dancer I-VII v. Golden Coin, Ltd.*, 124 Nev 28, 34-35, 176 P.3d 271, 275-76 (2008) (discussing the prerequisites for serving as a class representative).

⁴We are not persuaded by appellants' remaining arguments regarding Dubric's standing to serve as class representative.

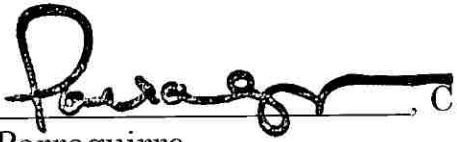
Finally, while appellants advance several arguments contesting the *Dubric* settlement terms, they fail to point to any Nevada caselaw or statute that would require reversal.⁵ And although we decline appellants' invitation to adopt the Ninth Circuit's eight-factor test for determining whether a proposed class action settlement is fair, adequate, and reasonable at this time, *see Churchill Vill., LLC v. Gen. Elec.*, 361 F.3d 566, 575 (9th Cir. 2004),⁶ we note that the district court here appeared to consider many of those factors and the *Dubric* settlement would likely satisfy that test if applied. Indeed, we discern no abuse of discretion in the district court's decision to approve the *Dubric* class settlement. *See Marcuse*, 123 Nev. at 286, 163 P.3d at 467 (reviewing a district court's approval of a class action settlement for an abuse of discretion). The record demonstrates that respondents reached the settlement as the result of lengthy negotiations


⁵We decline to consider appellants' argument that the district court lacked subject matter jurisdiction to approve the *Dubric* settlement because appellants fail to support this argument with citation to relevant authority. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that a party is responsible for supporting its arguments with salient authority). We also decline to address appellants' request that this court impose monetary sanctions against *Dubric's* counsel pursuant to NRS 7.085, raised for the first time in their reply brief. *See Phillips v. Mercer*, 94 Nev. 279, 283, 579 P.2d 174, 176 (1978).

⁶We note that *Churchill Village*, 361 F.3d at 575, concerned whether a proposed class settlement was fair and adequate, an explicit requirement under the Federal Rules of Civil Procedure, whereas the Nevada Rules of Civil Procedure do not contain the same requirement. *Compare* FRCP 23(e)(2) (providing that a court may only approve a proposed settlement upon "finding that it is fair, reasonable, and adequate"), *with* NRCP 23(f) (requiring court approval before "[a] class action [may] be dismissed or compromised").

after conducting a significant amount of discovery and with the assistance of both a jointly retained expert and an experienced judicial officer. And although there were objections to the settlement, the number of objections represented only a small fraction of the total class, and those objectors chose not to opt out of the settlement. Lastly, we note that no Nevada caselaw or statute requires the district court to make specific findings regarding the individual objections to a proposed class settlement or its basis for approving such a settlement as appellants suggest. Based upon the foregoing, we

ORDER the judgment of the district court AFFIRMED.


Parraguirre, C.J.


Hardesty, J.


Silver, J.

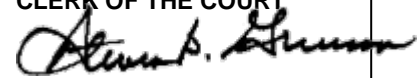
cc: Hon. Kathleen E. Delaney, District Judge
William C. Turner, Settlement Judge
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Bourassa Law Group, LLC
Eighth District Court Clerk

EXHIBIT 2

004895

004895

EXHIBIT 2



SR
MARK J. BOURASSA, ESQ. (NBN 7999)
VALERIE S. GRAY, ESQ. (NBN 14716)
THE BOURASSA LAW GROUP
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vgray@blgwins.com

Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JASMINKA DUBRIC, individually and on behalf)	Case No.: A-15-721063-C
of those similarly situated,)	Dept. No.: XXV
)	
Plaintiff,)	STATUS REPORT ON CLASS ACTION
vs.)	SETTLEMENT FUND AND
)	DISBURSEMENT
A CAB, LLC, a Nevada Limited Liability)	
Company; A CAB SERIES LLC, EMPLOYEE)	
LEASING COMPANY, a Nevada Series Limited)	
Liability Company; CREIGHTON J. NADY, an)	
individual; and DOES 3 through 20)	
)	
Defendants.)	
)	

Plaintiff JASMINKA DUBRIC ("Plaintiff"), by and through her counsel of record, The Bourassa Law Group, hereby submits this status report to the Court regarding the status of the class action settlement fund and disbursement.

On August 31, 2021, this Court approved the class action settlement in this matter.¹ Pursuant to the class action settlement agreement incorporated by this Court in the August 31, 2021 order, Defendants A Cab, LLC, A Cab Series, LLC, Employee Leasing Company, and Creighton J. Nady

¹ See Order Approving Class Action Settlement, Awarding Attorney Fees and Costs, and Awarding Incentive Payments, filed on August 31, 2021.

(collectively “Defendants”) fully funded the settlement fund in the amount of \$224,529 in addition to the court awarded attorneys’ fees and costs in the amount of \$57,500.

To date, class counsel, The Bourassa Law Group, (hereinafter “Class Counsel”) has established an ILOTA Trust Account for the class action settlement fund and has deposited the settlement fund in the amount of \$224,529 as well as the attorneys’ fees and costs in the amount of \$57,500 into the account to prepare for disbursement. Additionally, Plaintiff and Defendants have jointly retained Nicole S. Omps, CPA of Beta Consulting to calculate the amount due to each class member as required by the class action settlement agreement incorporated by this Court in the August 31, 2021 order. On February 10, 2022, Ms. Omps prepared the attached report which includes the exact dollar amount each class member is owed from the settlement fund.²

On May 31, 2022, Class Counsel issued a total 867 checks to the class members in the amounts provided on Ms. Omps’ February 10, 2022 report and mailed those checks to the last known address of each individual class member.

To date, 261 of the 867 checks were returned as undeliverable. Class Counsel has been able to perform an advanced address search (i.e. skip trace) on 215 class members whose check was returned by using Westlaw People Map Search of Public Records, a reputable research tool to locate a current address. Class Counsel re-mailed the 215 checks to the current address located. Class counsel continues to research additional addresses for the remaining 46 checks that have been returned to date and will continue to do so for any other checks that are returned to Class Counsel.

To date, 347 checks have cleared the ILOTA Trust Account for the class action settlement fund. A list of the class members whose checks have cleared the ILOTA Trust Account is attached hereto as Exhibit “2.”

///

///

///

///

² See Ms. Omps report dated February 10, 2022, attached hereto as Exhibit “1.”

1 Class Counsel is maintaining complete, accurate, and detailed records regarding the
2 administration of the settlement fund and will provide the Court with a status report in 90 days.

3 DATED this 18th day of August 2022.

4 **THE BOURASSA LAW GROUP**

5 /s/ Valerie S. Gray

6 MARK J. BOURASSA, ESQ.

7 Nevada Bar No. 7999

8 VALERIE S. GRAY, ESQ.

9 Nevada Bar No. 14716

10 2350 W. Charleston Blvd., Suite 100

11 Las Vegas, Nevada 89102

12 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

STATE OF NEVADA)
) ss.
CLARK COUNTY)

I, Trent Compton, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen years and not a party to the within action. My business address is 2350 W. Charleston Blvd., Suite 100, Las Vegas, Nevada 89102.

On August 18, 2022, I served the document described as **STATUS REPORT ON CLASS ACTION SETTLEMENT FUND AND DISBURSEMENT** on the following parties:

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

Leon Greenberg, Esq.
LEON GREENBERG PROFESSIONAL CORPORATION
2965 South Jones Blvd, Suite E3
Las Vegas, Nevada 89146

Attorneys for Defendants

Attorneys for Intervenors

 X VIA ELECTRONIC SERVICE: by submitting the foregoing to the Court's E-filing System for Electronic Service upon the Court's Service List pursuant to EDCR 8. The copy of the document electronically served bears a notation of the date and time of service. The original document will be maintained with the document(s) served and be made available, upon reasonable notice, for inspection by counsel or the Court.

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

/s/ Trent Compton
An Employee of The Bourassa Law Group

EXHIBIT “1”

EXHIBIT “1”

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BETA Consultants LLC

**Dubric v. A Cab LLC
Case No. A-15-721063-C**

**Class Action Settlement Calculation
April 1, 2009 to July 2, 2014**

Prepared by: Nicole S. Omph, CPA

**Prepared for:
Esther C. Rodriguez, Esq., Counsel for Defendant
and Valerie S. Gray, Class Counsel**

Report Date: February 10, 2022

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Summary

I, Nicole S. Omps, was engaged by The Bourassa Law Group and A Cab Series, LLC to perform settlement calculations for Class Members in the referenced case and issue a report on those calculations pursuant to the Class Action Settlement Agreement and Release dated October 5, 2016.

Procedures performed during this engagement do not constitute a compilation, review, or audit of financial records or financial statements.

Objectives, Scope and Observations

The objective of this engagement is to assist the parties calculating the amount due to each Class Member. I have reviewed and analyzed documentation provided by both parties in order to identify the settlement amount due to each Class Member for the period of April 1, 2009 to July 2, 2014.

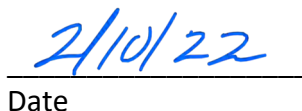
I have identified the allocation of the Settlement Fund to be \$6.96 per workweek, which is detailed in Appendix A – Settlement Fund Allocation Rate. I have also identified the amount due to each Class Member, which is detailed in Appendix B – Class Member Settlement Amounts. These schedules are supported by my review of relevant documentation and calculations and includes assumptions as outlined in the schedule. Excel schedules have been provided to both parties via email.

Limitations and Restrictions

Calculations are based on information readily available as of the date of this report. Various time constraints, availability of documentation and reporting parameters may have imposed unforeseeable limits on the scope and procedures performed. Due to the limited nature and scope of this engagement it cannot be relied upon to discover all documents and other information or provide all analyses, which may have importance to this matter.



Nicole S. Omps, CPA
BETA Consultants LLC



Date

Appendix A

**A Cab, LLC
Settlement Fund Allocation Rate
April 1, 2009 through July 2, 2014**

Settlement Amount	224,529.00
Less: Plaintiff Incentive Payment	<u>(5,000.00)</u>
Settlement Amount to be Allocated	<u>219,529.00</u>
Total workweeks	31,543
Allocation per workweek	\$ 6.96

**Based on the calculation above I have identified the allocation of the Settlement Fund to be:
\$6.96 per workweek**

Assumptions:

Workweeks determined from Employee Details schedule provided by client (PBC).

The Employee Details schedule calculates the workweeks to be used in the settlement allocation from the period April 1, 2009 to July 2, 2014 as the total weeks worked, less weeks worked between October 6, 2010 and September 26, 2012 (DOL Audit Period). Employees that worked 1 day or less during the period and employees that only worked during the DOL Audit Period were assigned zero workweeks for allocation purposes.

Allocation Rate and Class Member Settlement Amounts may be subject to rounding.

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A Cab, LLC
Class Member Settlement Amounts
April 1, 2009 through July 2, 2014

Allocation Rate: \$ 6.96

ID	Last Name	First Name	Workweeks	Settlement Amount
26067	Abuel	Alan	171	1,190.10
30451	Carracedo	Sonny	171	1,190.10
21373	Costello	Brad	171	1,190.10
20471	Durtschi	Jeffrey	171	1,190.10
30312	Edwards	Jeffrey	171	1,190.10
31359	Garcia	John	171	1,190.10
5467	Gleason	John	171	1,190.10
21270	Hinks	Dana	171	1,190.10
19711	Hurtado	Hubert	171	1,190.10
23516	Isaac	Edsel	171	1,190.10
101153	Jarmosco	John	171	1,190.10
21032	Kenary	Brian	171	1,190.10
25175	Leacock	Brian	171	1,190.10
18877	Majors	John	171	1,190.10
28427	McCarter	Patrick	171	1,190.10
27673	Olmsted	Hal	171	1,190.10
30236	Phonesavanh	Paul	171	1,190.10
28406	Pitts	Amir	171	1,190.10
3281	Rajsombat	Bounlome	171	1,190.10
27304	Relopez	Craig	171	1,190.10
4980	Rosenthal	John	171	1,190.10
20666	Saleh	Jemal	171	1,190.10
23388	Simmons	John	171	1,190.10
30325	Soto	Jacob	171	1,190.10
25413	Wallace	James	171	1,190.10
27489	Yabut	Gerry	171	1,190.10
20675	Zawoudie	Masfen	171	1,190.10
20072	Catoggio	Alfred	170	1,183.14
2103	Rehfeld	Jay	164	1,141.39
15968	Peterson	Kenneth	162	1,127.47
30374	Zafar	John	162	1,127.47
17885	Sevillet	Otto	154	1,071.79
100678	Egan	Joseph	147	1,023.07
25095	Dixon	Julius	143	995.23
102771	Hansen	Jordan	142	988.27
102429	Stevenson	John	141	981.31
24969	Allen	Otis	136	946.52
100444	c	Azmy	135	939.56
31966	Mitrikov	Ilko	132	918.68
21930	Abraha	Tesfalem	129	897.80

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
23705	Brauchle	Michael	128	890.84
104763	Ruiz	Travis	125	869.96
26794	Kern	Gary	123	856.04
30142	Spilmon	Mark	122	849.08
16231	Weaver	Gerie	121	842.12
21740	Draper	Ivan	118	821.24
23373	Bey	Ronald	113	786.44
15118	Pilkington	Margaret	113	786.44
26804	Johnson	Kennard	108	751.64
100939	Fesehazion	Teabe	107	744.69
28264	Linn	Ronald	104	723.81
20318	Dinok	Ildiko	103	716.85
102618	Rivas	Victor	103	716.85
22120	Travis	Brian	101	702.93
19377	Awalom	Alemayehu	100	695.97
29542	Kang	Chong	99	689.01
24291	Sanders	Acy	99	689.01
27927	Borges	Antonio	98	682.05
25957	Maras	Maria	96	668.13
10602	Peterson	Steven	96	668.13
30346	Ekoue	Ayi	93	647.25
104534	Grafton	Natasha	93	647.25
19169	Purvis	James	93	647.25
28434	Ali	Abraham	92	640.29
21682	Arar	Isam	92	640.29
29308	Barbu	Ion	92	640.29
100158	Barnes	Benjamin	92	640.29
31020	Brimhall	Tracy	92	640.29
26909	Casiello	Anthony	92	640.29
29945	Cphoon	Thomas	92	640.29
105278	Disbrow	Ronald	92	640.29
24619	Franklin	David	92	640.29
14719	Gillett	David	92	640.29
19253	Gray	Gary	92	640.29
19595	Harris	Dennis	92	640.29
22731	Hodge	Lee	92	640.29
23103	Hollis	James	92	640.29
22373	Hunter	James	92	640.29
12617	Klein	Phillip	92	640.29
29844	Kogan	Martin	92	640.29
104934	Leal	Jill	92	640.29
28839	Lopez	Eugenio	92	640.29
100641	Macato Jr.	Jaime	92	640.29
24918	Magana	Luis Antonio	92	640.29
9397	Moreno	James	92	640.29
8321	Morris	Thomas	92	640.29
109136	Murawski	Richard	92	640.29

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
30295	Ogbazghi	Dawit	92	640.29
26278	Olson	Eric	92	640.29
28489	Ozgulgec	Tunc	92	640.29
108077	Pearson	Jon	92	640.29
102580	Ray	William	92	640.29
29054	Reid	Marvin	92	640.29
29140	Robles	Mark	92	640.29
100887	Rohlas	Polly	92	640.29
105327	Romano	Anthony	92	640.29
105732	Shoyombo	Rilwan	92	640.29
14010	Smith	Jepthy	92	640.29
16873	Steck	Gregory	92	640.29
108015	Stockton	Clarence	92	640.29
107825	Stonebreaker	Dawn	92	640.29
18303	Thompson	Glen	92	640.29
107460	Urbanski	Anthony	92	640.29
104941	Viado	Ramon	92	640.29
108343	Vongthep	Christopher	92	640.29
109148	Wallace	Roy	92	640.29
31067	Welborn	Paul	92	640.29
22525	Wong	Jorge	92	640.29
29940	Anif	Janeid	91	633.33
20325	Aseffa	Mulubahan	91	633.33
30538	Charouat	Malek	91	633.33
108389	Yamaguchi	Alicia	91	633.33
28324	Bradley	Leroy	90	626.37
109711	Norvell	Chris	90	626.37
106828	Anderson	Calvin	87	605.49
102400	Talley	George	87	605.49
28012	Pletz	David	86	598.53
20872	Kingsley	David	85	591.57
104970	Craffey	Richard	84	584.61
109641	Emling	Paul	84	584.61
108891	Dial	Donald	83	577.65
103351	Ford	Todd	83	577.65
31112	Peer	Yuda	82	570.69
105273	Sayed	Jamil	82	570.69
106244	Moore	Aileen-Louise	81	563.73
26553	Arnwine	Howard	80	556.77
23629	Dontchev	Nedeltcho	80	556.77
108839	Jackson	Frederick	80	556.77
107671	Sexner	Alexis	80	556.77
30418	Appel	Howard	79	549.81
31060	Bialorucki	Richard	79	549.81
101038	Black	Burton	79	549.81
28289	Boling	Freddie	79	549.81
21200	Borja	Virginia	79	549.81

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
108446	Brown	Daniel	79	549.81
102046	Chico	David	79	549.81
30229	Collins	Donald	79	549.81
28065	Davis	Bradley	79	549.81
100211	Diemoz	Ernest	79	549.81
30717	Djapa-Ivosevic	Davor	79	549.81
25984	Donahoe	Stephen	79	549.81
25163	Farrelly	Bridhid	79	549.81
102570	Fredrickson	Steven	79	549.81
29240	Getnet	Girma	79	549.81
23107	Green	Tony	79	549.81
26680	Greever	Rickey	79	549.81
29582	Gross	Timothy	79	549.81
29620	Harris	Jay	79	549.81
100471	Harris	Jason	79	549.81
20463	Hughes	Jerry	79	549.81
18719	Krouse	Stephen	79	549.81
28770	Magazin	Milorad	79	549.81
31016	Mahoney	Kevin	79	549.81
24824	Masetta	Ronald	79	549.81
27827	McGarry	James	79	549.81
31471	Melesse	Abebe	79	549.81
5448	Moore	Jerry	79	549.81
15217	Morris	Robert	79	549.81
31283	Pak	Sam	79	549.81
26972	Presnall	Darryl	79	549.81
28824	Salameh	George	79	549.81
8990	Serio	John	79	549.81
27777	Smith	Lottie	79	549.81
16514	Urban	David	79	549.81
106172	Johnson	Tony	78	542.85
104413	Kaiyoorawongs	Chaipan	78	542.85
23774	Crawford	Darryl	77	535.89
28480	Coizeau	Leonardo	76	528.94
17259	Yurckonis	Hilbert	75	521.98
15804	Little	Dennis	74	515.02
28554	Roberson	Ronnie	74	515.02
17315	Garcia	Miguel	73	508.06
106897	Goettsche	Dale	73	508.06
103550	Habte	Amanuel	73	508.06
21446	Handlon	Michael	73	508.06
105284	Monforte II	Peter	73	508.06
109172	O'Grady	Francis	72	501.10
14372	Price	James	72	501.10
21570	Schwartz	Steven	72	501.10
29583	Jimenez	Michael	71	494.14
107704	Muhtari	Abdulrahman	71	494.14

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
107617	Pineda	Carlos	71	494.14
29245	Zelege	Abraham	71	494.14
100389	Butler	Bonnie	70	487.18
24791	Garcia	Anthony	70	487.18
101039	Smagacz	Stephen	70	487.18
104297	Abebe	Tamrat	69	480.22
104525	Allegue	Yusnier	69	480.22
104887	Miyazaki	Nisaburo	69	480.22
31482	Saevitz	Neil	69	480.22
106376	Arellano	Miguel	68	473.26
101254	Hilbert	Edward	68	473.26
25832	Osterman	Victor	68	473.26
17030	Van Camp	Carl	68	473.26
101376	Bozic	Nebojsa	67	466.30
29751	Champigny	Paul	67	466.30
8876	Haskell	William	67	466.30
103829	Smith Jr.	Willie	67	466.30
101565	Tsegay	Alexander	67	466.30
109796	Curtin	Ronald	66	459.34
27607	Domer	Thomas	66	459.34
17637	Ivey	Timothy	66	459.34
15195	Jones	Glenn	66	459.34
110936	Daniels	James	65	452.38
108866	Hays	Larry	65	452.38
101168	Mekonen	Solomon	65	452.38
22820	Mersal	Beth	65	452.38
25190	Ngo	Tuan	65	452.38
10670	Tarragano	Stephen	65	452.38
21083	Lucero	Arturo	64	445.42
28160	Wong	Wanjin	64	445.42
100221	Ackman	Charles	63	438.46
101704	Elam	Damon	63	438.46
28148	Hay	Mark	63	438.46
110053	Martinez	Francisco	63	438.46
17712	Povolotsky	Anatoly	63	438.46
29200	Friedman	Robert	61	424.54
29043	Wilson	Richard	61	424.54
110866	Wolfe	Thomas	61	424.54
100821	Agostino	Nicholas	60	417.58
23948	Daffron	Daniel	60	417.58
108619	Harrison	Andrew	60	417.58
20200	Hernandez	Luis	60	417.58
104031	Starcher	Richard	60	417.58
108239	Wright	Edward	60	417.58
100299	Briski	Louis	59	410.62
109130	Dacayanan	Liza	59	410.62
11132	Filfel	Kamal	59	410.62

