

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 23
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129	Case Appeal Statement	08/12/20	11	2685–2688
134	Case Appeal Statement	02/23/21	11	2711–2716
163	Case Appeal Statement	06/14/22	17	4196–4201
95	Claim of Exemption from Execution – A Cab Series, LLC, Administration Company	10/04/18	8	1993–1998
94	Claim of Exemption from Execution – A Cab Series, LLC, CCards Company	10/04/18	8	1987–1992
97	Claim of Exemption from Execution – A Cab Series, LLC, Employee Leasing Company Two	10/04/18	9	2005–2010
93	Claim of Exemption from Execution – A Cab Series, LLC, Maintenance Company	10/04/18	8	1981–1986
98	Claim of Exemption from Execution – A Cab Series, LLC, Medallion Company	10/04/18	9	2011–2016
96	Claim of Exemption from Execution – A Cab Series, LLC, Taxi Leasing Company	10/04/18	8 9	1999–2000 2001–2004
79	Clerk’s Certificate Judgment	05/07/18	6	1381–1386
131	Clerk’s Certificate Judgment	12/15/20	11	2694–2702
1	Complaint	10/08/12	1	1–8
5	Defendant A Cab, LLC’s Answer to Complaint	04/22/13	1	48–52
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17	Defendant A Cab, LLC's Answer to Second Amended Complaint	09/14/15	1	163–169
18	Defendant Creighton J. Nady's Answer to Second Amended Complaint	10/06/15	1	170–176
89	Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening	09/21/18	7 8	1745–1750 1751–1769
120	Defendant's Second Amended Case Appeal Statement	03/06/19	11	2554–2558
114	Defendants' Amended Case Appeal Statement	01/15/19	11	2514–2518
51	Defendants' Case Appeal Statement	03/20/17	4	858–862
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135	Defendants' Motion for Costs	01/13/22	11 12	2717–2750 2751–2810
185	Defendants' Motion for Costs	10/24/22	22	5310–5326
140	Defendants' Motion for Declaratory Order	02/11/22	12 13	2854–3000 3001–3064
148	Defendants' Motion to Stay on Order Shortening Time	02/28/22	14 15	3385–3500 3501–