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
101788	Joseph	Leroy	59	410.62
21156	Poulton	Todd	59	410.62
100128	Sampson	James	59	410.62
22032	Soree	Mladen	59	410.62
102992	Barich	Edward	58	403.66
21301	Chau	Phi	58	403.66
105577	Seidman	Steven	58	403.66
104310	Chana	Chen	57	396.70
24629	Nick	Harry	57	396.70
18219	Olen	Virginia	57	396.70
111137	Dejacto	Giovanna	56	389.74
30737	Dreitzer	Gail	56	389.74
28371	Dubric	Jasminka	56	389.74
31191	Mitchell	Jimmy	56	389.74
26855	Prather	Robert	56	389.74
29172	Schwartz	George	56	389.74
27963	Thompson	Michael	56	389.74
103219	Berichon	Mike	55	382.78
24532	Dotson	Eugene	55	382.78
111283	Kissel	Sean	55	382.78
15614	Mahmud	Omar	54	375.82
24397	Parmenter	William	54	375.82
20210	Ba	Awa	52	361.90
106089	Phillips	Larry	52	361.90
110967	Woolard	Lora	52	361.90
29019	Adam	Elhadi	51	354.94
104819	Penera	Eric	51	354.94
30467	Wells	Fredrick	51	354.94
8040	D'Arcy	Timothy	50	347.98
18871	Schroeder	William	50	347.98
25450	Tafesh	George	50	347.98
24519	Howard	Robert	49	341.02
18960	Lee	Melvin	49	341.02
30196	Miller	Jason	49	341.02
29948	Morley	David	49	341.02
107440	Nantista	Peter	48	334.06
25756	Nicol	Thaddeus	48	334.06
30497	Chang	Yun-Yu	47	327.10
16676	Parker	Gary	47	327.10
106034	Stagg	Charles	47	327.10
32195	Bell Jr.	Arthur	46	320.15
105306	Godsey	Kelly	46	320.15
27868	Baker	Timothy	44	306.23
14261	Riipi	Karl	44	306.23
109745	Taylor	David	44	306.23
27358	Baca-Paez	Sergio	43	299.27
27662	Mandefro	Nebiyu	43	299.27

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
16819	White	Donavan	43	299.27
27000	Zeitouni	Menhem	43	299.27
106025	Paone	Chris	42	292.31
31953	Vaughan	William	42	292.31
18161	Archuleta	Alex	41	285.35
22956	Atoigue	Marco	41	285.35
26108	Brown	Maurice	41	285.35
32025	Lefevre	Stephen	41	285.35
110429	Pearson	Renee	41	285.35
29981	Fair	Kirby	40	278.39
20109	Tucker	Kenlon	40	278.39
22705	Cieslar	John	39	271.43
30753	Gebrehana	Kebera	39	271.43
18964	Guerrero	Daniel	39	271.43
31693	Paranhos	Neto	39	271.43
25983	Headrick	Charles	38	264.47
19561	Prifti	Ilia	38	264.47
100865	Whiteman	Rick	38	264.47
29524	Degefa	Dejene	37	257.51
19851	Miller	John	37	257.51
30580	Clores	Edgardo	36	250.55
25362	Lathan	Joseph	36	250.55
29952	Qian	Jie	36	250.55
106463	Capone	Gary	35	243.59
26490	Keith	John	35	243.59
28814	Lowe	John	35	243.59
20637	Mumma	Donald	35	243.59
104762	Pariso	David	35	243.59
112015	Bambenek	Matthew	34	236.63
28114	Niculescu	Adrian	34	236.63
107701	Risby	Clifford	34	236.63
101804	Causing	Severo	33	229.67
21457	Crawford	Maximillian	33	229.67
31357	Csorba	Laszlo	33	229.67
19679	Ernst	William	33	229.67
11570	Foley	John	33	229.67
24691	Rasheed	Willie	33	229.67
103652	Sorrosa-Paulin	Juan	33	229.67
30495	Yesayan	Razmik	33	229.67
25979	Alnaif	Abdul	32	222.71
28252	Daniels	Katherine	32	222.71
111729	Flanders	Mary	32	222.71
8512	Fears	Thomas	31	215.75
103388	Kolasinski	Aemon	31	215.75
103096	Sam	Phea	31	215.75
23604	Springer	Marvin	31	215.75
101588	Tearfie	Solomon	31	215.75

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
101186	Borowski	Edwin	30	208.79
26085	Cook	Robert	30	208.79
29609	Haralambov	Valko	30	208.79
109637	Park	Danny	30	208.79
17229	Tungkitkancharoen	Songsuk	30	208.79
31154	Burgema	Kelemework	29	201.83
31967	Eljawhary	Farid	29	201.83
24757	Granchelle	Andrew	29	201.83
20818	Jelancic	Vladko	29	201.83
105582	Benel	Christian	28	194.87
107992	Jacobi	Donald	28	194.87
101942	Kalimba	Gaston	28	194.87
22401	Orellana	Byron	28	194.87
27129	Rotich	Emertha	28	194.87
21811	Sameli	Sabino	28	194.87
105390	Catoera	Nestor	27	187.91
101711	Huntington	Walter	27	187.91
103668	Matisa	Monica	27	187.91
23178	Raffensparger	Jeffrey	27	187.91
105813	Abt	Daniel	26	180.95
111231	Lant	Mark	26	180.95
110618	Mastrio	Pamela	26	180.95
25656	Portillo-Sanchez	Carlos	26	180.95
107792	Barrameda	Danilo	25	173.99
107430	Cobon	Karl	25	173.99
26846	Dillard	Corey	25	173.99
2010	Laser	Richard	25	173.99
25522	Link	Peter	25	173.99
107427	McDougle	Jeffrey	25	173.99
25641	McSkimming	John	25	173.99
16831	Miller	Darryl	25	173.99
106703	Mosely	David	25	173.99
104171	Robinson	Mikalani	25	173.99
24773	Abid	Karim	24	167.03
102405	Danielsen	Danny	24	167.03
107521	Dorsch	Scott	24	167.03
17969	Duna	Lawrence	24	167.03
30041	Dyson	Edward	24	167.03
20967	Kang	Dae Ik	24	167.03
112063	Tapia-Vergara	Agustin	24	167.03
27376	Baggi	Tamara	23	160.07
22769	Bean	Ronald	23	160.07
110687	Berger	James	23	160.07
27792	Booth	Sean	23	160.07
32238	Daggett Jr.	Rudolph	23	160.07
30836	Hasen	AkmeI	23	160.07
24885	Huffman	Britton	23	160.07

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
31677	Bafrdu	Solomon	22	153.11
100611	Butts	Phillip	22	153.11
112398	Corona	Fernando	22	153.11
14107	Doughty	Michael	22	153.11
27788	Hurd	Donald	22	153.11
21230	Laspada	Brian	22	153.11
32076	Lovett	Patrick	22	153.11
18367	Milton	Shawn	22	153.11
101879	Rousseau	James	22	153.11
103821	Sherman	Jason	22	153.11
28238	Smith	Lisa	22	153.11
25146	Amato	Richard	21	146.15
102947	Dagley	Darryl	21	146.15
111062	Diamond	Jeffrey	21	146.15
16027	Gardea	Alfred	21	146.15
101229	Giambattista	Kenneth	21	146.15
22818	Harms	Michael	21	146.15
103826	Kull JR.	William	21	146.15
20301	Meloro	Paul	21	146.15
100349	Morton	Howard	21	146.15
29769	Sans	Thomas	21	146.15
101909	Sinay	Abraham	21	146.15
27315	Bakhtiari	Marco	20	139.19
18206	Bolden	Quincy	20	139.19
3896	Koch	Frederick	20	139.19
22232	Loyd	Gary	20	139.19
101992	Manor	Quincy	20	139.19
102911	Mosley	Rory	20	139.19
19858	Passera	Charles	20	139.19
104540	Popejoy	Robert	20	139.19
109013	Stearns	Thomas	20	139.19
31977	Taylor	Marvin	20	139.19
105157	Warner	Terrance	20	139.19
31622	Asefa	Wossen	19	132.23
104942	Dare	William	19	132.23
104792	Gahafer	Steven	19	132.23
110194	Henderson	Lloyd	19	132.23
109456	Holler	Alfonso	19	132.23
107727	Jackson	Willie	19	132.23
27507	Jackson	Michael	19	132.23
105063	Monteagudo	Oscar	19	132.23
105251	Negashe	Legesse	19	132.23
17451	O'Neill	Terry	19	132.23
22248	Putrello	Joseph	19	132.23
102250	Sharp	Omar	19	132.23
102689	Breault	Ronald	18	125.27
16346	Child	Gregg	18	125.27

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004913

ID	Last Name	First Name	Workweeks	Settlement Amount
26783	Clark	Dennis	18	125.27
15066	Hopkins	Robert	18	125.27
106118	Hussien	Leykun	18	125.27
106145	Johnson	Brian	18	125.27
106316	Patry	Michael	18	125.27
31149	Pony	David	18	125.27
111756	Risco	Pedro	18	125.27
31955	Roberts	James	18	125.27
17549	DeMarco	William	17	118.31
106045	Glogovac	Goran	17	118.31
106559	Gonzalez	Luis	17	118.31
31943	Gramatikov	Petko	17	118.31
26554	Kelly	Sean	17	118.31
22496	Lantis	Glen	17	118.31
108770	Mahmoud	Ahmed	17	118.31
100204	Mutia	Junno	17	118.31
28914	Patterson	Robert	17	118.31
100691	Sedgwick	Anthony	17	118.31
101253	Whitehead	Timothy	17	118.31
105408	Abdulle	Abdirashid	16	111.35
104503	Adam	Fahmy	16	111.35
108121	Bowen	Christopher	16	111.35
103554	Gerezgiher	Kiros	16	111.35
110793	Griffith	Michael	16	111.35
18844	Gutierrez	Jose	16	111.35
106153	Keller	Roger	16	111.35
107625	Lafarge	Jeannine	16	111.35
106566	Mindyas	James	16	111.35
105969	Muldoon	Thomas	16	111.35
20716	Negussie	Berhanu	16	111.35
106194	Nichols	Keith	16	111.35
101317	Rivers	Willie	16	111.35
17936	Zekichev	Nick	16	111.35
25204	Abuhay	Fasil	15	104.40
103397	Cook	Eugene	15	104.40
25935	Delgado	Carlos	15	104.40
111568	Hammoud	Wissam	15	104.40
107237	Hendricks	Mark	15	104.40
109792	Hinds Jr.	Monroe	15	104.40
15095	Lloyd	Mark	15	104.40
18276	Mainwaring	David	15	104.40
100287	Martins	Julio	15	104.40
101678	McGregor	Matthew	15	104.40
100615	Russell	Mark	15	104.40
109349	Sanchez-Ramos	Natasha	15	104.40
28316	Arathoon	Eric	14	97.44
19436	Arena	Francis	14	97.44

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Appendix B

004914

ID	Last Name	First Name	Workweeks	Settlement Amount
28249	Bunns	Tommy	14	97.44
106229	Craddock	Charles	14	97.44
100642	Downs	James	14	97.44
17574	Holloway	Maynard	14	97.44
31211	Keber	Yilma	14	97.44
30463	Luo	Yue	14	97.44
101122	Solorzano	Linda	14	97.44
111807	Taylor	Brent	14	97.44
102962	Tegegne	Yiheyese	14	97.44
20386	Tucker	Carl	14	97.44
104088	Wallace	Michael	14	97.44
102814	Weldehans	Bahabolom	14	97.44
105475	Alzate	Alonzo	13	90.48
102653	Caren	Andrea	13	90.48
25275	Carper	Bruce	13	90.48
100505	Carvin	Michael	13	90.48
2204	Finucane	Cynthia	13	90.48
105068	Gebrayese	Henock	13	90.48
103375	Guertin	Jamie	13	90.48
30581	Kosari	Shahin	13	90.48
111290	Lay	Gilbert	13	90.48
101164	Li	Yuan Ping	13	90.48
101853	Liu	David	13	90.48
104476	Mitchell	Sebastian	13	90.48
25296	Nolan	Jeffrey	13	90.48
106913	Schraeder	Scott	13	90.48
19451	Shafiei	Abdolreza	13	90.48
104186	Stango	Anthony	13	90.48
103350	Tesfu	Dawit	13	90.48
103798	Abarca	Enrique	12	83.52
30590	Adem	Sued	12	83.52
13667	Conrad	John	12	83.52
22759	Jennings	Stanley	12	83.52
106642	Kadri	Abdelkrim	12	83.52
101648	Lydick	Chip	12	83.52
25773	McGiboney	Lynn	12	83.52
30736	Novaky	Adam	12	83.52
106232	Pyles	Joseph	12	83.52
29389	Robinson	William	12	83.52
31847	Rodriguez	Armando	12	83.52
31250	Serrano	Hector	12	83.52
105863	Siljkovic	Becir	12	83.52
22804	Solymar	Istvan	12	83.52
110796	Toka	Tamas	12	83.52
103205	Ung	Fae	12	83.52
23968	Abdulah	Faud	11	76.56
22532	Alaboodi	Hameed	11	76.56

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Appendix B

004915

ID	Last Name	First Name	Workweeks	Settlement Amount
29163	Ali	Bashir	11	76.56
106359	Anastasio	James	11	76.56
112193	Bandi	Pedram	11	76.56
13658	Batista	Gerald	11	76.56
32182	Bolf	Dennis	11	76.56
17141	Buettgenbach	Frank	11	76.56
102334	Castellanos	Joaquin	11	76.56
17536	Dinardi	Don	11	76.56
18678	Eliades	George	11	76.56
19976	Fares	Hesham	11	76.56
28866	Fitz-Patrick	Michael	11	76.56
16253	Gelane	Samuel	11	76.56
31076	Glaser	Stephen	11	76.56
29078	Goldman	Kevin	11	76.56
103381	Hailu	Alebel	11	76.56
101555	Hernandez	Rene	11	76.56
105925	Jackson	Anthony	11	76.56
105794	Kimler	Ryan	11	76.56
27801	Melton	John	11	76.56
31380	Pepitone	Leonard	11	76.56
109600	Prince	Gregory	11	76.56
109028	Secondo	Muridi	11	76.56
29059	Wendling	Mark	11	76.56
107624	Witte	Daniel	11	76.56
7573	Wollnick	Steven	11	76.56
101429	Yabut	Vincent	11	76.56
110476	Auberry Jr.	Glenn	10	69.60
31682	Collier	Samuel	10	69.60
29160	Colon	James	10	69.60
102534	Dondich	Kirk	10	69.60
106763	Doyle	William	10	69.60
29979	Elens	Gary	10	69.60
14053	Ferrall	Edwin	10	69.60
110272	Gonzalez-Ruiz	Jose	10	69.60
27105	Green	James	10	69.60
28207	Hicks	Victoria	10	69.60
17189	Imran	Muhammad	10	69.60
26920	Leonardo	Vito	10	69.60
102548	Lombana	Francisco	10	69.60
106666	Martinez	Arturo	10	69.60
101159	Mehu	Frantz	10	69.60
102656	Nedyalkov	Atanas	10	69.60
108758	Regans	Mark	10	69.60
101128	Rosenberger	John	10	69.60
28508	Shenkov	Svetlozar	10	69.60
15703	Sinatra	Anthony	10	69.60
27654	Taurins	Walter	10	69.60

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
100136	Teclemicael	Arai	10	69.60
31400	Thomas	Cator	10	69.60
24920	Tong	Edric	10	69.60
110836	Uba	Chima	10	69.60
105487	White	Anthony	10	69.60
22819	Yerikyan	Grayr	10	69.60
17616	Anderson	William	9	62.64
32240	Bertemati	Jesus	9	62.64
102129	Bianchi	Giann	9	62.64
101557	Broussard	Dorothy	9	62.64
24861	Contratto	Richard	9	62.64
26179	Designori	Yolanda	9	62.64
109381	Fitzsimmons	Marc	9	62.64
29451	Gilo	Hobart	9	62.64
112038	Hill	Douglas	9	62.64
29214	Javelona	Mario	9	62.64
105503	Kelley	Jared	9	62.64
28082	Menocal	Pedro	9	62.64
104078	Mohr	Donald	9	62.64
111494	Nemeth	Zoltan	9	62.64
107548	Rainey	James	9	62.64
104109	Rivero-Vera	Raul	9	62.64
112766	Sibre	Christopher	9	62.64
105304	Sorkin	Jack	9	62.64
111364	Stanley	John	9	62.64
104964	Surrency	John	9	62.64
27878	Wang	Bao	9	62.64
109066	Webster	Brock	9	62.64
104910	Archer	Bert	8	55.68
26792	Bickard	Thomas	8	55.68
28951	Cohen	Roni	8	55.68
17777	Hyman	Irving	8	55.68
102301	Kirschner	Joseph	8	55.68
103235	Klomprens	Thomas	8	55.68
27285	Mastilovic	Branislav	8	55.68
110108	Mathis	George	8	55.68
102968	Meloro	Joseph	8	55.68
109533	Ortega	Saul	8	55.68
26363	Punzalan	Luciano	8	55.68
105202	Stone	Joseph	8	55.68
105095	Strickland	William	8	55.68
104647	Thompson	Thomas	8	55.68
101733	Wang	Xiao	8	55.68
30421	Worku	Abiye	8	55.68
21176	Abate	Romanwork	7	48.72
27468	Bancroft	David	7	48.72
20748	Barros	Ruda	7	48.72

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Appendix B

004917

ID	Last Name	First Name	Workweeks	Settlement Amount
26585	Blanusa	Zeljko	7	48.72
25510	Cooper	Cindi	7	48.72
104862	Cummings	Erica	7	48.72
100503	Davila	Rhonda	7	48.72
104990	Gauthier	Paul	7	48.72
103222	Gebremichael	Negasi	7	48.72
111390	Gonzalez	Pedro	7	48.72
100384	Greco	Francis	7	48.72
29564	Gross	Mark	7	48.72
109584	Hosley	Tracie	7	48.72
22467	Kaplon	Mark	7	48.72
22809	Manitien	Ted	7	48.72
28917	Motazedi	Kamran	7	48.72
112811	Peace	Kimberly	7	48.72
106497	Roach	Jayson	7	48.72
103371	Rosario	John	7	48.72
108742	Ross	Lee	7	48.72
31314	Santillo	Matthew	7	48.72
104732	Thomas	Hasan	7	48.72
31836	Ticheste	Biserot	7	48.72
29040	Timko	Robert	7	48.72
104747	Trumpf	Robert	7	48.72
15641	Yehdego	Yosephe	7	48.72
24038	Anantagul	Kamol	6	41.76
103036	Awealom	Samuel	6	41.76
106934	Bauer	William	6	41.76
110770	Bosley	Thomas	6	41.76
104959	Braggs	Clemon	6	41.76
106242	Degracia	Bob	6	41.76
106337	Diakite	Barou	6	41.76
105265	Eastwood	Christian	6	41.76
106698	Emter	Christopher	6	41.76
101700	Encarnacion	Allan	6	41.76
6102	Felixon	Martin	6	41.76
107590	Galtieri	Frank	6	41.76
28704	Gebreyes	Fanuel	6	41.76
31648	Hu	Chi	6	41.76
21443	Joseph	Loradel	6	41.76
111284	McCall	Melvin	6	41.76
17855	Milliron	Darrol	6	41.76
100570	Newell	John	6	41.76
28989	Nolan	Eamonn	6	41.76
110326	Orr	Mark	6	41.76
29536	Peacock	Paula	6	41.76
26679	Polchinski	Paul	6	41.76
18741	Pongthavithong	Boun	6	41.76
27990	Saggese	Glen	6	41.76

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Appendix B

004918

ID	Last Name	First Name	Workweeks	Settlement Amount
105033	Tan	Eduardo	6	41.76
105842	Tarragano Jr.	Stephen	6	41.76
3527	Tarrango Jr.	Stephen	6	41.76
105527	Villapando	Jeff	6	41.76
109475	Vonkageler	Mark	6	41.76
31954	Watkins	Kathleen	6	41.76
104878	Weiss	Matthew	6	41.76
30077	Baiddou	Hamid	5	34.80
30223	Beckstead	Stanley	5	34.80
102054	Blum	Daniel	5	34.80
107492	Brown	Jimmy	5	34.80
111670	Burns	Brittany	5	34.80
103598	Cadman	Linda	5	34.80
100432	Caldwell	William	5	34.80
10520	Carol	Earl	5	34.80
22165	Castellanos	Juanfransisco	5	34.80
25723	Chatlain	William	5	34.80
108041	Comeau	Brian	5	34.80
104816	Dykstra	John	5	34.80
26900	Fernandez	Edmund	5	34.80
105489	Ford	Micheal	5	34.80
106849	Fox	Gordon	5	34.80
27917	Glisic	Davor	5	34.80
104900	Hayes	Jimmy	5	34.80
109457	Hearne	Stephen	5	34.80
107072	Hernandez-Ocampo	Amilcar	5	34.80
108273	Isanan	Claro	5	34.80
20455	Jack	Wallace	5	34.80
20466	Jafarian	Moharram	5	34.80
104374	Kassa	Abeabaw	5	34.80
29228	Levy	Avner	5	34.80
16355	Louis	Skyler	5	34.80
20936	Madi	Adam	5	34.80
104677	Manfredi	Thomas	5	34.80
27116	McIntyre	Kelly	5	34.80
23197	Michaels	Terry	5	34.80
9490	Miller	Thomas	5	34.80
15396	Morgan	Frank	5	34.80
27059	Mottaghian	Joseph	5	34.80
109502	Rios-Lopez	Oscar	5	34.80
104653	Sadler	James	5	34.80
101631	Tripi	Joseph	5	34.80
23312	West	Joe	5	34.80
28098	Wing	Roland	5	34.80
32250	Workneh	Abent	5	34.80
104273	Abraham	Joseph	4	27.84
21163	Agab	Salah	4	27.84

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Appendix B

004919

ID	Last Name	First Name	Workweeks	Settlement Amount
103822	Alvarado	Santiago	4	27.84
108404	Baca	James	4	27.84
105781	Barrett	Jon	4	27.84
112455	Blum III	Arthur	4	27.84
101517	Blumenthal	Alan	4	27.84
30267	Brownstein	Brian	4	27.84
11527	Desouza	Waldeir	4	27.84
100046	Dymond	Ernest	4	27.84
111822	Elgendy	Mohamed	4	27.84
110139	Esfarjany	Mahmood	4	27.84
30416	Gonzalez	Ramon	4	27.84
24039	Hart	Brandi	4	27.84
102590	Hensley	Anthony	4	27.84
28844	Hicks	Todd	4	27.84
18823	Kim	Anthony	4	27.84
22844	Lazarov	Vasilije	4	27.84
111405	Lopez-Silvero	Fidel	4	27.84
103434	Metz	Deborah	4	27.84
102328	Meyer	Ronald	4	27.84
101935	Mohamed	Hamza	4	27.84
103433	Orschel	Victor	4	27.84
104938	Ortega	Paul	4	27.84
32148	Radowski	Miroslaw	4	27.84
100036	Raja	Gul	4	27.84
28237	Rice	John	4	27.84
100310	Sapienza	Gino	4	27.84
105463	Schersei	Baryalai	4	27.84
104287	Thacke	Steven	4	27.84
102726	Tun	Nay	4	27.84
105600	Villiamin	Cecilio	4	27.84
28448	Walker	Arthur	4	27.84
103983	Wedo	Jami	4	27.84
13509	Wendell	William	4	27.84
111878	White II	Prinest	4	27.84
13237	Wideman	Timothy	4	27.84
25411	Adhanom	Tewoldebrhan	3	20.88
101294	Alemanthe	Abrham	3	20.88
102265	Amis	Sheneka	3	20.88
105219	Assefa	Dawit	3	20.88
25475	Ayasso	Gheyas	3	20.88
103298	Backman	Allen	3	20.88
20451	Baik	Man	3	20.88
105592	Berndt	Jeffrey	3	20.88
29914	Bliss	Valerie	3	20.88
31673	Bly	Vertitio	3	20.88
110579	Brooks	Jose	3	20.88
104679	Burdge	Rodney	3	20.88

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
104027	Cassin	George	3	20.88
24737	Charov	Ivaylo	3	20.88
31467	Clarke	Michael	3	20.88
20963	Cooper	Paul	3	20.88
30300	Cruz-Decastro	Antonio	3	20.88
101103	Davila-Romero	Monica	3	20.88
103417	Davis	Marc	3	20.88
22531	Dowling	Charles	3	20.88
109327	Eddik	Muhannad	3	20.88
29297	Gebremicheal	Yohannes	3	20.88
27747	Getahun	Kebede	3	20.88
104096	Gray	Stephen	3	20.88
5787	Haefele	Howard	3	20.88
27630	Harraki	Said	3	20.88
107191	Ivanov	Yordan	3	20.88
102374	Konesavanh	Vilaysong	3	20.88
28742	Kopacic	Dzevad	3	20.88
16090	Kruse	Linda	3	20.88
112296	Loebig	Roxana	3	20.88
104709	Meehan	Jeffrey	3	20.88
110334	Michilena	Luis	3	20.88
16572	Mirkulovski	Danny	3	20.88
24716	Mogeeth	Ehab	3	20.88
104356	Mota-Armando	Luis	3	20.88
25712	Munoz	Alberto	3	20.88
24012	Romero	Ruben	3	20.88
29249	Sameni	Abbas	3	20.88
105240	Setian	Alfred	3	20.88
103865	Sevilla	Jose	3	20.88
17213	Staudt	Philip	3	20.88
100598	Tarragano	Michael	3	20.88
104569	Taylor	Lawanda	3	20.88
105246	Thompson	Glenn	3	20.88
103054	Uremovic	Raul	3	20.88
26779	Wang	Jieng	3	20.88
105192	Adams	Michael	2	13.92
111317	Benitez Jr	Ray	2	13.92
30327	Christensen	Rosa	2	13.92
104829	Christopher	Kelly	2	13.92
103049	Ciubotaru	Diana	2	13.92
100606	Cleary	James	2	13.92
16066	Crupi	Vincent	2	13.92
104189	Davis	Michael	2	13.92
28432	Dubowsky	Samuel	2	13.92
12607	Edrington	Charles	2	13.92
105111	Evans	Kathleen	2	13.92
105630	Farias	Liliana	2	13.92

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
106431	Feleke	Melak	2	13.92
111068	Filatov	Andrey	2	13.92
29345	Franklin	Joseph	2	13.92
32178	Garcia	Katrina	2	13.92
26636	Garrett	Kathleen	2	13.92
103979	Gessese	Worku	2	13.92
31840	Gokcek	Guney	2	13.92
101055	Gryn	Cherinne	2	13.92
103753	Hammers	Gary	2	13.92
106082	Harden	Roy	2	13.92
22772	Hoffman	Gery	2	13.92
103549	Ivanov	Aleksandar	2	13.92
111813	Kadir	Tura	2	13.92
107940	Maharit	Khamkhung	2	13.92
21728	Martinez-Ramirez	Eduardo	2	13.92
108405	Mcarthur	David	2	13.92
111443	McDonald	Mary	2	13.92
30888	Menamo	Sebsibe	2	13.92
26609	Mezzenasco	Pedro	2	13.92
105392	Nguyen	Thu	2	13.92
104612	Ortega	Paul	2	13.92
18569	Saravanos	John	2	13.92
15572	Sauceda	Anthony	2	13.92
103937	Simmons	Cheryl	2	13.92
103413	Tsegaye	Miheret	2	13.92
19998	Walker	Johnnie	2	13.92
29687	Wilcox	Todd	2	13.92
29733	Winer	Michael	2	13.92
102886	Winter	William	2	13.92
102744	Yousefi-Talouki	Zatollah	2	13.92
31672	Zhen	Yong	2	13.92
107420	Azeke	Samuel	1	6.96
25454	Bell	Jeffrey	1	6.96
27962	Bellegarde	Josue	1	6.96
24982	Bjelivuk	Petar	1	6.96
102425	Brockmann	Jeffrey	1	6.96
111298	Caesar	Robert	1	6.96
103514	Castaneira	Juan	1	6.96
104451	Ceja Jr.	Daniel	1	6.96
112394	Chavez	Rosemarie	1	6.96
25981	Chon	Daniel	1	6.96
30822	Conde	Carlos	1	6.96
108978	Coney-Cummings	Keisha	1	6.96
104891	Daniel	Derrick	1	6.96
103804	Daniels	Donald	1	6.96
105461	Digles	Michael	1	6.96
6832	Dionas	John	1	6.96

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
103719	Evans	Pamela	1	6.96
111287	Evans	Brian	1	6.96
25078	Hartman	Gary	1	6.96
109838	Kabbaz	David	1	6.96
21958	Kendall	Terrance	1	6.96
23809	Kirov	Peter	1	6.96
103106	Kramer	Glenn	1	6.96
22052	Lonbani	Khosro	1	6.96
28444	Malta	Ivan	1	6.96
101566	Manuel	Donald	1	6.96
111199	McCarroll-Jones	Claudia	1	6.96
105197	Mitchell	Anthony	1	6.96
101222	Mogos	Habte	1	6.96
26904	Mueller	Teddy	1	6.96
108427	Murray	Joseph	1	6.96
100302	Nazarov	Mikael	1	6.96
29215	Netrayana	Kanchalee	1	6.96
110417	Patton	Dorothy	1	6.96
110560	Perrone	Anthony	1	6.96
111257	Petculescu	Ciprian	1	6.96
100050	Phongboupaha	Sam	1	6.96
104360	Roberts	Adam	1	6.96
25851	Smale	Charles	1	6.96
15032	Tafesh	Alfred	1	6.96
103906	Trovato	Paul	1	6.96
22795	Villanueva	Alberto	1	6.96
110134	Zornek	David	1	6.96
106731	Abdella	Juhar	-	-
108330	Acosta	Lorrie	-	-
31092	Acosta	Jose	-	-
24986	Adamian	Robert	-	-
105934	Adamson	Nicole	-	-
107657	Agacevic	Ibnel	-	-
31313	Ahmed	Ahmed	-	-
31271	Alem	Aklilu	-	-
102121	Alemayehu	Tewodros	-	-
22318	Alessi	Anthony	-	-
107900	Alexander	Darvious	-	-
109260	Alfaro	Joe	-	-
108294	Altamura	Vincent	-	-
27851	Alves	Mary	-	-
30914	Ameha	Samuale	-	-
29709	Andersen	Jason	-	-
17561	Anderson	Dean	-	-
105896	Anderson Jr.	Roosevelt	-	-
106717	Applegate	Angela	-	-
107592	Arell	Roger	-	-

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
25901	Armendinger	Shane	-	-
20792	Asad	Tassawar	-	-
100934	Assena	Zenebech	-	-
100520	Atanasov	Nikolay	-	-
100540	Atterbury	Joseph	-	-
30302	Aurich	Juan	-	-
100485	Axelrod	Stuart	-	-
107129	Azmoudeh	Bobby	-	-
104266	Azzouay	El Houcine	-	-
29600	Babinchak	Blaine	-	-
28559	Banuelos	Ruben	-	-
107414	Bardo	Timothy	-	-
13208	Barr	Kenneth	-	-
104969	Barseghyan	Artur	-	-
16340	Barstow	Lance	-	-
26442	Bartunek	Johnny	-	-
28377	Bataineh	Ali	-	-
11312	Betts	James	-	-
101079	Blanco	Mario	-	-
105314	Briggs	Andrew	-	-
27558	Brisco	Allen	-	-
23684	Buergey	Christopher	-	-
109309	Caldwell Jr.	Paul	-	-
109319	Calise	Domenic	-	-
107278	Cancio-Betancourt	Rene	-	-
31892	Carr	Jamaal	-	-
102849	Caymite	Luc	-	-
105833	Chasteen	Jeffery	-	-
103333	Chatrizeh	Shahin	-	-
29022	Choudhary	Krishna	-	-
24814	Christodoulou	Panos	-	-
107534	Cobos	Aaron	-	-
102415	Collier	Ella	-	-
31930	Collins	Lincoln	-	-
101415	Conway	James	-	-
27321	Deguzman	Leloi	-	-
29728	Deguzman	Fermin	-	-
102873	Deocampo	Michael	-	-
107319	Desta	Fissehay	-	-
29120	Diaz	Aiser	-	-
101481	Dibaba	Desta	-	-
28210	Dicoio	William	-	-
17533	Dobszewicz	Gary	-	-
104702	Dotson	Contessa	-	-
104559	Dudek	Anthony	-	-
15932	Durey	Robert	-	-
30103	Eggert	Douglas	-	-

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
108248	Ellis	Charles	-	-
25792	Eshaghi	Mohammad	-	-
109739	Estrada	Michael	-	-
106728	Evans	Steven	-	-
107808	Fadlallah	Michel	-	-
108274	Farah	Yohannes	-	-
27295	Fleer	Russell	-	-
107865	Fleming	Gary	-	-
103058	Frankenberger	Grant	-	-
107868	Furst III	James	-	-
107075	Gared	Yaekob	-	-
108443	Garras	Bill	-	-
24415	Gaumond	Gerard	-	-
107680	Gbajumo	Osawonyi	-	-
101108	Gebrehiwot	Dawit	-	-
108749	Gebremariam	Meley	-	-
17296	Ghori	Azhar	-	-
108401	Gianopoulos	Samuel	-	-
31780	Gilbert	David	-	-
106826	Gilmore	Paula	-	-
31546	Godsey	Thomas	-	-
27531	Golden	Theresa	-	-
103691	Golla	Dawit	-	-
108505	Gomez-Gomez	Arlene	-	-
108929	Goolsby	Victor	-	-
107841	Guil	Inessa	-	-
25856	Guinan	William	-	-
108540	Gyuro	John	-	-
104987	Habtegebriel	Fekadu	-	-
25834	Habtom	Ermias	-	-
108967	Hadley	Aaron	-	-
100660	Haigh III	Walter	-	-
107891	Hanna	Christopher	-	-
15655	Harrell	Mark	-	-
109079	Harris III	Reggie	-	-
29700	Harun	Idris	-	-
106158	Herbert	Christopher	-	-
107450	Herga	Ryan	-	-
100390	Hirsi	Kamal	-	-
32082	Hoffman	Gary	-	-
20308	Holcomb	Dalton	-	-
14453	Holt	John	-	-
26347	Hooper	Donald	-	-
106409	Hoschouer	Christina	-	-
101111	Huerena	Samuel	-	-
107458	Hurley	Robert	-	-
103794	Inman	Christopherr	-	-

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
109441	Jellison	Charles	-	-
109107	Johnson	Richard	-	-
107529	Johnson	Edgar	-	-
22087	Johnson	Rodney	-	-
109679	Johnson	Cary	-	-
104181	Jones	Shannon	-	-
109450	Kane Jr	Michael	-	-
107173	Karner	Adam	-	-
25706	Keba	Woldmarim	-	-
102094	Kennerly	Bridgett	-	-
104230	Key	Roy	-	-
11369	Khan	Zaka	-	-
104669	King Jr.	John	-	-
109307	Knight	Tyree	-	-
101340	Kunik	Robert	-	-
18696	Laico	Paul	-	-
17456	Lee	Thomas	-	-
31573	Legesse	Dereje	-	-
28865	Ligus	Thomas	-	-
107570	Linzer	Steven	-	-
19189	Lombardo	Hector	-	-
105722	Lorenz	Dierdra	-	-
31548	Lovelady	Warren	-	-
24938	Lovin	Charles	-	-
30896	Martin	Monica	-	-
105547	Mastrio	Angelo	-	-
103153	Maza	Inez	-	-
20800	McCarthy	John	-	-
103649	McConnell	Therral	-	-
108400	McCoubrey	Earl	-	-
14279	McCullough	Robert	-	-
107820	McGowan	Sean	-	-
106330	McLandau	Antonio	-	-
108091	McNeece	James	-	-
106669	Medina	Taurean	-	-
28253	Medlock	Michael	-	-
30015	Melka	Tariku	-	-
101302	Mengesha	Alemayehu	-	-
22514	Miller	Michelle	-	-
108979	Montano	Oscar	-	-
100801	Montoya	Francisco	-	-
20361	Moretti	Bryan	-	-
20929	Mostafa	Ahmed	-	-
27776	Murray	Mark	-	-
101014	Naffah	Camillia	-	-
107884	Ndichu	Simon	-	-
106081	Nighbor	Thomas	-	-

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
108901	Nigussie	Gulilat	-	-
107049	Norberg	Chrtistopher	-	-
108598	O'Shea	Kevin	-	-
10063	Ocampo	Leonardo	-	-
107054	Ohlson	Ryan	-	-
105743	Oliveros	Mario	-	-
106563	Ontura	Tesfaalem	-	-
101515	Overson	Michael	-	-
31982	Oyebade	Vincent	-	-
25013	Pak	Kon	-	-
108360	Parker	Shawnette	-	-
29598	Paros	Nicholas	-	-
108848	Penn	Curtis	-	-
102842	Perrotti	Dominic	-	-
108280	Petrie	Theodore	-	-
106030	Petrossian	Robert	-	-
107141	Phillipps	Marc	-	-
26689	Platania	John	-	-
26044	Pohl	Daniel	-	-
104539	Portillo	Mario	-	-
108970	Price	Allen	-	-
4237	Purdue	Robert	-	-
104611	Ramirez	Erney	-	-
105566	Restrepo	Camilo	-	-
27765	Reznicek	William	-	-
107876	Rockett Jr	Roosevelt	-	-
102368	Ross	Larry	-	-
104279	Rothenberg	Edward	-	-
105737	Ruby	Melissa	-	-
109676	Russell	Darrell	-	-
106433	Schenck	Herman	-	-
30461	Schoeb	Kirk	-	-
20507	Shein	Efraim	-	-
24498	Shinn	Kevin	-	-
106602	Siasat	Manuel	-	-
108229	Siegel	Jeffrey	-	-
100267	Siljak	Lidija	-	-
106872	Singh	Baldev	-	-
106874	Sitotaw	Haileab	-	-
107012	Smith	Robert	-	-
29617	Solares	John	-	-
25297	Solis	Brigido	-	-
103996	Sorbi	Nina	-	-
108613	Soto	Johnny	-	-
107556	Sparks	Cody	-	-
108565	Spaulding	Ross	-	-
24674	Sphouris	Constantine	-	-

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Appendix B

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ID	Last Name	First Name	Workweeks	Settlement Amount
107136	Stauff	John	-	-
105167	Stayton	William	-	-
17619	Stephanov	Liuben	-	-
100886	Stern	Robert	-	-
22785	Stewart	Victor	-	-
19971	Swanson	Michele	-	-
108135	Terry	James	-	-
26925	Thomas	Scott	-	-
101923	Tullao	Isaac	-	-
109402	Turner	Michael	-	-
104173	Tyler	Christopher	-	-
27612	Ullah	Mohammad	-	-
106464	Valdes	Lazaro	-	-
105001	Vanluven	RJ	-	-
24955	Vences	Alfredo	-	-
102170	Villegas	Gene	-	-
107685	Vonengel	Stephen	-	-
107153	Wagg	John	-	-
100131	Wakeel	Daud	-	-
109188	Webb	Ricky	-	-
106567	Weldu	Berhane	-	-
27347	Welzbacher	Daniel	-	-
106800	Whiting	Mark	-	-
31578	Williams	Danny	-	-
101893	Wilson Jr.	Mose	-	-
105911	Wolde	Hailemariam	-	-
106765	Woldeghebriel	Berhane	-	-
108670	Wondired	Eshetu	-	-
27983	Wood	Samuel	-	-
24842	Woodall	Charles	-	-
17232	Yepiz-Patron	Ubaldo	-	-
103337	Yihdego	Abdulkadir	-	-
104701	Yimer	Yidersal	-	-
19891	Younes	Ahmed	-	-
30723	Young	Erik	-	-
28868	Zabadneh	Randa	-	-
1110 Total Class Members			31,543	\$ 219,529.00

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EXHIBIT “2”

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EXHIBIT “2”

	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
2	103798	Abarca	Enrique		\$83.52	06/07/2022
3	21176	Abate	Romanwork	A	\$48.72	06/10/2022
4	104273	Abraham	Joseph	L	\$27.84	06/23/2022
5	26067	Abuel	Alan	B	\$1,190.10	06/13/2022
6	105192	Adams	Michael	J	\$13.92	06/07/2022
7	30590	Adem	Sued	S	\$83.52	06/06/2022
8	101294	Alemanthe	Abrham		\$20.88	06/07/2022
9	28434	Ali	Abraham	A	\$640.29	06/27/2022
10	105475	Alzate	Alonzo		\$90.48	06/13/2022
11	25146	Amato	Richard	D	\$146.15	06/07/2022
12	24038	Anantagul	Kamol		\$41.76	07/18/2022
13	17616	Anderson	William		\$62.64	06/14/2022
14	29940	Anif	Janeid	M	\$633.33	06/13/2022
15	28316	Arathoon	Eric	A	\$97.44	06/16/2022
16	104910	Archer	Bert	J	\$55.68	06/15/2022
17	18161	Archuleta	Alex		\$285.35	07/11/2022
18	106376	Arellano	Miguel	A	\$473.26	06/10/2022
19	110476	Auberry Jr.	Glenn	P	\$69.60	06/07/2022
20	25475	Ayasso	Gheyas	Z	\$20.88	06/23/2022
21	107420	Azeke	Samuel		\$6.96	07/05/2022
22	103298	Backman	Allen	D	\$20.88	06/13/2022
23	31677	Bafrodu	Solomon	T	\$153.11	06/08/2022
24	112015	Bambenek	Matthew	P	\$236.63	06/06/2022
25	29308	Barbu	Ion	D	\$640.29	06/07/2022
26	100158	Barnes	Benjamin		\$640.29	06/27/2022
27	25454	Bell	Jeffrey	P	\$6.96	06/06/2022
28	105582	Benel	Christian	E	\$194.87	06/07/2022
29	105592	Berndt	Jeffrey	E	\$20.88	06/21/2022
30	23373	Bey	Ronald	A	\$786.44	08/01/2022
31	102129	Bianchi	Giann	C	\$62.64	06/10/2022
32	29914	Bliss	Valerie	K	\$20.88	06/07/2022
33	31673	Bly	Vertitio		\$20.88	06/06/2022
34	28289	Boling	Freddie	D	\$549.81	06/24/2022
35	27927	Borges	Antonio	G	\$682.05	06/06/2022
36	110770	Bosley	Thomas	R	\$41.76	06/06/2022
37	28324	Bradley	Leroy	V	\$626.37	06/29/2022
38	23705	Brauchle	Michael	J	\$890.84	06/09/2022
39	102689	Breault	Ronald	Z	\$125.27	06/06/2022
40	102425	Brockmann	Jeffrey	L	\$6.96	06/28/2022
41	110579	Brooks	Jose	C	\$20.88	08/02/2022
42	107492	Brown	Jimmy	L	\$34.80	06/27/2022
43	26108	Brown	Maurice		\$285.35	06/06/2022
44	30267	Brownstein	Brian	B	\$27.84	06/22/2022
45	17141	Buettgenbach	Frank	J	\$76.56	06/08/2022
46	111670	Burns	Brittany	E	\$34.80	06/27/2022

	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
47	103598	Cadman	Linda	L	\$34.80	06/14/2022
48	102653	Caren	Andrea		\$90.48	06/13/2022
49	30451	Carracedo	Sonny	C	\$1,190.10	06/03/2022
50	100505	Carvin	Michael	L	\$90.48	06/06/2022
51	26909	Casiello	Anthony	R	\$640.29	06/16/2022
52	29751	Champigny	Paul	A	\$466.30	07/05/2022
53	30538	Charouat	Malek	R	\$633.33	06/07/2022
54	112394	Chavez	Rosemarie		\$6.96	06/15/2022
55	100606	Cleary	James	J	\$13.92	06/09/2022
56	107430	Cobon	Karl	J	\$173.99	06/21/2022
57	29945	Cohoon	Thomas	S	\$640.29	07/27/2022
58	28480	Coizeau	Leonardo	R	\$528.94	06/13/2022
59	31682	Collier	Samuel	J	\$69.60	06/09/2022
60	30229	Collins	Donald	V	\$549.81	06/07/2022
61	24861	Contratto	Richard	J	\$62.64	07/05/2022
62	26085	Cook	Robert	E	\$208.79	06/09/2022
63	25510	Cooper	Cindi	L	\$48.72	08/11/2022
64	20963	Cooper	Paul	W	\$20.88	06/06/2022
65	21373	Costello	Brad	L	\$1,190.10	06/06/2022
66	104970	Craffey	Richard	G	\$584.61	06/21/2022
67	21457	Crawford	Maximillian	M	\$229.67	06/06/2022
68	16066	Crupi	Vincent	T	\$13.92	06/07/2022
69	109130	Dacayanan	Liza	E	\$410.62	06/06/2022
70	23948	Daffron	Daniel	T	\$417.58	06/13/2022
71	102947	Dagley	Darryl		\$146.15	06/13/2022
72	110936	Daniels	James	R	\$222.71	06/21/2022
73	28252	Daniels	Katherine	A	\$452.38	06/03/2022
74	102405	Danielsen	Danny		\$167.03	06/30/2022
75	28065	Davis	Bradley	C	\$549.81	07/05/2022
76	29524	Degefa	Dejene	W	\$257.51	06/06/2022
77	106337	Diakite	Barou	B	\$41.76	06/07/2022
78	111062	Diamond	Jeffrey	M	\$146.15	06/02/2022
79	105278	Disbrow	Ronald	L	\$640.29	06/06/2022
80	25095	Dixon	Julius	W	\$995.23	06/07/2022
81	30717	Djapa-Ivosevic	Davor	R	\$549.81	06/15/2022
82	102534	Dondich	Kirk	E	\$69.60	06/06/2022
83	107521	Dorsch	Scott	T	\$167.03	07/28/2022
84	106763	Doyle	William	F	\$69.60	06/06/2022
85	21740	Draper	Ivan	L	\$821.24	06/06/2022
86	28371	Dubric	Jasminka		\$5,389.74	06/07/2022
87	20471	Durtschi	Jeffrey	C	\$1,190.10	06/06/2022
88	105265	Eastwood	Christian	M	\$41.76	07/11/2022
89	12607	Edrington	Charles	F	\$13.92	06/08/2022
90	30312	Edwards	Jeffrey	A	\$1,190.10	06/17/2022
91	100678	Egan	Joseph	W	\$1,023.07	06/10/2022

	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
92	30346	Ekoue	Ayi		\$647.25	7/20/2022
93	29979	Elens	Gary	y	\$69.60	06/08/2022
94	111822	Elgendy	Mohamed	A	\$27.84	06/06/2022
95	18678	Eliades	George		\$76.56	06/07/2022
96	109641	Emling	Paul	E	\$584.61	06/07/2022
97	19679	Ernst	William	L	\$229.67	06/17/2022
98	29981	Fair	Kirby	L	\$278.39	06/06/2022
99	25163	Farrelly	Bridhid	K	\$549.81	06/15/2022
100	100939	Fesehazion	Teabe		\$744.69	06/08/2022
101	28866	Fitz-Patrick	Michael	J	\$76.56	06/29/2022
102	106849	Fox	Gordon	R	\$34.80	06/07/2022
103	29200	Friedman	Robert	I	\$424.54	06/21/2022
104	104792	Gahafer	Steven	L	\$132.23	06/09/2022
105	24791	Garcia	Anthony	J	\$487.18	06/06/2022
106	16027	Gardea	Alfred	E	\$146.15	06/06/2022
107	30753	Gebrehana	Kebere	M	\$271.43	06/13/2022
108	103222	Gebremichael	Negasi	N	\$48.72	07/29/2022
109	29240	Getnet	Girma	M	\$549.81	06/30/2022
110	101229	Giambattista	Kenneth	P	\$146.15	08/05/2022
111	14719	Gillett	David	C	\$640.29	06/30/2022
112	29451	Gilo	Hobart	B	\$62.64	06/06/2022
113	31076	Glaser	Stephen	P	\$76.56	06/24/2022
114	5467	Gleason	John	T	\$1,190.10	06/08/2022
115	106045	Glogovac	Goran		\$118.31	06/15/2022
116	110272	Gonzalez-Ruiz	Jose	C	\$69.60	06/06/2022
117	104534	Grafton	Natasha	D	\$647.25	06/13/2022
118	31943	Gramatikov	Petko		\$118.31	06/07/2022
119	104096	Gray	Stephen	A	\$20.88	06/15/2022
120	100384	Greco	Francis	J	\$48.72	06/09/2022
121	23107	Green	Tony	D	\$549.81	6/09/2022
122	103375	Guertin	Jamie	L	\$90.48	06/24/2022
123	103550	Habte	Amanuel		\$508.06	06/27/2022
124	5787	Haefele	Howard	E	\$20.88	06/07/2022
125	102771	Hansen	Jordan	Z	\$988.27	06/07/2022
126	29609	Haralambov	Valko	G	\$208.79	06/21/2022
127	100471	Harris	Jason	B	\$549.81	06/17/2022
128	24039	Hart	Brandi	E	\$27.84	06/16/2022
129	8876	Haskell	William	L	\$466.30	06/08/2022
130	107237	Hendricks	Mark	R	\$104.40	06/06/2022
131	102590	Hensley	Anthony	R	\$27.84	06/09/2022
132	20200	Hernandez	Luis	F	\$417.58	06/06/2022
133	109792	Hinds Jr.	Monroe	J	\$104.40	06/06/2022
134	21270	Hinks	Dana	K	\$1,190.10	06/06/2022
135	22731	Hodge	Lee	E	\$640.29	06/06/2022
136	32082	Hoffman	Gary	L	\$13.92	06/17/2022

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	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
137	109456	Holler	Alfonso		\$132.23	06/13/2022
138	23103	Hollis	James	L	\$640.29	06/21/2022
139	24885	Huffman	Britton	L	\$160.07	06/06/2022
140	20463	Hughes	Jerry	N	\$549.81	06/09/2022
141	22373	Hunter	James	A	\$640.29	06/07/2022
142	101711	Huntington	Walter	D	\$187.91	06/06/2022
143	27788	Hurd	Donald	P	\$153.11	06/13/2022
144	19711	Hurtado	Hubert	B	\$1,190.10	06/06/2022
145	23516	Isaac	Edsel	E	\$1,190.10	06/07/2022
146	17637	Ivey	Timothy	C	\$459.34	06/13/2022
147	108839	Jackson	Frederick	D	\$556.77	6/27/2022
148	20466	Jafarian	Moharram		\$34.80	06/17/2022
149	29214	Javelona	Mario	F	\$62.64	06/14/2022
150	22759	Jennings	Stanley	L	\$83.52	06/06/2022
151	29583	Jimenez	Michael	J	\$494.14	06/14/2022
152	106172	Johnson	Tony	P	\$542.85	06/07/2022
153	21443	Joseph	Loradel		\$41.76	06/16/2022
154	111813	Kadir	Tura	H	\$13.92	07/05/2022
155	20967	Kang	Dae Ik		\$167.03	06/28/2022
156	22467	Kaplon	Mark	S	\$48.72	06/07/2022
157	26554	Kelly	Sean	P	\$118.31	06/06/2022
158	21032	Kenary	Brian	T	\$1,190.10	06/06/2022
159	26794	Kern	Gary	F	\$856.04	06/09/2022
160	102301	Kirschner	Joseph		\$55.68	06/06/2022
161	111283	Kissel	Sean	C	\$382.78	07/01/2022
162	12617	Klein	Phillip	N	\$640.29	07/05/2022
163	3896	Koch	Frederick	B	\$139.19	06/07/2022
164	103388	Kolasienksi	Aemon	J	\$215.75	06/16/2022
165	102374	Konesavanh	Vilaysong		\$20.88	06/27/2022
166	103106	Kramer	Glenn	A	\$6.96	07/01/2022
167	16090	Kruse	Linda	E	\$20.88	06/27/2022
168	103826	Kull JR.	William	A	\$146.15	06/07/2022
169	107625	Lafarge	Jeannine	A	\$111.35	06/06/2022
170	21230	Laspada	Brian	M	\$153.11	06/15/2022
171	25362	Lathan	Joseph	H	\$250.55	06/07/2022
172	25175	Leacock	Brian		\$1,190.10	06/17/2022
173	104934	Leal	Jill	I	\$640.29	06/09/2022
174	18960	Lee	Melvin	R	\$341.02	07/25/2022
175	28264	Linn	Ronald	M	\$723.81	06/06/2022
176	15804	Little	Dennis	P	\$515.02	06/16/2022
177	101853	Liu	David		\$90.48	06/15/2022
178	15095	Lloyd	Mark	W	\$104.40	07/20/2022
179	112296	Loebig	Roxana	C	\$20.88	06/06/2022
180	102548	Lombana	Francisco	J	\$69.60	06/13/2022
181	28839	Lopez	Eugenio		\$640.29	06/06/2022

	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
182	32076	Lovett	Patrick	S	\$153.11	06/27/2022
183	101648	Lydick	Chip	S	\$83.52	06/30/2022
184	24918	Magana	Luis Antonio		\$640.29	06/28/2022
185	108770	Mahmoud	Ahmed		\$118.31	07/12/2022
186	15614	Mahmud	Omar		\$375.82	06/13/2022
187	28444	Malta	Ivan	I	\$6.96	07/08/2022
188	104677	Manfredi	Thomas		\$34.80	07/20/2022
189	101992	Manor	Quincy	A	\$139.19	06/06/2022
190	25957	Maras	Maria	M	\$668.13	06/13/2022
191	21728	Martinez-Ramirez	Eduardo		\$13.92	06/17/2022
192	110618	Mastrio	Pamela	J	\$180.95	07/12/2022
193	110108	Mathis	George	T	\$55.68	06/07/2022
194	28427	McCarter	Patrick	E	\$1,190.10	06/08/2022
195	107427	McDougle	Jeffrey	D	\$173.99	06/28/2022
196	27827	McGarry	James		\$549.81	06/06/2022
197	102968	Meloro	Joseph	S	\$55.68	06/06/2022
198	20301	Meloro	Paul	M	\$146.15	06/07/2022
199	30888	Menamo	Sebsibe	S	\$13.92	06/16/2022
200	22820	Mersal	Beth		\$452.38	06/22/2022
201	102328	Meyer	Ronald	G	\$27.84	07/08/2022
202	26609	Mezzenasco	Pedro	J	\$13.92	06/10/2022
203	16831	Miller	Darryl		\$173.99	06/06/2022
204	106566	Mindyas	James	B	\$111.35	06/24/2022
205	31191	Mitchell	Jimmy		\$389.74	07/29/2022
206	104476	Mitchell	Sebastian	G	\$90.48	06/27/2022
207	104887	Miyazaki	Nisaburo		\$480.22	06/13/2022
208	104078	Mohr	Donald	M	\$62.64	06/03/2022
209	105063	Monteagudo	Oscar	C	\$132.23	06/22/2022
210	9397	Moreno	James	M	\$640.29	06/08/2022
211	27059	Mottaghian	Joseph		\$34.80	06/06/2022
212	107704	Muhtari	Abdulrahman		\$494.14	06/07/2022
213	20637	Mumma	Donald	A	\$243.59	06/07/2022
214	109136	Murawski	Richard	F	\$640.29	06/07/2022
215	108427	Murray	Joseph	A	\$6.96	06/10/2022
216	100204	Mutia	Junno	D	\$118.31	06/06/2022
217	102656	Nedyalkov	Atanas	D	\$69.60	06/06/2022
218	105251	Negashe	Legesse	M	\$132.23	08/01/2022
219	20716	Negussie	Berhanu		\$111.35	06/08/2022
220	100570	Newell	John	D	\$41.76	06/06/2022
221	24629	Nick	Harry		\$396.70	06/14/2022
222	25756	Nicol	Thaddeus	M	\$334.06	07/05/2022
223	109711	Norvell	Chris	D	\$626.37	06/14/2022
224	30736	Novaky	Adam	S	\$83.52	06/10/2022
225	30295	Ogbazghi	Dawit		\$640.29	06/07/2022
226	109172	O'Grady	Francis	J	\$501.10	06/06/2022

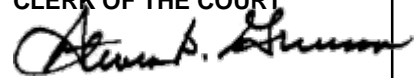
	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
227	27673	Olmsted	Hal	G	\$1,190.10	06/21/2022
228	104938	Ortega	Paul	S	\$27.84	06/06/2022
229	25832	Osterman	Victor	L	\$473.26	06/08/2022
230	28489	Ozgulgec	Tunc		\$640.29	06/07/2022
231	31283	Pak	Sam	U	\$549.81	07/25/2022
232	106025	Paone	Chris	P	\$292.31	06/17/2022
233	16676	Parker	Gary	E	\$327.10	06/06/2022
234	19858	Passera	Charles	D	\$139.19	06/13/2022
235	106316	Patry	Michael	J	\$125.27	06/06/2022
236	28914	Patterson	Robert	J	\$118.31	06/07/2022
237	110417	Patton	Dorothy	L	\$6.96	06/29/2022
238	108077	Pearson	Jon	C	\$640.29	06/13/2022
239	110429	Pearson	Renee	E	\$285.35	06/06/2022
240	31112	Peer	Yuda		\$570.69	06/06/2022
241	104819	Penera	Eric	S	\$354.94	06/03/2022
242	15968	Peterson	Kenneth	C	\$1,127.47	06/06/2022
243	10602	Peterson	Steven		\$668.13	06/03/2022
244	15118	Pilkington	Margaret	A	\$786.44	06/06/2022
245	107617	Pineda	Carlos	A	\$494.14	06/06/2022
246	28406	Pitts	Amir	G	\$1,190.10	06/08/2022
247	28012	Pletz	David		\$598.53	06/13/2022
248	26679	Polchinski	Paul		\$41.76	06/08/2022
249	26855	Prather	Robert	Z	\$389.74	06/07/2022
250	14372	Price	James	L	\$501.10	06/17/2022
251	109600	Prince	Gregory	M	\$76.56	06/07/2022
252	26363	Punzalan	Luciano	S	\$55.68	07/01/2022
253	19169	Purvis	James	E	\$647.25	06/17/2022
254	3281	Rajsombat	Bounlome		\$1,190.10	06/06/2022
255	24691	Rasheed	Willie	A	\$229.67	06/06/2022
256	102580	Ray	William	A	\$640.29	06/07/2022
257	108758	Regans	Mark	D	\$69.60	06/07/2022
258	2103	Rehfeld	Jay	S	\$1,141.39	06/21/2022
259	29054	Reid	Marvin	D	\$640.29	06/06/2022
260	27304	Relopez	Craig	M	\$1,190.10	06/03/2022
261	14261	Riipi	Karl	A	\$306.23	06/07/2022
262	109502	Rios-Lopez	Oscar	A	\$34.80	06/30/2022
263	111756	Risco	Pedro	R	\$125.27	06/06/2022
264	100887	Rohlas	Polly	A	\$640.29	06/08/2022
265	105327	Romano	Anthony	L	\$640.29	06/13/2022
266	101128	Rosenberger	John	R	\$69.60	06/09/2022
267	4980	Rosenthal	John		\$1,190.10	06/03/2022
268	27129	Rotich	Emertha		\$194.87	06/06/2022
269	101879	Rousseau	James	R	\$153.11	06/29/2022
270	104763	Ruiz	Travis	C	\$869.96	06/17/2022
271	104653	Sadler	James	C	\$34.80	06/14/2022

	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
272	20666	Saleh	Jemal		\$1,190.10	07/06/2022
273	24291	Sanders	Acy		\$689.01	06/08/2022
274	31314	Santillo	Matthew	A	\$48.72	06/17/2022
275	100310	Sapienza	Gino	E	\$27.84	06/17/2022
276	18569	Saravanos	John	T	\$13.92	06/22/2022
277	105273	Sayed	Jamil	A	\$570.69	06/09/2022
278	106913	Schraeder	Scott	T	\$90.48	06/28/2022
279	105577	Seidman	Steven	A	\$403.66	07/11/2022
280	8990	Serio	John	A	\$549.81	06/07/2022
281	31250	Serrano	Hector	N	\$83.52	06/27/2022
282	105240	Setian	Alfred		\$20.88	06/13/2022
283	103865	Sevilla	Jose	D	\$20.88	06/27/2022
284	17885	Sevillet	Otto	E	\$1,071.79	06/06/2022
285	19451	Shafiei	Abdolreza		\$90.48	06/08/2022
286	100444	Shallufa	Azmy		\$939.56	06/27/2022
287	102250	Sharp	Omar	S	\$132.23	06/24/2022
288	103821	Sherman	Jason	C	\$153.11	06/27/2022
289	105863	Siljkovic	Becir		\$83.52	06/14/2022
290	23388	Simmons	John	D	\$1,190.10	06/06/2022
291	28238	Smith	Lisa		\$153.11	06/06/2022
292	101122	Solorzano	Linda	Y	\$97.44	06/28/2022
293	105304	Sorkin	Jack	M	\$62.64	06/24/2022
294	103652	Sorrosa-Paulin	Juan		\$229.67	06/17/2022
295	30325	Soto	Jacob	D	\$1,190.10	06/10/2022
296	30142	Spilmon	Mark	A	\$849.08	08/03/2022
297	106034	Stagg	Charles	J	\$327.10	06/21/2022
298	104186	Stango	Anthony		\$90.48	06/06/2022
299	16873	Steck	Gregory	C	\$640.29	06/09/2022
300	108015	Stockton	Clarence	W	\$640.29	06/10/2022
301	105202	Stone	Joseph	B	\$55.68	06/16/2022
302	102400	Talley	George	A	\$605.49	06/06/2022
303	112063	Tapia-Vergara	Agustin		\$167.03	06/06/2022
304	100598	Tarragano	Michael	J	\$20.88	06/15/2022
305	3527	Tarrango Jr.	Stephen	G	\$41.76	06/15/2022
306	27654	Taurins	Walter		\$69.60	06/16/2022
307	111807	Taylor	Brent	A	\$97.44	06/06/2022
308	109745	Taylor	David	M	\$306.23	06/24/2022
309	104569	Taylor	Lawanda		\$20.88	06/17/2022
310	31977	Taylor	Marvin	L	\$139.19	06/14/2022
311	102962	Tegegne	Yiheyas	A	\$97.44	06/08/2022
312	104287	Thacke	Steven	C	\$27.84	08/01/2022
313	18303	Thompson	Glen	R	\$389.74	06/16/2022
314	27963	Thompson	Michael	B	\$640.29	07/18/2022
315	31836	Ticheste	Biserot	G	\$48.72	07/19/2022
316	29040	Timko	Robert	J	\$48.72	06/07/2022

	A	B	C	D	E	F
1	Employee ID	Last Name	First Name	Middle	Amount	Date Cleared
317	110796	Toka	Tamas	I	\$83.52	06/27/2022
318	24920	Tong	Edric	K	\$69.60	06/06/2022
319	22120	Travis	Brian	T	\$702.93	06/21/2022
320	103906	Trovato	Paul	J	\$6.96	06/22/2022
321	104747	Trumpp	Robert	G	\$48.72	06/28/2022
322	20386	Tucker	Carl	L	\$97.44	06/30/2022
323	20109	Tucker	Kenlon	A	\$278.39	06/10/2022
324	17229	Tungkitkancharoen	Songsuk		\$208.79	06/13/2022
325	103205	Ung	Fae	K	\$83.52	06/03/2022
326	107460	Urbanski	Anthony		\$640.29	07/01/2022
327	104941	Viado	Ramon	S	\$640.29	06/08/2022
328	109475	Vonkageler	Mark	A	\$41.76	07/26/2022
329	27878	Wang	Bao	X	\$62.64	06/21/2022
330	105157	Warner	Terrance	O	\$139.19	06/06/2022
331	31954	Watkins	Kathleen	G	\$41.76	06/10/2022
332	16231	Weaver	Gerie	L	\$842.12	06/06/2022
333	109066	Webster	Brock	E	\$62.64	06/07/2022
334	103983	Wedo	Jami		\$27.84	06/03/2022
335	30467	Wells	Fredrick	H	\$354.94	07/20/2022
336	111878	White II	Prinest	D	\$27.84	06/21/2022
337	28098	Wing	Roland	D	\$34.80	06/06/2022
338	102886	Winter	William	J	\$13.92	06/08/2022
339	110866	Wolfe	Thomas	E	\$424.54	06/06/2022
340	28160	Wong	Wanjin		\$445.42	06/03/2022
341	101429	Yabut	Vincent	B	\$76.56	06/15/2022
342	108389	Yamaguchi	Alicia	C	\$633.33	06/09/2022
343	17259	Yurckonis	Hilbert	J	\$521.98	06/21/2022
344	30374	Zafar	John	A	\$1,127.47	7/25/2022
345	20675	Zawoudie	Masfen	B	\$1,190.10	06/06/2022
346	27000	Zeitouni	Menhem	S	\$299.27	06/07/2022
347	17936	Zekichev	Nick		\$111.35	07/11/2022
348	31672	Zhen	Yong	Q	\$13.92	06/06/2022

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SUPPL
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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. IX

Hearing: September 14, 2022
9:30 a.m.

SUPPLEMENT TO DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO LIFT
STAY AND HAVE PENDING MOTIONS DECIDED

Defendants filed a response to *Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided* (herein "Motion"), shortly after Noon on Friday, August 26, 2022. Following Defendants' submission, at approximately 4:30 pm on that same day, Plaintiffs filed a *Petition for Rehearing* before the Nevada Supreme Court pertaining to that Court's affirmance of the *Dubric* judgment.

Exhibit 1. Accordingly, Defendants respectfully request leave of this Court to file this supplement and to advise the Court of this important development, which Plaintiffs failed to disclose.

1 As this Court is now well aware of, a stay is in place pending the Nevada Supreme Court's
2 decision as to Plaintiffs' appeal of the *Dubric* final judgment. In Plaintiffs' request to this Court to
3 lift the stay now that the Nevada Supreme Court has issued its decision, Plaintiffs yet again have not
4 been forthright nor honest with this Court. They altogether failed to disclose to this Court that they
5 were in fact seeking a rehearing on the appellate court's affirmance. Plaintiffs' counsel has a duty of
6 candor, honesty, and to be forthright with the Court, but instead continues to try to pull a "fast one".

7 **CONCLUSION**

8 It should be readily apparent to this Court that the circumstances necessitating a stay have not
9 changed, as Plaintiffs are seeking a rehearing on the same issue. The stay must be continued pending
10 the Nevada Supreme Court's decision on Plaintiffs' petition for a rehearing. Based upon Plaintiffs'
11 petition (which they knew they would be seeking, but failed to disclose), Defendants request that
12 Plaintiffs' motion be denied in its entirety. Plaintiffs are once again acting improperly and
13 unnecessarily escalating the fees and costs in this matter.

14 DATED this 29th day of August, 2022.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 29th day of August, 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.
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Co-Counsel for Plaintiffs

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Gabroy Law Offices
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Henderson, Nevada 89012
Co-Counsel for Plaintiffs

/s/ Susan Dillow

An Employee of Rodriguez Law Offices, P.C.

EXHIBIT 1

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EXHIBIT 1

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

MICHAEL MURRAY, MICHAEL RENO)
AND MICHAEL SARGENT, Individually)
and on behalf of a class of persons similarly)
situated, MARCO BAKHTIARI, MICHAEL)
BRAUCHLE, THOMAS COHOON, GARY)
GRAY, JORDAN HANSEN, ROGER)
KELLER, CHRIS D. NORVELL, POLLY)
RHOLAS and GERRIE WEAVER,)

Appellants,

vs.

JASMINKA DUBRIC, A CAB LLC, a)
Nevada Limited Liability Company; A CAB)
SERIES, LLC, EMPLOYEE LEASING)
COMPANY, a Nevada Series Limited)
Liability Company, CREIGHTON J. NADY,)
an individual, and DOES 3 through 20,)

Respondents.

Case No.: 83492

Electronically Filed
Aug 26 2022 04:31 p.m.
Dist. Ct. Case No. A771063
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' PETITION FOR
REHEARING PURSUANT TO NRAP 40**

SUMMARY OF PETITION

The Court should grant rehearing under NRAP 40(c)(2) because the Panel has overlooked or misapprehended the following material and controlling issues of law and fact:

(1) NRCP Rule 23(f), despite not incorporating the 2003 and later amendments of FRCP Rule 23, requires findings be made that a class action settlement is fair, reasonable and adequate. This is established by *Amchem Products, Inc. v. Windsor*, 521 U.S. 591, 620-21 (1997) and every other case examining the pre-2003 version of FRCP Rule 23(e) that is identical to the current NRCP Rule 23(f). The Panel misapprehended a controlling issue of law by holding otherwise and affirming the district court's judgment when the findings required by NRCP Rule 23(f) were never made by the district court.

(2) The Panel overlooked and misapprehended the controlling facts in finding that the class action settlement "would likely satisfy" the "fair, adequate and reasonable" standard, as "[t]he record demonstrates that respondents reached the settlement as a result of lengthy negotiations after conducting a significant amount of discovery and with the assistance of both a jointly retained expert and an experienced judicial officer." The opposite is true — the undisputed record establishes the settlement is inadequate since it was only 7.14% of the minimum

size required for it to be fair pursuant to the only supporting evidence proffered, the opinion of that jointly retained expert. AOB 26-27, AA 135, 207-210.¹ That expert relied on an “underpaid” wages percentage of “total gross payroll” calculation that used the wrong underpaid wages amount. *Id.* It was undisputed using the actually found underpaid wages amount, and applying that expert’s formula, required a fair settlement be for over \$3,139,000 and over 14 times larger than the \$224,529 approved settlement amount. *Id.* Except for that expert’s opinion, that actually establishes the settlement amount was inadequate, the record contains no evidence purporting to support the settlement’s adequacy. Plaintiff, as confirmed by the defendants who sought sanctions, conducted no discovery of the class claims and had no knowledge of the class damages prior to agreeing to the proposed settlement. AOB 33, AA 327-396. Plaintiff never asserted they reviewed any information allowing them to understand or estimate the amount of the class claims. The record contains no estimate of the amount of the class damages, the amount of unpaid minimum wages owed, based on an examination of the hours worked by and wages paid to the class members. The amount awarded to the *Murray* class in 2018, based upon such an examination, and

¹ The pages where issues were raised in Appellants’ Opening Brief, and the references thereat to the pages of the Appellants’ Appendix, are abbreviated as “AOB” and “AA” respectively.

affirmed as modified by this Court in 2021, was over three times as much for a smaller number of class members and a shorter time period. AOB 2, fn. 2. Nor is there any indication that Judge Weise (who conducted the parties' settlement conference) had any basis to conclude (or did conclude) the settlement was fair, reasonable and adequate.

ARGUMENT

I. The panel misapprehended controlling law by holding NRCP Rule 23(f) does not require the district court to make findings that a class action settlement is fair and adequate.

The panel, when declining to adopt the “eight-factor test” of *Churchill Vill., LLC v. Gen. Elec.*, 361 F.3d, 566, 575 (9th Cir. 2004), for determining whether a class action settlement is “fair, adequate and reasonable,” provided the following footnote 6:

We note that *Churchill Village*, 361 F.3d at 575, concerned whether a proposed class settlement was fair and adequate, an explicit requirement under the Federal Rules of Civil Procedure, whereas the Nevada Rules of Civil Procedure do not contain the same requirement. *Compare* FRCP (e)(2) (providing that a court may only approve a proposed settlement upon “finding it is fair, reasonable, and adequate”), *with* NRCP 23(f) (requiring court approval before “[a] class action [may] be dismissed or compromised.”)

It is a misapprehension of controlling law to hold that Nevada, because of the difference between NRCP Rule 23(f) and the current FRCP Rule 23(e), does

not require the district court to make specific findings that a class action settlement is fair, adequate and reasonable.

NRCP Rule 23(f) is identical to FRCP Rule 23(e) prior to the latter's revision in 2003 and this Court has repeatedly held that "...‘federal decisions involving the Federal Rules of Civil Procedure provide persuasive authority when this court examines its own rules.’ ” *Valdez v. Cox Communications*, 336 P.3d 969, 971 (Nev. Sup. Ct. 2014) *citing and quoting Nelson v. Herr*, 122 P.3d 1252, 153 (Nev. Sup. Ct. 2005). Every federal court decision, interpreting the pre-2003 FRCP Rule 23(e), the current form of NRCP Rule 23(f), has held it requires a determination of a settlement's fairness and adequacy. That is accepted without question in the United States Supreme Court's discussion of the rule. *See, Amchem Products, Inc. v. Windsor*, 521 U.S. 591, 622 (1997) (the "fairness inquiry under Rule 23(e)" does not control class certification). Every United States Circuit Court of Appeals has expressly confirmed that requirement. *See, In re Corrugated Container Antitrust Litig.*, 643 F.2d 195, 207 (5th Cir. 1981) (the language of Rule 23(e) "provides no standard by which a court is to consider the settlement of a class action" but "decisional law" has established "that the district court must find that the settlement is fair, adequate, and reasonable"); *Weinberger v. Kendrick*, 698 F.2d 61, 73 (2nd Cir. 1982) ("The central question raised by the

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proposed settlement of a class action is whether the compromise is fair, reasonable and adequate.”) *cert denied*, 464 U.S. 818 (1983); *Reynolds v. Beneficial Nat. Bank*, 288 F.3d 277, 279 (7th Cir. 2002) (Judge Posner finding Rule 23(e) requires that “...the district court must determine that a class action settlement is fair, adequate, and reasonable, and not a product of collusion.”); *In re Cendant Corp. Litigation*, 264 F.3d 201, 231 (3rd Cir. 2001) (Rule 23(e) requires the district court to act “as a fiduciary” and determine if a class settlement is “fair, reasonable and adequate”); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026 (9th Cir. 1998) (“Fed.R.Civ.P. 23(e) requires the district court to determine whether a proposed settlement is fundamentally fair, adequate, and reasonable.”); and other cases too numerous to cite.

State courts of final appeal, applying their state laws using the same language as NRCP Rule 23(f), have uniformly agreed that despite the rule’s silence on the issue class action settlements may only be approved if they are found to be fair, adequate, and reasonable. *See, Pickett v. Holland American Line*, 35 P.3d 351, 356 (Sup. Ct. Wash. 2001) (En Banc) (Washington) (although rule “is silent in guiding trial courts in their review of class settlements” it is “universal” that such settlements may only be approved if found “fair, adequate, and reasonable”); *Hefty v. All Other Members of the Certified Settlement Class*,

680 N.E. 2nd 843, 849 (Sup. Ct. Ind. 1997) (Indiana) (class settlement can only be approved if it is “fair, reasonable and adequate” even though “the language of the rule itself does not provide specific guidance”); *Clifford v. Raimondo*, 184 A.3d 673, 692 (Sup. Ct. R.I. 2018) (Rhode Island); *Weiss v. State*, 939 P.2d 380, 386 (Sup. Ct. Alaska 1997) (Alaska); and *Goodrich v. E.F. Hutton Group, Inc.*, 681 A.2d 1039, 1046 (Sup. Ct. Del. 1996) (Delaware).

Nevada, as does every other jurisdiction, requires a class action settlement’s adequacy, fairness and reasonableness to be established by the district court’s express findings. The Panel misapprehended the controlling law by holding otherwise.

The authorities setting forth the requirement that the district court make express findings that the proposed class action settlement was fair, adequate, and reasonable, and that were misapprehended by the Panel, were at AOB 20-21. The authorities setting forth the related requirements that the settlement’s proponents bear the burden of establishing its fairness, adequacy, and reasonableness, and that the district court must make detailed findings supporting its conclusions and its rejection of settlement objections, were at AOB 21-24.

II. The judgment could not be affirmed by a finding the record would “likely” support a determination that the settlement was fair, adequate, and reasonable; the Panel also overlooked and misapprehended the controlling facts in making that finding.

A. The Panel’s determination that the record would “likely” support a finding that the settlement was fair is inadequate to affirm the district court’s judgment; a finding of actual fairness, was required.

As discussed in Part I, the Panel misapprehended controlling law by not requiring the district court make findings that the proposed settlement was fair, adequate and reasonable. A finding of actual, not “likely,” fairness was required and the Panel’s determination that the record would “likely” sustain such a finding was inadequate. Rehearing is needed for the Panel to address the appropriate (“actual” and not “likely”) standard.

B. The district court made no findings on the settlement’s fairness and such findings are required as a matter of law; as a result the judgment cannot be affirmed.

The district court made no findings regarding its final approval of the proposed class action settlement. AOB 24-25, AA 1839-1912. It confined itself to ruling orally that it was “not persuaded” by the objections to the settlement and reciting that the settlement was “fair, reasonable and adequate.” AOB 24-25, AA 1892-1895. That recital by the district court involved no analysis, no discussion

of the record, or of the respective interests or evidence presented, or of the objections raised, or anything else. *Id.* It was a rote conclusion, not a finding.

All of the precedents cited in Part I, both state and federal, hold that a class action settlement's fairness cannot be an opaque conclusion and needs to be established by the trial court's findings. And as explained therein, it would be contrary to this Court's longstanding precedents, *Valdez*, *Nelson*, and other cases, to not apply that standard to NRCP Rule 23(f). In addition to the cases cited in Part I, the authorities demonstrating that requirement, and the requirement that a rejection of settlement objections needs to be explained by detailed findings, were presented in AOB 22-24.

**C. The record cannot support a finding the
 settlement was fair, adequate and reasonable.**

The district court's judgment cannot be affirmed even if Nevada, contrary to every other state and federal jurisdiction, does not require explicit findings be made by the district court as to a class action settlement's fairness. While the district court, pursuant to NRCP Rule 52(a)(3), is not generally required to make findings when ruling on a motion "...the record must nonetheless indicate support for the lower court's decision." *In re Estate of Williams*, 860 P.2d 166, 168 (Nev. Sup. Ct. 1993) (reversing and remanding for "explanation" by district court of its

decision when record fails to provide such an explanation). *See, also, Asphalt Products Corp. v. All Star Ready Mix, Inc.*, 898 P.2d 699, 702 (Nev. Sup. Ct. 1995) (reversing district court judge’s rental value finding used to calculate damages as that finding contained “....no rationale for going against substantial evidence that the rental value should have been higher than the amount he awarded.”).

There is nothing in the record supporting the district court’s conclusion that the amount of the class settlement, \$224,529, was fair, adequate and reasonable. Dubric, though asserting “extensive discovery” and an “extensive analysis” of the class claims and A Cab’s defenses supported the settlement’s fairness, provided no information about that alleged discovery and analysis or any estimate of the class damages. AOB 25, citing AA 97, 133-135, 1710. The only evidence relied upon by Dubric, A Cab, and the district court, to support the parties’ assertion that the class settlement was fair, adequate, and reasonable, was the two-page report of Nicole S. Omps, CPA (the “Omps Report”). *Id.*

The Omps report assumed the settlement was fair because it represented the same percentage of gross payroll, for the involved time period, that A Cab was found by the United States Department of Labor (the “USDOL”) to have underpaid its taxi drivers during another time period. AOB 26-27, AA 135. Why

that would confirm the settlement's fairness is unexplained by Omps or anything else in the record. *Id.* That assumption is also erroneous, as the undisputed record establishes the settlement amount was only 7.14% (1/14) of the amount Omps stated was needed to render the settlement fair. *Id.* The Omps report is at AA 135 and states:

Assumptions:

Based on a Department of Labor Wage-Hour Investigation A Cab for the time period October 2010 to October 2012, it was determined that A Cab LLC underpaid Drivers at a rate of 2.161585% of total gross pay.

Gross Pay	6,476,209.51
Judgment	139,988.80
Rate	2.161585%

The record documents this conclusion by Omps, that "it was determined [by USDOL] that A Cab LLC underpaid Drivers at a rate of 2.161585% of total gross pay," is wrong. AOB 27, AA 207, 210. Omps uses \$139,988 as the "underpaid" wages of a "gross pay" amount of \$6,476,209.51, resulting in the "2.161585% of total gross pay" Omps relied upon (yielding the parties' agreed settlement amount of \$224,529). That \$139,988 figure is incorrect. *Id.* The USDOL determined the amount "underpaid" during the time period relied upon by Omps was \$2,040,530.05 (\$139,988 was what the USDOL agreed to settle for). *Id.* The "underpaid" percentage of gross wages from the USDOL's investigation that

Omps is relying upon for her analysis is actually 31.50809%. *Id.* Applying that percentage to the gross payroll for the settlement period requires that a minimum fair settlement be at least \$3,139,528 according to Omps' assumptions. *Id.* That is 14 times larger than the \$224,529 settlement approved. *Id.*

The Panel misapprehended the facts when it stated it was "likely" that "[t]he record demonstrates that respondents reached the settlement as a result of lengthy negotiations after conducting a significant amount of discovery and with the assistance of both a jointly retained expert and an experienced judicial officer." The record contains nothing supporting those conclusions, only the unexplained assertions of counsel for Dubric and A Cab. In respect to the allegedly "significant" amount of discovery conducted, the parties provided no information on what that discovery indicated (only insisting it supported the proposed settlement). AOB 25-27, 32-34, AA 90, 97, 327-396, 1710. The record establishes Dubric conducted no discovery of the class claims (or at least offers no information on that discovery). *Id.* Dubric presented no estimate of the class damages to the district court. *Id.* She never claimed to have reviewed records of the hours worked by class members and the wages they were paid that would support the settlement's fairness. *Id.* Her counsel confirmed its ignorance of the class claims when it sought preliminary approval of the settlement, asserting there

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were “approximately” 210 class members (ultimately 1,115 were identified) and relying on A Cab’s counsel’s review of A Cab’s records (conducting no review itself) to verify the settlement was fair. AOB 33,² AA 90, 97, 137-139. A Cab later sought sanctions against Dubric’s counsel (during a period Dubric sought to abandon the class claims and secure judgment only individually) for agreeing to a class settlement when they had no knowledge of the class claims. AOB 33, AA 327-394. A Cab’s counsel advised the district court that “Plaintiff’s counsel does not have even a handle on what Ms. Dubric’s damages alone are, much less the damages of the 210 class members they purport to have represented...” and that “Plaintiff’s counsel never made any attempts to provide a sound computation of Ms. Dubric’s damages, or any of the class members.” AOB 33, AA 395-396. The record, as confirmed by A Cab, establishes Dubric agreed to the ultimately approved class action settlement without any discovery whatsoever and “without even a handle” on the amount of the class claims. *Id.*

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The Panel misapprehended the facts when it found probable support in the record for the settlement’s fairness. Nothing in the record, except for the opinions of the parties’ counsel (upon which settlement approval may not solely rest, AOB

² There is an appendix reference error at AOB 33 to p. 58-59, that should be AA 137-39.

22-26), supports the settlement's fairness and the record overwhelmingly confirms the settlement was not even plausibly fair:

The parties' expert's assumptions confirm the settlement is unfair: As discussed, the parties' jointly retained expert, Omps, did not apply the underpaid wage amount found by the USDOL, as she stated was necessary. AOB 26-27, AA 135, 207, 210. Her methodology establishes the settlement is inadequate since it is only 1/14 or 7.14% of the minimum size Omps assumed would be fair. *Id.* Omps's methodology is nonsensical and the record contains no explanation of why it was used — but if accepted and applied establishes that the settlement was not fair. The class claims, and the settlement's fairness, should have been determined by examining records or other information on the hours the class members worked, the wages they were paid, and any resulting underpayment of minimum wages. AOB 26-27. That was not done in this case but was done extensively, and upheld as proper by this Court, in *A Cab LLC v. Murray*, 501 P.3d 961, 971 (Nev. Sup. Ct. 2021). *Id.*, AOB 30.

The settlement funds are not fairly distributed: The settlement makes all A Cab taxi drivers class members and distributes funds on a “weeks worked” basis using unclear and contradictory criteria applied without explanation by Omps. AOB 27-30, AA 119-120, 1448-1488, 1528-1541, 1953. That distribution has no relationship to the unpaid minimum wages owed to each A Cab taxi driver and settlement funds are very likely distributed to taxi drivers who are not owed any minimum wages. AOB 29-30. The settlement allows A Cab to retain all funds from uncashed settlement checks, inviting it to coerce its current employees to not cash such checks. AOB 30. It also purports to release the unpaid minimum wage claims of over 200 taxi drivers in exchange for no payment whatsoever, including claims for unpaid minimum wages totaling over \$120,000 to over 100 taxi drivers that are part of the *Murray* case final judgment. AOB 29-30.

No discovery supports the settlement’s fairness: None of the discovery allegedly conducted, or an analysis explaining what facts that discovery established, is in the record. As discussed, A Cab has verified Dubric conducted no discovery and had no understanding of the size of the class claims (or even the number of class members) before agreeing to the

settlement. AOB 33, AA 327-396. Dubric offers no explanation of what was found through discovery that would support the settlement.

No negotiation history or settlement judge actions
support a finding that the settlement was fair:

There is nothing in the record about the allegedly “extensive” settlement negotiations or the information exchanged by the parties or issues dealt with during those negotiations. The record contains nothing about the length of the settlement conference conducted by Judge Weise or what he did (if anything) to facilitate the settlement or whether he was presented with any information supporting the settlement. AA 104, 137. The record contains nothing, except the unexplained assertions of the parties’ counsel, indicating the settlement resulted from informed and non-collusive negotiations facilitated by a settlement judge who mediated a fair resolution of the class claims.

The settlement unfairly releases class claims Dubric could not litigate:

Dubric could not prosecute minimum wage claims against A Cab that accrued prior to the applicable two-year statute of limitations, in this case prior to July 7, 2013. AOB 35-36. It was unfair for the settlement to

purport to release claims that Dubric could not even prosecute, claims already litigated in the much earlier *Murray* case to a successful final judgment in an amount three times larger than the settlement. *Id.* Only A Cab, and Dubric, benefitted from that release, which was indisputably collusive and conferred no benefit on the class members. *Id.*

CONCLUSION

The Panel misapprehended the law when it found NRCP Rule 23(f) did not require it to find the district court had properly found the proposed class action settlement to be fair, adequate and reasonable. The Panel's conclusion that the record "likely" would support such a finding is insufficient to affirm the district court's judgment as NRCP Rule 23(f) requires an actual, not likely, finding of fairness. Applying the correct legal standard imposed by NRCP Rule 23(f) requires a reversal of the district court's judgment as the district court did not make any findings as to the class action settlement's fairness, adequacy and reasonableness. And if this Court were to not require such findings be made in the first instance by the district court, and were to review the record itself, the record cannot support a finding that the class action settlement approved by the district court met NRCP Rule 23(f)'s fairness, adequacy, and reasonableness

requirements. Upon granting rehearing pursuant to NRCP Rule 40 the Panel must reverse the district court's judgment and remand this case.

Dated: August 26, 2022

/s/ Leon Greenberg

Leon Greenberg (Bar No. 8094)

Leon Greenberg Prof. Corp.

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Attorney for Appellants.

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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)(A)(ii), it is proportionately spaced, has a typeface of 14 points or more and contains 3,540 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 26th day of August, 2022.

/s/ Leon Greenberg

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CERTIFICATE OF SERVICE

I certify that on August 26, 2022, I served a copy of the foregoing APPELLANTS' PETITION FOR REHEARING PURSUANT TO NRAP 40 upon all counsel of record by the Court's ECF system which served all parties electronically.

Affirmed this 26th Day of August, 2022

/s/ Leon Greenberg

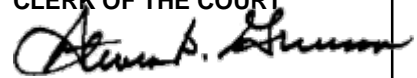
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DISTRICT COURT
CLARK COUNTY, NEVADA

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: September 20, 2022
9:30 a.m.

SECOND SUPPLEMENT TO DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION
TO LIFT STAY AND HAVE PENDING MOTIONS DECIDED

Defendants filed a response to *Plaintiffs' Motion to Lift Stay and Have Pending Motions Decided* on August 26, 2022. Defendants' subsequently filed a supplement to advise the Court that Plaintiffs had filed a *Petition for Rehearing* before the Nevada Supreme Court pertaining to that Court's affirmance of the *Dubric* judgment. The Nevada Supreme Court has now DENIED Plaintiffs' *Petition for Rehearing* outright. **Exhibit 1.**

...

Accordingly, Defendants respectfully request leave of this Court to file this supplement to advise the Court of this important development.

As requested in the Defendants' original response, Defendants respectfully request this Court strike Plaintiffs' replies filed in violation of the Order of Stay and during the stay of proceedings. Defendants also respectfully request that the Court lift the Order of Stay, allowing all parties the opportunity to properly file the Replies to the pending Motions, as well as the briefing that is appropriate given the Nevada Supreme Court's *Order of Affirmance* of the *Dubric* judgment, and its remand of the judgment entered in this case. Defendants also respectfully request a hearing on their Motion for Declaratory Order as it is first in priority.

DATED this 9th day of September, 2022.

RODRIGUEZ LAW OFFICES, P. C.

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 9th day of September, 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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Co-Counsel for Plaintiffs

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

EXHIBIT 1

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EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL MURRAY; MICHAEL RENO;
MICHAEL SARGEANT,
INDIVIDUALLY AND ON BEHALF OF
A CLASS OF PERSONS SIMILARLY
SITUATED; MARCO BAKHTIARI;
MICHAEL BRAUCHLE; THOMAS
COHOON; GARY GRAY; JORDAN
HANSEN; ROGER KELLER; CHRIS D.
NORVELL; POLLY RHOLAS; AND
GERRIE WEAVER,
Appellants,

vs.

JASMINKA DUBRIC, INDIVIDUALLY
AND ON BEHALF OF THOSE
SIMILARLY SITUATED; A CAB, LLC,
A NEVADA LIMITED LIABILITY
COMPANY; A CAB SERIES LLC;
EMPLOYEE LEASING COMPANY, A
NEVADA SERIES LIMITED LIABILITY
COMPANY; AND CREIGHTON J.
NADY, AN INDIVIDUAL,
Respondents.

No. 83492

FILED

SEP 07 2022

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

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

Parraguirre, C. J.
Parraguirre

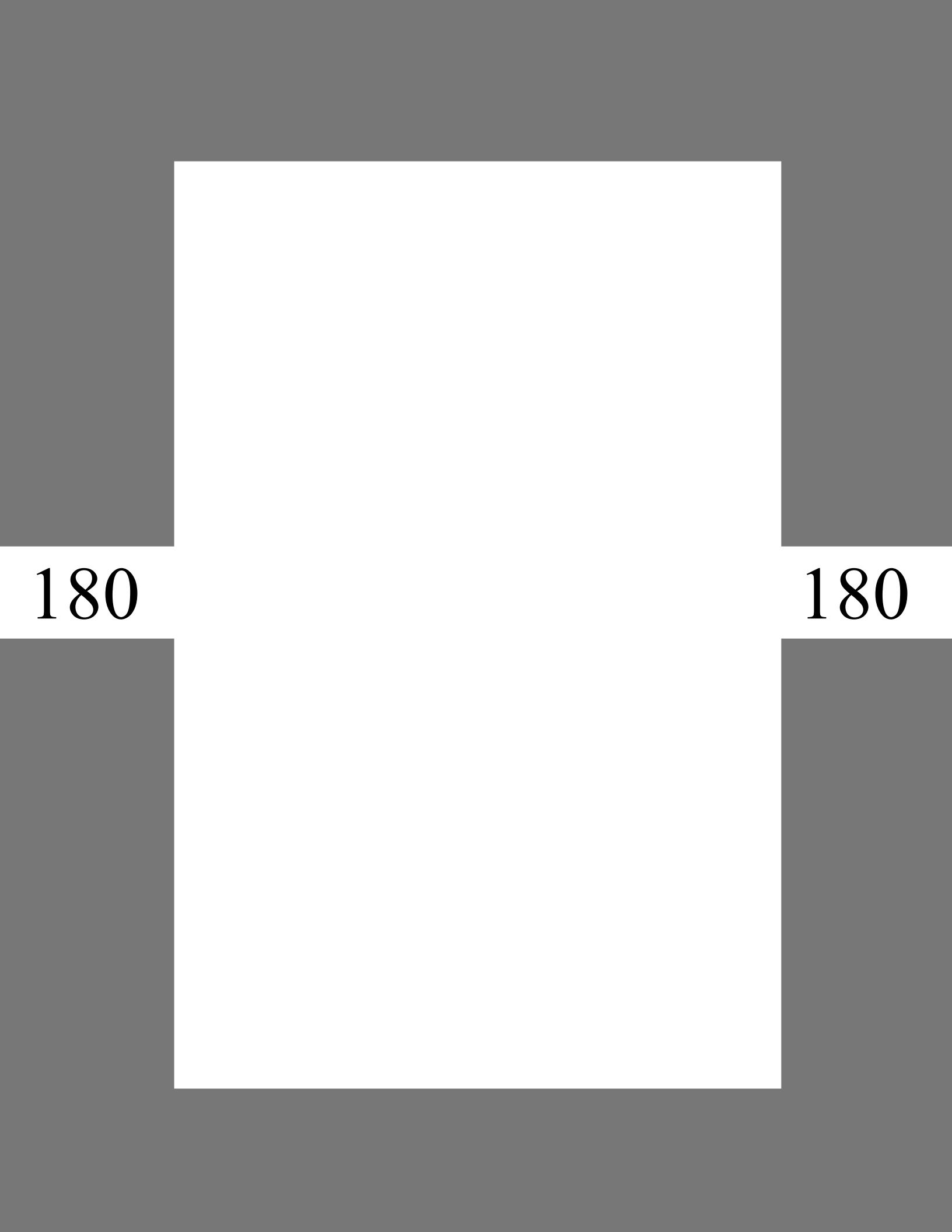
Hardesty, J.
Hardesty

Silver, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Bourassa Law Group, LLC
Eighth District Court Clerk

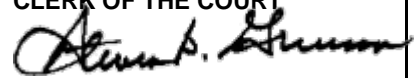
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Attorneys for Plaintiffs

**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' REPLY TO
DEFENDANT'S OPPOSITION
TO PLAINTIFFS' MOTION TO
LIFT STAY AND HAVE
PENDING MOTIONS
DECIDED**

**Hearing Date: 9/20/22
Hearing Time: 9:30 a.m.**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit this reply to defendant's opposition to plaintiffs' motion to lift the stay
of this case and have four pending and fully briefed motions decided.

ARGUMENT

I. Plaintiffs have not violated any Court Order; A Cab is seeking to delay judgment enforcement and will suffer no legal injury if the four pending motions are fully briefed and expeditiously decided.

The rationale embraced by Judge Kierny to stay these proceedings, at the urging of defendant A Cab, vanished on August 11, 2022, when the *Dubric* appeal was decided. It was completely proper for plaintiffs to move the Court on August 12, 2022, to terminate that stay and, as part of that motion, decide the plaintiffs' four pending motions. A Cab does not argue otherwise — it just insists the *separate filing* on August 12, 2022, of the reply briefings on those four motions, replies that should be considered in deciding those motions, was in “contempt” of Judge Kierny’s stay order. If plaintiffs had annexed those four reply briefings as exhibits to their motion to lift stay — they are identical to the four “proposed” replies filed with the Court as part of plaintiffs’ status report of July 19, 2022 — and asked as *part of that same motion* for the acceptance and consideration of those reply briefs, A Cab would have no “contempt by improper separate filing argument” to make.

To say that A Cab’s “contempt by improper separate filing” argument is purely one of “form” would be very kind. It is a baseless argument made solely to delay enforcement of the now affirmed judgment against A Cab for over \$835,000 (with post-judgment interest) in unpaid minimum wages it owes to 661 of its taxi drivers. It is meant to force a hearing and Order to lift stay and then, presumably months later, a separate hearing and Order that will resolve plaintiffs’ long-pending motions and allow enforcement of that judgment in its affirmed amount. A Cab has no right to such a delay of judgment enforcement and would suffer no legal injury if the Court proceeds expeditiously as requested by the plaintiffs. The Court has the discretion to proceed as plaintiffs are requesting since no legal rights of A Cab will be violated by that process (and A Cab alleges none that would be).

1 **II. A Cab, through its opportunity to oppose this motion, is receiving its**
2 **due process right to argue the *Dubric* appeal decision impacts the four**
3 **pending motions; it has failed to make that argument because no such**
4 **colorable argument exists; its request for further briefing on that**
5 **issue is an improper attempt to delay judgment enforcement.**

6 **A. A Cab has had a proper opportunity to argue its position on**
7 **whether *Dubric* had subject matter jurisdiction to impact the**
8 **judgment in this case the Court should confirm no such subject**
9 **matter jurisdiction existed.**

10 As discussed in the moving papers, the Nevada Supreme Court, in affirming the
11 *Dubric* judgment, declined to address whether that judgment had subject matter
12 jurisdiction to modify or release the judgment in this case. Its election to do so leaves
13 that issue unresolved and requiring, in the first instance, a decision on that issue by this
14 Court, subject to a potential future appeal to the Nevada Supreme Court. All of the
15 authorities cited by plaintiffs in their motion confirm the same.

16 A Cab cites no authority supporting its claim (that it does raise in its motion
17 opposition) that the *Dubric* judgment has released the judgment in this case. Or that
18 contradict the authorities cited in plaintiffs' motion confirming that this Court must
19 address, *de novo*, the subject matter jurisdiction issue. It cites no authority (either in its
20 motion opposition, or in any of its oppositions to the four pending motions for which
21 decisions are sought, or in any other briefing to the Court) supporting its claim the
22 *Dubric* judgment had subject matter jurisdiction to release the judgment in this case. It
23 does not even offer a comprehensible theory of how that is so, it just insists the *Dubric*
24 judgment and appeal decision has effectuated such a release. Again, that is untrue as
25 the Nevada Supreme Court declined to address that issue.

26 To reiterate: once a claim has been resolved by a final judgment entered by the
27 district court, such final judgment cannot be modified or vacated by the district court
28 "...except in conformity with the Nevada Rules of Civil Procedure." *Greene v. Eighth*
 Jud. Dist. Ct., 900 P.2d 184, 186 (Nev. Sup. Ct. 1999). "[O]nce a final judgment is
 entered, the district court lacks jurisdiction to reopen it, absent a proper and timely
 motion under the Nevada Rules of Civil Procedure." *SFPP L.P. v. Second Jud. Dist.*

1 Ct., 173 P.3d 715, 717 (Nev. Sup. Ct. 2007). The *Dubric* judgment did not assert it
2 was authorized by any provision of the NRCP to modify or release the judgment in this
3 case and A Cab offers no explanation as to how it was.

4 Although not necessary to the analysis, since it is clear *Dubric* could not have,
5 did not have, and never had, subject matter jurisdiction to impact the judgment entered
6 in this case, the appeal of the final judgment in this case divested (both this Department
7 and the Department hearing *Dubric*) of jurisdiction over that judgment until remittitur
8 issued. See, *Mack-Manley v. Manley*, 138 P.3d 525, 529-30 (Nev. Sup. Ct. 2006).

9 Accordingly, the *Dubric* final judgment, entered in 2021, after the final judgment was
10 entered in this case in 2018 but while the appeal of that 2018 final judgment was still
11 pending before the Supreme Court, was void in respect to the judgment entered in this
12 case.¹ See, also, *Jeep Corp. v. Second Jud. Dist. Ct.*, 652 P.2d 1183, 1186-87 (Nev.
13 Sup. Ct. 1982) (Purported judgment entered by District Judge was “void ab initio” as
14 the district court’s jurisdiction “ended” with the entry of final judgment); *SFPP, LP*,
15 173 P.3d at 718 (“Nevada district courts retain jurisdiction until a final judgment has
16 been entered” and the district court “lacked jurisdiction to conduct any further
17 proceedings with respect to the matters resolved in the judgment unless it was first
18 properly set aside or vacated.”); *Lemkuil v. Lemkuil*, 551 P.2d 427, 429 (Nev. Sup. Ct.
19 1976) (Later filed action in different department of same district court involving same
20 dispute of parties was properly dismissed as all issues had to be dealt with in the earlier
21 action “[i]n Nevada, once a court of competent jurisdiction assumes jurisdiction over a
22 particular subject matter, no other court of coordinate jurisdiction may interfere.” citing
23 *Metcalf v. District Court*, 274 P. 5 (Nev. Sup. Ct. 1929) and *Landreth v. Malik*, 251
24 P.3d 163, 166 (Nev. Sup. Ct. 2011) (Judgment purported to be rendered by district
25

26 ¹ The *Dubric* judgment, as affirmed by the Supreme Court, cannot impact the
27 rights of the 661 judgment holders in this case that arise under this case’s judgment.
28 That the *Dubric* judgment may be controlling of other rights, not arising under this
case’s judgment, is irrelevant.

1 court lacking subject matter jurisdiction is void, citing *State Indus. Ins. System v.*
2 *Sleeper*, 679 P.2d 1273, 1274 (Nev. Sup. Ct. 1984)). *See, also, Blair v. Equifax Check*
3 *Services, Inc.*, 181 F.3d 832, 838 (7th Cir. 1999) (discussing multiple class actions
4 involving same claims; normal rules of preclusion require that the first to reach final
5 judgment be controlling).

6 A Cab's request to submit "further briefings" on how the *Dubric* judgment has
7 impacted this judgment is made to delay its day of reckoning and has no good faith
8 basis. It has repeatedly been afforded its due process right to be heard and argue the
9 *Dubric* judgment has released the judgment in this case. That issue is now properly
10 before the Court for a decision, A Cab has had a fair opportunity to be heard on that
11 issue, and it is not entitled to further delay judgment enforcement by having that
12 decision further delayed for additional specious "briefings."

13 **B. The distribution of funds performed in *Dubric* is irrelevant to**
14 **the issues currently before the Court; no delay of these**
proceedings should be allowed to further review the same.

15 At pages 3 and 4 of its opposition, A Cab references Exhibits detailing certain
16 distributions of funds made in *Dubric* and states it will "submit briefing on these issues
17 [presumably as to how those distributions impact the judgment in this case] to the court
18 once the stay is lifted." Once again, A Cab is acting in bad faith to delay judgment
19 enforcement. If A Cab claims the amounts owed to the 661 judgment creditors in this
20 case should be reduced because of payments it has made (whether in *Dubric* or in some
21 other fashion) it needs to present that information to the Court.² It does not do so.
22 Nor would that even be proper at this stage of this case.
23
24

25 ² A Cab does not dispute, in any competent fashion, the correctness of
26 plaintiffs' submitted calculations setting forth the amounts owed to each of those 661
27 plaintiffs based on the remand. That is discussed in plaintiffs' reply filed on August
28 12, 2022 (previously submitted with the July 19, 2022 status report in "proposed"
form) in support of the motion to enter a modified judgment as provided for by
remittitur.

1 It is unknown what A Cab may claim it actually paid, through the *Dubric* case,
2 to any of the 661 judgment creditors in this case. Its opposition explains nothing about
3 that. It lists various payments to be made, but admits numerous checks were not
4 cashed and it is unknown who was paid and in what amount. But it confirms 193 of
5 the 661 judgment creditors in this case, owed collectively \$118,750 (plus over \$28,000
6 in post judgment interest) and whom A Cab claims have had their judgment rights in
7 this case released by *Dubric*, have been and will be paid nothing at all! This is detailed
8 on the annexed Ex. "A" declaration and attachment thereto.

9 The judgment entered in this case on August 21, 2018, p. 33, l. 24- p. 34, l. 1,
10 expressly prohibited A Cab from releasing or satisfying any of the 661 judgment
11 creditor's rights except by further Order of this Court in this case. Perhaps A Cab,
12 with proper documentation (it currently presents none), can come before this Court in
13 the future and make a colorable claim some measure of those 661 judgment creditor
14 claims should be reduced based on payments it has made in *Dubric*. That issue can be
15 preserved for future consideration. At this time the modified judgment, as affirmed
16 and directed by remand, needs to be enforced for the benefit of those 661 judgment
17 creditors. That should not be delayed.

18 **III. No proper "declaratory order" motion by A Cab is before**
19 **the Court and that motion is made solely to delay judgment**
20 **enforcement; all of the issues raised by that motion are addressed**
in plaintiffs' motion to have the judgment modified as affirmed.

21 A Cab's motion for a declaratory order, filed February 11, 2022, is made solely
22 to delay enforcement of the judgment against it and presents no legitimate issues for
23 the Court's consideration. It is completely specious and concerns issues fully
24 addressed by, and briefed in, the plaintiffs' motion for entry of a modified judgment as
25 provided for by remittitur, filed February 14, 2022, and A Cab's opposition thereto,
26 filed February 28, 2022, and plaintiffs' reply. Both that opposition by A Cab, and its
27
28

1 purported “declaratory order” motion argue there can be no judgment for unpaid
2 minimum wages accruing to the class prior to October 8, 2010 or after June 26, 2014.³
3 Plaintiffs’ motion, in painstaking detail, explains how the Court must modify the
4 judgment post-remittitur to eliminate the damages previously awarded that accrued
5 prior to October 8, 2010, so the parties are in complete agreement on that point.⁴ In
6 respect to the supposed need to “eliminate” the award of damages made for the period
7 after June 26, 2014, that argument (involving by A Cab’s admission no more than
8 \$211.72 out of a judgment for over \$685,880!) is specious. As discussed in plaintiffs’
9 reply on their motion, p. 6, l. 8-17, citing *Budget Financial*, 511 P.2d at 1047-48, no
10 basis exists to now remove those \$211.72 in damages previously awarded, as that issue
11 needed to be raised as part of A Cab’s appeal of the final judgment. It was not and the
12 correctness of that \$211.72 damages award cannot now be re-examined through a
13 “declaratory order” as A Cab’s motion proposes. A Cab seeks further briefing (it has
14 not filed any reply), and a future hearing, on that motion solely to aid its improper
15 efforts to delay judgment execution.⁵ The Court should not allow such a delay and is
16 empowered under its rules to proceed to decide that motion (which presents no issues
17 not fully briefed in plaintiffs’ motion) on the current record. *See*, EDCR Rule 2.23(c)
18

19 ³ Defendants’ motion for a declaratory order states in its conclusion: “Based
20 upon the foregoing, Defendants respectfully request an Order from the Court that
21 Plaintiffs’ claims will be limited from October 8, 2010; and that no damages exist after
22 June 26, 2014.”

23 ⁴ And A Cab raises no colorable or intelligible opposition to the calculations
24 performed by plaintiffs upon which that modified judgment must be based.

25 ⁵ Another example of A Cab’s improper efforts to delay judgment execution is
26 its nonsensical assertion a “partial decertification” of the remanded class claims is
27 needed, as opaquely mentioned in its opposition and discussed at more length in its
28 February 28, 2022, opposition to the motion for entry of a modified judgment. The
wanton frivolousness of that claim is discussed in plaintiffs’ reply, p. 5, l. 1-17. It is
clear A Cab will manufacture an endless parade of frivolous assertions and motion
requests to delay judgment execution *ad infinitum*.

1 (“The judge may consider the motion on its merits at anytime with or without oral
2 argument, and grant or deny it.”)

3 **IV. Plaintiffs have acted properly and the Nevada Supreme Court has**
4 **never been asked to re-examine its subject matter jurisdiction ruling.**

5 Plaintiffs have not asked, and will not ask, the Nevada Supreme Court to revisit
6 in *Dubric* its decision to abstain from ruling on the subject matter jurisdiction issue.
7 Plaintiffs have acted properly in bringing their motion to lift stay before this Court at
8 this time. This Court has the discretion to await remittitur in *Dubric* before taking
9 action in this case, but there is no reason it should do so (just as there was never any
10 sound basis for Judge Kierny to stay this case pending the *Dubric* appeal). While the
11 Court may disagree with the utility of the relief sought by plaintiffs, and in its sound
12 discretion deny that relief at this time, plaintiffs have been forthright with the Court
13 and acted properly in bringing this motion.

14 **CONCLUSION**

15
16 For all the foregoing reasons, the plaintiffs’ motion should be granted, the stay in
17 this case terminated, and the plaintiffs’ pending motions decided promptly by the Court.

18 Dated: September 13, 2022

19 **LEON GREENBERG PROFESSIONAL CORP.**

20
21 /s/ Leon Greenberg
22 Leon Greenberg, Esq.
23 Nevada Bar No. 8094
24 2965 S. Jones Boulevard - Ste. E-3
25 Las Vegas, NV 89146
26 Tel (702) 383-6085
27 Attorney for the Class
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PROOF OF SERVICE

The undersigned certifies that on September 13, 2022 he served the within:

PLAINTIFFS' REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION TO LIFT STAY AND HAVE PENDING MOTIONS DECIDED

by court electronic service to:

TO:

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

/s/ Leon Greenberg

Leon Greenberg

004975

EXHIBIT "A"

1 LEON GREENBERG, ESQ., SBN 8094
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16 Attorneys for Plaintiffs

**DISTRICT COURT
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.: IX

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

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

23 1. I have been appointed by the Court as class counsel in this matter. I offer this
 24 declaration in connection with plaintiffs' reply to A Cab's opposition to plaintiffs'
 25 motion to lift stay and have pending motions decided.

26 2. My office has reviewed Exhibit "1" to Exhibit "2" to defendant's opposition
 27 filed on August 26, 2022, to plaintiffs' motion to lift stay and have pending motions
 28 decided. Those Exhibits list the amounts that may be paid, or have been paid, to
 persons from the *Dubric* settlement (purportedly in exchange, as claimed by A Cab, for

1 a release of such persons' rights as judgment creditors in this case). A review of that
2 information confirms that 193 of the 661 judgment creditors in this case will receive **no**
3 **payment** from the *Dubric* settlement. I annex to this declaration a table identifying
4 such persons and their share of the judgment in this case.

5
6 3. The above discussed 193 judgment creditors are collectively entitled to
7 \$118,750 from the judgment in this case plus over \$28,000 in post judgment interest
8 that has been accruing since August 21, 2018. *Id.*

9
10 I have read the foregoing and affirm the same is true and correct.

11
12 Affirmed this 13th Day of September, 2022

13
14 /s/ Leon Greenberg
15 Leon Greenberg, Esq.
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Judgment Creditors in *Murray v A Cab*
 with amounts of their post-remand judgments
 who will receive no payment from the *Dubric* settlement.

	A	B	C	D
1	Employee Number	Last Name	First Name	Judgment Amount as Per Remand
2	3638	Abdella	Juhar	\$204.96
3	3853	Acosta	Lorrie	\$154.99
4	3609	Adamian	Robert	\$911.74
5	3641	Adamson	Nicole	\$1,161.54
6	3846	Agacevic	Ibnel	\$344.21
7	3684	Ahmed	Ahmed	\$1,062.63
8	3678	Alemayehu	Tewodros	\$48.30
9	3692	Alessi	Anthony	\$15.63
10	3712	Alexander	Darvious	\$72.43
11	3869	Alfaro	Joe	\$345.03
12	3787	Altamura	Vincent	\$578.17
13	3769	Alves	Mary	\$1,134.33
14	3645	Ameha	Samuale	\$280.91
15	29709	Andersen	Jason	\$1,374.03
16	3672	Anderson	Roosevelt	\$2,426.36
17	3614	Applegate	Angela	\$299.44
18	3709	Arell	Roger	\$48.66
19	3676	Asad	Tassawar	\$32.69
20	3741	Assena	Zenebech	\$48.02
21	3873	Atanasov	Nikolay	\$176.90
22	3825	Atterbury	Joseph	\$183.49
23	3667	Aurich	Juan	\$1,708.78
24	3707	Azmoudeh	Bobby	\$238.92
25	3605	Azzouay	El	\$155.45
26	2523	Banuelos	Ruben	\$172.36
27	3760	Bardo	Timothy	\$856.71
28	2993	Barr	Kenneth	\$658.64
29	3601	Barseghyan	Artur	\$428.54
30	3887	Barstow	Lance	\$150.81
31	3829	Bartunek	Johnny	\$22.34
32	3649	Bataineh	Ali	\$250.53
33	3697	Briggs	Andrew	\$60.08
34	3621	Brisco	Allen	\$3,701.93
35	2704	Buergey	Christopher	\$1,206.24
36	109309	Caldwell Jr.	Paul	\$417.90
37	3892	Calise	Domenic	\$65.55
38	3791	Cancio-Betancou	Rene	\$324.55
39	3733	Carr	Jamaal	\$145.84

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Judgment Creditors in *Murray v A Cab*
with amounts of their post-remand judgments
who will receive no payment from the *Dubric* settlement.

	A	B	C	D
40	3843	Caymite	Luc	\$253.60
41	3663	Chasteen	Jeffery	\$44.52
42	3714	Chatrizeh	Shahin	\$854.61
43	3729	Choudhary	Krishna	\$1,944.71
44	3881	Christodoulou	Panos	\$670.23
45	3802	Cobos	Aaron	\$296.85
46	102415	Collier	Ella	\$336.19
47	3862	Collins	Lincoln	\$469.18
48	3738	Conway	James	\$3,993.82
49	2573	Deguzman	Fermin	\$337.59
50	3566	Deocampo	Michael	\$228.19
51	3719	Diaz	Aiser	\$26.28
52	3657	Dibaba	Desta	\$1,099.99
53	3704	Dobszewicz	Gary	\$2,614.57
54	3830	Dotson	Contessa	\$56.84
55	3754	Dudek	Anthony	\$1,631.39
56	3617	Durey	Robert	\$912.19
57	3771	Ellis	Charles	\$876.40
58	3689	Eshaghi	Mohammad	\$279.85
59	3889	Estrada	Michael	\$249.80
60	3628	Evans	Steven	\$26.97
61	3703	Fadlallah	Michel	\$774.88
62	3795	Farah	Yohannes	\$449.64
63	3705	Fleming	Gary	\$3,703.17
64	3860	Frankenberger	Grant	\$717.58
65	3774	Furst III	James	\$55.66
66	3694	Gared	Yaekob	\$88.34
67	3793	Garras	Bill	\$183.97
68	3642	Gaumond	Gerard	\$226.61
69	3801	Gebremariam	Meley	\$230.61
70	3865	Ghori	Azhar	\$235.48
71	3759	Gianopoulos	Samuel	\$1,300.57
72	3600	Gilmore	Paula	\$18.98
73	3739	Godsey	Thomas	\$103.89
74	3688	Golden	Theresa	\$788.10
75	3646	Golla	Dawit	\$83.12
76	3848	Gomez-Gomez	Arlene	\$158.70
77	3655	Guinan	William	\$365.09
78	3895	Gyuro	John	\$393.70
79	3636	Habtom	Ermias	\$761.21
80	3799	Hadley	Aaron	\$254.44

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Judgment Creditors in *Murray v A Cab*
with amounts of their post-remand judgments
who will receive no payment from the *Dubric* settlement.

	A	B	C	D
81	3827	Haigh III	Walter	\$232.48
82	3734	Hanna	Christopher	\$405.48
83	3761	Harrell	Mark	\$1,227.79
84	3811	Harris III	Reggie	\$21.95
85	3656	Harun	Idris	\$131.47
86	3634	Herbert	Christopher	\$1,351.06
87	3763	Herga	Ryan	\$343.32
88	3765	Hirsi	Kamal	\$612.33
89	2490	Hoffman	Gery	\$34.86
90	2017	Holcomb	Dalton	\$1,334.16
91	3822	Holt	John	\$3,350.60
92	3653	Hooper	Donald	\$606.50
93	3607	Hoschouer	Christina	\$1,516.33
94	3849	Huerena	Samuel	\$58.72
95	3782	Hurley	Robert	\$282.89
96	3851	Jellison	Charles	\$375.60
97	3898	Johnson	Cary	\$105.44
98	3844	Johnson	Richard	\$186.34
99	2127	Johnson	Rodney	\$51.32
100	3631	Karner	Adam	\$1,002.27
101	3819	Keba	Woldmarim	\$653.03
102	3637	Key	Roy	\$200.46
103	3651	Khan	Zaka	\$60.86
104	3798	King Jr.	John	\$132.54
105	3837	Knight	Tyree	\$301.04
106	3662	Kunik	Robert	\$345.87
107	3878	Laico	Paul	\$117.63
108	3702	Lee	Thomas	\$3,388.06
109	3666	Legesse	Dereje	\$637.68
110	3816	Ligus	Thomas	\$252.01
111	3681	Linzer	Steven	\$48.83
112	3752	Lorenz	Dierdra	\$993.69
113	3813	Lovelady	Warren	\$13.65
114	1065	Lovin	Charles	\$283.77
115	3698	Mastrio	Angelo	\$329.75
116	3669	Maza	Inez	\$401.51
117	3690	McCarthy	John	\$3,986.97
118	3654	McConnell	Therral	\$1,002.32
119	3743	McCoubrey	Earl	\$1,546.63
120	3745	McGowan	Sean	\$262.40
121	3722	McNeece	James	\$169.07

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Judgment Creditors in *Murray v A Cab*
with amounts of their post-remand judgments
who will receive no payment from the *Dubric* settlement.

	A	B	C	D
122	3665	Melka	Tariku	\$31.34
123	3262	Mengesha	Alemayehu	\$598.60
124	3735	Montoya Villa	Francisco	\$632.93
125	3626	Moretti	Bryan	\$1,632.63
126	3785	Mostafa	Ahmed	\$573.93
127	3856	Murray	Mark	\$27.24
128	3804	Ndichu	Simon	\$420.16
129	3823	Nigussie	Gulilat	\$550.95
130	3639	Norberg	Christopher	\$1,054.73
131	3841	Ocampo	Leonardo	\$1,012.66
132	3836	Ohlson	Ryan	\$863.14
133	3748	Oliveros	Mario	\$769.93
134	3644	Ontura	Tesfalem	\$297.41
135	3894	O'Shea	Kevin	\$187.96
136	3783	Overson	Michael	\$729.74
137	3789	Oyebade	Vincent	\$133.45
138	3618	Pak	Kon	\$430.13
139	3750	Parker	Shawnette	\$552.10
140	3659	Paros	Nicholas	\$16.88
141	3834	Perrotti	Dominic	\$393.82
142	3736	Petrie	Theodore	\$56.59
143	3740	Petrossian	Robert	\$778.92
144	2407	Platania	John	\$638.75
145	3647	Pohl	Daniel	\$213.64
146	3563	Portillo	Mario	\$680.98
147	3800	Price	Allen	\$723.95
148	3687	Purdue	Robert	\$241.20
149	3883	Ramirez	Erney	\$872.70
150	3744	Rockett Jr.	Roosevelt	\$93.26
151	3225	Ross	Larry	\$85.15
152	3850	Rothenberg	Edward	\$274.36
153	3693	Ruby	Melissa	\$305.20
154	3875	Russell	Darrell	\$754.33
155	3619	Shein	Efraim	\$349.13
156	3724	Shinn	Kevin	\$531.41
157	3803	Siasat	Manuel	\$37.15
158	3758	Siegel	Jeffrey	\$104.78
159	3677	Singh	Baldev	\$207.47
160	3683	Sitotaw	Haileab	\$136.06
161	2667	Solares	John	\$520.29
162	3643	Solis	Brigido	\$199.94

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Judgment Creditors in *Murray v A Cab*
with amounts of their post-remand judgments
who will receive no payment from the *Dubric* settlement.

	A	B	C	D
163	3797	Soto	Johnny	\$225.41
164	3727	Sparks	Cody	\$22.45
165	3845	Spaulding	Ross	\$280.25
166	3821	Stauff	John	\$130.72
167	3737	Stayton	William	\$136.57
168	3625	Stephanov	Liuben	\$252.21
169	3695	Stern	Robert	\$335.37
170	3720	Terry	James	\$1,075.38
171	3726	Thomas	Scott	\$3,067.17
172	3679	Tullao	Isaac	\$472.54
173	3880	Turner	Michael	\$45.58
174	3686	Tyler	Christopher	\$307.33
175	3612	Ullah	Mohammad	\$103.30
176	3668	Valdes	Lazaro	\$186.12
177	3640	Vanluven	RJ	\$1,980.60
178	3710	Vences	Alfredo	\$963.71
179	3682	VonEngel	Stephen	\$34.30
180	3842	Wagg	John	\$254.10
181	3776	Wakeel	Daud	\$780.16
182	3826	Webb	Ricky	\$716.64
183	3632	Weldu	Berhane	\$305.73
184	3616	Welzbacher	Daniel	\$2,716.47
185	3611	Williams	Danny	\$314.25
186	3608	Wilson Jr.	Mose	\$3,823.64
187	3623	Wolde	Hailemariam	\$442.81
188	3840	Wondired	Eshetu	\$485.63
189	3706	Woodall	Charles	\$700.13
190	3852	Yepiz-Patron	Ubaldo	\$21.54
191	3691	Yihdego	Abdulkadir	\$737.33
192	3633	Yimer	Yidersal	\$738.61
193	2081	Younes	Ahmed	\$261.96
194	3824	Zabadneh	Randa	\$191.77
195			TOTAL	\$118,750.58

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1 ORDR

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 MICHAEL MURRAY and MICHAEL
5 RENO, individually and behalf of others
similarly situated,

Case No.: A-12-669926-C

Dept. No. IX

6 Plaintiffs,

7 vs.

8 A CAB TAXI SERVICE, LLC, et al.

9 Defendants.

10 ORDER GRANTING MOTION TO LIFT STAY AND REGARDING ADDITIONAL
11 BRIEFING AND MOTION PRACTICE

12 On August 12, 2022, Plaintiffs filed a motion to lift stay and have the pending
13 motions in this case decided. On August 26, 2022, Defendants filed a response to the
14 motion. On August 29, 2022, and September 9, 2022, Defendants filed first and
15 second supplements to the motion. On August 13, 2022, Plaintiffs filed a reply in
16 support of the motion. Having reviewed the briefs and all pleadings and papers on
17 file, the Court GRANTS the motion consistent with the following:

18 On May 3, 2022, the Court issued an order staying this case until the Nevada
19 Supreme Court decided a pending appeal in Nevada Supreme Court Case No. 83492,
20 referred to in the papers as *Dubric*. The *Dubric* appeal has been decided, with
21 rehearing denied. Accordingly, the reasons underlying this Court's stay are now
22 gone, and the Court lifts the stay.

23 The lifting of the stay means that this Court will proceed with the business in
24 front of it, which starts with the Nevada Supreme Court's December 30, 2021, opinion
25 in which the Supreme Court affirmed in part, reversed in part, and remanded this
26 Court's summary judgment, certain interlocutory orders, and certain post-judgment
27 orders. More specifically, with respect to the summary judgment, the Nevada
28 Supreme Court "affirm[ed] the district court's summary judgment", Opinion p. 20, but

1 “reverse[d] the summary judgment as to damages for claims outside the two-year
2 statute of limitations,” Opinion p. 32, and “remand[ed] to the district court to
3 recalculate damages based on the two-year statute of limitations,” Opinion p. 20.

4 As indicated during the July 25, 2022, case management conference, the Court
5 was concerned as to whether Plaintiffs were sufficiently secured in their judgment
6 pending the stay given the lack of any bond. The Court asked for supplemental
7 briefing on the matter. Having reviewed the supplemental briefing and the other
8 pleadings and papers on file, the Court does not agree with the prior orders entered
9 on the issue of security and would typically revisit those orders. However, the Court
10 agrees with Defendants that given the Nevada Supreme Court’s partial reversal and
11 remand of the summary judgment, there is not a presently executable judgment.
12 Stated differently, there is a judgment on liability but not on damages, as damages
13 must be recalculated based on the two-year statute of limitations. For this reason,
14 the Court considers any issue regarding security and bonding around the judgment
15 moot.

16 With regard to the recalculation, the Court has before it Plaintiffs’ Motion for
17 Entry of a Modified Judgment as Provided for By Remittitur. The Court intends to
18 address that motion, as well as Defendants’ Motion for Declaratory Order, before it
19 addresses any other motion. That said, given the developments in this case,
20 including in the *Dubric* matter, the parties may each file and serve one additional,
21 omnibus brief in support of or opposed to any pending motion, by **5:00 PM on Friday,**
22 **September 30, 2022.** The omnibus brief shall be limited to 30 pages and for each
23 argument shall identify which pending motion the argument supports or is opposed
24 to. **After September 30, 2022, no party may file anything else into the record of this**
25 **case without the permission of this Court. Failure to follow this order will result in**
26 **sanctions.**

27 The September 20, 2022, hearing in this matter shall be vacated. The Court
28 will schedule additional hearings as it deems necessary.

IT IS SO ORDERED.

Dated this 19th day of September, 2022

A handwritten signature in black ink, appearing to read "Maria Gall", is written over a horizontal line.

FBA BD4 E51A BDDC
Maria Gall
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Michael Murray, Plaintiff(s)

CASE NO: A-12-669926-C

7 vs.

DEPT. NO. Department 9

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

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/19/2022

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 .

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20 filings .

susan8th@gmail.com

21 Hilary Daniels .

hdaniels@blgwins.com

22 Hillary Ross .

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leongreenberg@overtimelaw.com

24 Leon Greenberg .

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25 Michael K. Wall .

mwall@hutchlegal.com

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1	Susan .	susan@rodriguezlaw.com
2	Susan Dillow .	susan@rodriguezlaw.com
3	Trent Richards .	trichards@blgwins.com
4	Christian Gabroy	christian@gabroy.com
5	Katie Brooks	assistant@gabroy.com
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7	Valerie Gray	vgray@blgwins.com
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22	Trent Compton	tcompton@blgwins.com
23		
24		
25		
26		
27		
28		

1 If indicated below, a copy of the above mentioned filings were also served by mail
2 via United States Postal Service, postage prepaid, to the parties listed below at their last
3 known addresses on 9/20/2022

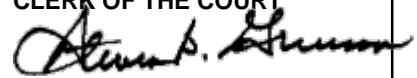
4 Esther Rodriguez Rodriguez Law Offices, P.C.
5 Attn: Esther Rodriguez, Esq.
6 10161 Park Run Drive, Suite 150
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9 Attn: Stephen Hackett
10 410 South Rampart Blvd. - Suite 350
11 Las Vegas, NV, 89145

12 Steven Parsons 10091 Park Run DR STE 200
13 Las Vegas, NV, 89145
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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' OMNIBUS BRIEF PURSUANT TO COURT ORDER

Pursuant to this Court's Order of September 19, 2022, Defendants A Cab, LLC and A Cab Series, LLC (hereinafter collectively "A Cab"), by and through their attorneys of record, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and JAY A. SHAFER, ESQ., of CORY READE DOWS AND SHAFER hereby respectfully submit this briefing on the outstanding motions, namely Defendants' motion for declaratory order and Plaintiffs' motion for entry of a modified judgment. The additional arguments pertaining to those motions is contained below, but since the time that those motions were filed and briefed, developments in the Nevada Supreme Court's affirmation of

the *Dubric* final judgment have been entered. The Nevada Supreme Court's affirmance of the full release and settlement of those class members narrows the detail and the issues for this court, as the remaining claimants here are limited. The effect of the NSC's affirmation is addressed in Section II(2) below. The sum and substance is that with the exception of three claimants, all the *Murray* class members have released all claims against Defendants; and have been compensated through the *Dubric* settlement and/or the Department of Labor consent judgment.

I. Defendants' Motion for Declaratory Order

On February 11, 2022, Defendants moved this Court for a declaratory order in accordance with the remand issued by the Nevada Supreme Court in this matter on December 30, 2021, and based upon NRCp 7(b), NRCp 57, and NRS Chapter 30. Due to the stay ordered by Hon. Carli Kierny, this motion was not fully briefed and a hearing on Defendants' motion has not occurred.

Defendants' motion pertains to a request for the Court to order the necessary steps stemming directly from the remand issued by the Nevada Supreme Court ("NSC"). First, it was specifically ordered that a two-year statute of limitations be applied in limiting any new calculation of damages. There are steps which must be taken in response to this specific instruction including a decertification of this portion of the class and notification to the class members who were previously notified by Plaintiffs' counsel that they had a claim and rights in this matter. They must be notified that they no longer have claims and rights in this matter. This would include all class members who solely worked prior to October 8, 2010. Defendants assert there are **204** individuals who must be advised by class counsel that they no longer have a claim, after this Court issues an order to decertify this portion of the class. **Exhibit 1**, See List of Drivers terminated prior to October 8, 2010.

Secondly, at all times throughout the litigation and even post-trial, the case must remain appropriate for class certification under Nev. R. Civ. P. 23. See *Shuette v. Beazer Homes Holdings Corp.*, 124 P.3d 530, 121 Nev. 837 (Nev. 2005), wherein the Nevada Supreme Court reversed the district court's class certification after the trial of this matter. In the present matter, certification is not appropriate after June 26, 2014. The absence of any liability for this time period was previously undisputed by Plaintiffs. And there remains nothing in the record to support the certification of a class after June 26, 2014. The class is presently certified through December 31, 2015. Thus, these

1 additional 18 months where there is no liability must be decertified.

2 By way of background, it was on that date, June 26, 2014, that the Nevada Supreme Court
3 issued an opinion and its guidance indicating that the amendment to the Nevada Constitution
4 pertaining to a minimum wage increase had indeed done away with the prior exemption from this
5 statute for taxicab drivers. *Thomas v. Nev. Yellow Cab Corp.*, 130 Nev. 484, 327 P.3d 518 (2014).
6 Prior to that decision, the taxicab companies including A Cab were operating under the guidance
7 provided by the State Labor Commissioner and the belief they were in full compliance in their
8 payroll procedures. There were also a number of conflicting judicial opinions between not only the
9 individual departments within the Eighth Judicial District Court, but also between what the Federal
10 Court of Nevada and the State Courts had determined. In sum, the Nevada judiciary was split as to
11 whether the amendment to the Nevada Constitution ("AMW") now rendered the prior exemption of
12 cab drivers moot, or whether it was merely a vote by the people to raise the present minimum wage.

13 Once the Nevada Supreme Court ruled in *Thomas v. Nev. Yellow Cab* that the AMW did in
14 fact do away with the exemption for taxicab drivers, Defendant A Cab immediately took steps to
15 modify its payroll procedures to ensure that no tips were included in the calculations of the minimum
16 wage and to ensure there were no underpayments. The first payroll records following that decision
17 clearly reflect the change in procedures.

18 When the order of summary judgment drafted by Plaintiffs was entered in 2018, it did not
19 clearly distinguish the time period for the individual drivers' alleged underpayments. Instead, it
20 simply grouped each of the drivers' entire work history, and then totaled the alleged underpayment
21 due. An example is attached from the prior judgment now vacated, as **Exhibit 2**. Plaintiffs' present
22 motion for entry of modified judgment similarly groups all time periods under the claimed totals.
23 **Exhibit 3**, sample from Plaintiffs' motion Ex. 2.

24 The Court can easily discern from this example that it is impossible to determine if these
25 individual entries contain monies claimed from periods outside of the statute of limitations, or when
26 it is claimed that the underpayments were allegedly made. In its remand, the Nevada Supreme Court
27 has determined that this grouping of entries must be re-examined to only include appropriate
28 timeframes for class certification and within the statute of limitations.

1 Instead, in Claimants' more recent spreadsheets seeking a modified judgment, Claimants
2 have once again grouped all time periods for each claimant so that it is impossible to determine the
3 time frames which have been utilized. (See Exhibit 2 of Plaintiffs' motion for entry of modified
4 judgment.) The entries simply state a claimant is owed an amount for the time from October 8, 2010
5 to December 30, 2015.

6 Defendants are requesting a decertification of those time periods improperly certified under
7 NRCP 23 pursuant to the remand as well as the evidence. The Court must decertify the class prior to
8 October 8, 2010 and post June 26, 2014. Further, these claimants must be notified that they no
9 longer have a claim within this case. NRCP 23 follows the federal rule for the most part as to form.
10 For any class certified as class action under Federal Rule 23(b) (1) or (b) (2), the court may direct
11 appropriate notice to the class. Rule 23 of the Federal Rules of Civil Procedure requires that such
12 notice must be "the best notice practical under the circumstances." FRCP 23(c) (2)

13 The request to decertify all claims post June 26, 2014, is supported by Plaintiffs' own
14 spreadsheets provided in the underlying litigation. By sorting Plaintiffs' spreadsheets by payroll
15 date, one can easily see that the majority of entries after June 26, 2014 result in zero (0)
16 underpayments. **Exhibit 4**, Plaintiffs' spreadsheet sorted by payroll date. The total after that date is
17 \$211.72 for all drivers, which includes two (2) individuals Chris Norvell and Kimberly Peace, who
18 worked during that pay period but were terminated and received their paycheck prior to the *Thomas*
19 decision. Their names are highlighted with Check 12377 Norvell for \$18.88; and Check 12357
20 Peace for \$30.55. If those two persons are eliminated, the total underpayment is \$162.29 for all
21 employees which arises from rounding up and rounding down for cents. There is one other
22 individual, Zoltan Horvath, who is owed \$7.02 which is believed to be clerical error. All the rest of
23 the entries are zero or less than \$1.00. **Exhibit 4**.

24 These claimants, Norvell and Peace, have also released their claims through the *Dubric*
25 settlement and have been paid funds in excess of these amount claimed in *Murray*. Norvell received
26 and has cashed his settlement check for \$626.37 (as opposed to \$18.88); Peace has been mailed a
27 check for \$48.72 (as opposed to \$30.55) but has not cashed it yet. **Exhibit 5**, Status Report on Class
28 Action Settlement Fund and Disbursement, August 18, 2022. The clerical error of Horvath's \$7.02

would be the only outstanding amount due after June 26, 2014.

Thus the Court has sufficient grounds to decertify the class after this time period. The elements for certification under NRCP 23 are not met by 1 clerical error of \$7.02.

II. Plaintiffs' Motion for Entry of Modified Judgment

Plaintiffs filed a motion with the Court erroneously asserting that the remand from the Nevada Supreme Court was as simple as cutting two years out of the claimed damages. To the contrary, the NSC remanded the summary judgment for a new calculation and additionally on various issues including a determination of a proper defendant, a new calculation of fees, and a review of the costs claimed. The NSC did not order that this Court must accept Plaintiffs' newly proposed revisions and calculations on their face; and to turn a blind eye to the final judgment reached in the *Dubric* case. The Court simply affirmed that reasonable approximations may be utilized in the absence of specific evidence. Presently, there are a numerous problems and issues with Plaintiffs' proposed modifications, along with the overwhelming reality that the Nevada Supreme Court has affirmed the judgment and final approval class settlement entered in *Dubric v. A Cab. Order of Affirmance, Murray v. Dubric*, Nevada Supreme Court Case No. 83492. The release of these claims will be addressed below and greatly affects any recalculation this court will entertain.

1. The Plaintiffs Who Have Avoided Federal Payments Need to be Stricken from the Revised Calculations.

Presently, there are **244** drivers who have hidden themselves or cannot be found by the federal government. **Exhibit 6**, List of Unclaimed DOL payments. These persons should be excluded from any payments due as they are either unable to be located or deliberately hiding themselves since October 1, 2014. Plaintiffs' counsel has structured his proposed motion that any funds that are unclaimed will be distributed to other plaintiffs. Such a re-distribution will constitute an unjust enrichment by the other plaintiffs allowing them to collect in excess of their claimed damages and should not be allowed. Plaintiffs offer no authority to allow for such a scheme.

Instead, similar to a failure to prosecute, the court may dismiss the present claim in this matter for the 244 drivers who have altogether failed to participate and cannot be found. Nev. R. Civ. P. 41. These absent claimants have been referred to in the past as the "ghost" claimants. These

1 244 individuals must be stricken from any future entry of judgment against Defendants. They are
2 specifically listed in Exhibit 6. In the alternative, the Court can issue an order to show cause to these
3 claimants as to why their claims should not be dismissed. But in the interim, it would be completely
4 unjust for Defendants to be ordered to pay claimants who have absented themselves from the
5 proceeding and the federal government.

6 On October 1, 2014, a resolution was reached between the U.S. Department of Labor and A
7 Cab as to underpayments of minimum wage for the time period of October 1, 2010 through October
8 1, 2012, in which A Cab agreed to pay the amounts found due for any underpayments during the time
9 period. The DOL indicated in its filing to the federal court, "Defendants, jointly and severally, shall
10 not continue to withhold payment of \$139,834.80, plus interest of \$154.00, which represents the
11 unpaid minimum wage compensation hereby found to be due for the period from October 1, 2010,
12 through October 1, 2012, to the present and former employees named in Exhibit A, attached hereto
13 and made a part hereof, in the amounts set forth therein." **Exhibit 7**, *Perez v. A Cab, LLC*, Consent
14 Judgment, para. 3. A Cab paid all monies owed, and the federal government subsequently attempted
15 to distribute these funds to the drivers.

16 In their motion to enter a modified judgment, Plaintiffs erroneously only account for payment
17 offsets for those individuals who have cashed their checks. It is telling that the representative
18 Plaintiffs Michael Murray and Michael Reno (who are listed by the federal government) have not
19 accepted their settlement payments from the Department of Labor, and now seek to benefit by adding
20 the amount back on to their claim in this matter, as well as adding interest for another 6 years! In
21 Plaintiffs' spreadsheets, the Court can see that Michael Murray is not only listed twice in the
22 accounting, but also is shown as being owed amounts without any offset. Similarly, Michael Reno
23 has failed to cash his check of \$1,048.94 from the Department of Labor. Each was issued a check by
24 the Department of Labor, but have not negotiated the checks. **Exhibit 8**, Core Group Unclaimed.

25 In the request for a new judgment, Plaintiffs are only allowing for \$71,568.24 as offsets,
26 whereas \$139,834.80 plus the interest was paid by Defendants at that time. The federal government
27 determined the interest to be \$154.00, while Plaintiffs have calculated thousands of dollars in interest
28 by refusing to cash their checks. Further, Plaintiffs are essentially performing a "double dip" by

1 refusing to accept the DOL payments; with the intent of getting paid through a judgment with
2 interest added on a whole amount; and then collecting the check from the DOL after receiving their
3 payments in this case. Such tactics should not be permitted by this Court.

4 **2. Release of Claimants Who Have Settled Their Claims**

5 On August 11, 2022, the Nevada Supreme Court affirmed the judgment entered in *Dubric v.*
6 *A Cab*, District Court Case No. A-15-721063-C. **Exhibit 9**, Order of Affirmance, *Murray v. Dubric*,
7 Nevada Supreme Court Case No. 83492. The NSC subsequently also DENIED Plaintiffs petition for
8 rehearing on September 7, 2022. Accordingly, there is presently an overlap of claimants who
9 released their claims in the *Dubric* case with a final judgment entered; and who are presenting
10 duplicative claims in this case. These must be addressed by this Court in its review. Here, there is a
11 valid final judgment in *Dubric*; and Defendants must be released from these duplicative claims
12 which remain in *Murray*.

13 The Nevada Supreme Court has affirmed, a good faith settlement on behalf of the driver
14 claimants was reached on October 5, 2016, for the *Dubric* class members:

15 “The record demonstrates that respondents reached the settlement as a result of
16 lengthy negotiations after conducting a significant amount of discovery and with the
17 assistance of both a jointly retained expert and an experienced judicial officer. And
18 although there were objections to the settlement, the number of objections represented
19 only a small fraction of the total class, and those objectors chose not to opt of the
20 settlement. *Order of Affirmance*, p. 5-6.

21 The Hon. Kathleen Delaney entered final approval of that class settlement and monies have been
22 fully paid by Defendants to class counsel for distribution to the class. Class counsel has diligently
23 filed status reports with the *Dubric* court advising of the status of the distribution of payments to the
24 class members. Exhibit 5.

25 A signed settlement agreement extinguished the right to proceed with duplicative claims. A
26 full release of claims was executed on behalf of the *Dubric* class members listed in **Exhibit 10**.
27 These are the same class members identified in the *Murray* matter as listed in Plaintiffs’ spreadsheets
28 with the exception of three individuals discussed in detail below. (As the *Dubric* class members

were more numerous than the *Murray* class, the blank line spacing delineates additional claimants who were included in the *Dubric* final judgment, but are not included in the *Murray* claims.) The District Court entered final approval of this class settlement; and the Nevada Supreme Court has affirmed that final judgment.

The settlement agreement whose terms have been incorporated into the final judgment indicates it has an effective date of October 5, 2016, and is a full and comprehensive release of all claims against Defendants by the class members. **Exhibit 11**, Class Action Settlement Agreement and Release, Sec. 13.

This Court's predecessor, Hon. Kenneth Cory, was informed at the time that a settlement had been reached, but nevertheless chose to proceed with the summary judgment that has now been remanded. As the Nevada Supreme Court noted, importantly, no objectors chose to opt of the *Dubric* settlement, despite being informed of the ongoing *Murray* case. The only person who opted out and is specified in the *Dubric* order is a driver named Richard Clark. Mr. Clark worked approximately 3 weeks as a cab driver from 7/10/09 through 7/28/09, and is therefore excluded from the *Murray* matter as well and is not included in Plaintiffs' most recent spreadsheets.

At this stage, with the exception of the three individuals addressed below, every claimant in the *Murray* matter (as included in Exhibit 2 of Plaintiffs' motion) has been compensated for their claim through the *Dubric* settlement and/or the Department of Labor Consent Judgment.

The individuals specifically excluded from the *Dubric* judgment and therefore are the only remaining claimants in the *Murray* matter are listed as: Michael Murray, Michael Reno, and Michael Sargeant. **Exhibit 12**, Order Approving Class Action Settlement, Awarding Attorney Fees and Costs, and Awarding Incentive Payments. This is the Order affirmed by the Nevada Supreme Court. The affirmed order states:

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Jurisdiction. This Court has jurisdiction over the subject matter of the Action, and all matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each of the Class Members. Exhibit 12, p. 3.

...

With regards to these remaining *Murray* members, Plaintiffs have listed Michael Murray twice in their spreadsheets as being owed \$770.33 twice (Ex 2 to Plaintiffs' Motion), plus Mr. Murray has hidden himself from the Department of Labor. Exhibit 6 and Exhibit 8, Unclaimed DOL payments. Defendants have agreed and already paid to the DOL the underpayment of \$130.70 to Mr. Murray as determined as the amount owed by the DOL. Moreover, Defendants previously offered to pay Mr. Murray \$7,500 - an offer of judgment which was never conveyed to him by his counsel. **Exhibit 13**, Offer of Judgment to Michael Murray.

Plaintiffs have listed Michael Reno as being owed \$3,828.40 (Ex 2 to Plaintiffs' Motion). Mr. Reno also has hidden himself from the Department of Labor and refused a check of \$1,048.94 from the DOL. Exhibit 6 and Exhibit 8, Unclaimed DOL payments. Defendants have agreed and already paid to the DOL the underpayment of \$1,048.94 to Mr. Reno as determined as the amount owed by the DOL. Again, Defendants previously offered to pay Mr. Reno \$15,000 - an offer of judgment which was never conveyed to him by his counsel. **Exhibit 14**, Offer of Judgment to Michael Reno.

Plaintiffs presently allege Michael Sargeant is owed \$164.64 (Ex 2 to Plaintiffs' Motion), an amount which Defendants will not oppose.¹

3. Plaintiffs' Request for Entry of a Modified Judgment Cannot Proceed Absent a Properly Identified Defendant.

There has not been any clear determination following the NSC Remand regarding the correct identity of a proper defendant or judgment debtor. A judgment was issued against "A Cab LLC" but then amended against "A Cab Series LLC", but this is not the correct entity, nor has the correct entity ever been determined on an evidentiary basis. A Cab Series LLC never directly employed drivers

¹ Defendants have always sought to properly comply with all state and federal laws and followed the guidance of the State Labor Commissioner at all times. Accordingly, when the DOL indicated underpayments were due, Defendants paid them promptly. Defendants similarly entered into a good faith settlement in the *Dubric* matter with the goal of promptly getting monies into the pockets of the drivers, rather than merely funding litigation where only the lawyers profit. Here, A Cab disputes its liability to Mr. Sargeant in that he never complied with the Nevada wage laws requiring him to first notify the employer if he believed there was a shortage in pay, but will not dispute paying this claimed amount to Mr. Sargeant.

1 and is not the proper entity. Defendants have raised this issue for years, but Plaintiffs have failed to
 2 address it. Clarification on this issue remains of key importance and a judgment cannot be entered
 3 without identifying the proper defendant.

4 Also of key importance is the need for an evidentiary hearing and determination on the
 5 motion to quash the writ of execution. While the determination of whether a judgment exists at all
 6 is of primary importance, should a judgment exist, it remains to be determined whether the nearly
 7 quarter of a million dollars taken from the accounts of entities who are not the judgment debtor
 8 should be returned. This is a crucial issue, and one that the Nevada Supreme Court specifically
 9 remanded to this court to determine. The seven entities whose funds were taken have been deprived
 10 of their use, and interest, for nearly four (4) years. Those entities have never had their day in court or
 11 ability to determine the right of Plaintiffs to these funds. Claims of Exemption were filed by: A Cab
 12 Series, LLC, Administration Company; A Cab Series, LLC, CCards Company; A Cab Series, LLC,
 13 Employee Leasing Company Two; A Cab Series, LLC, Maintenance Company; A Cab Series, LLC,
 14 Medallion Company; and A Cab Series, LLC, Taxi Leasing Company. No order was ever issued,
 15 nor any decision made, on these claims for exemption. When an execution occurs, it must be pulled
 16 from the right "pocket" and not just whoever is standing next to them. This did not previously occur.

17 While there is no executable judgment now, if a judgment is entered in the future, it is of
 18 essential importance that the correct party be named.

19 **III. Remaining Issues**

20 This court has indicated the pending two motions were to be heard before any other briefing.
 21 Depending on the Court's orders following the parties' omnibus briefs, there remain several matters
 22 that must be further briefed. These include the NSC's remand as to the appropriate defendant for any
 23 liability, a review of the claimed attorney fees, and a review of the claimed costs.

24 **Conclusion**

25 Based upon the foregoing, Defendants respectfully request orders from the court addressing
 26 the issues raised herein. In earlier briefing, Defendants have requested an appropriate decertification
 27 of the class prior to October 8, 2010; and after June 26, 2014, as well as notification to those class
 28 members that their rights have been extinguished.

DATED this 30th day of September, 2022.

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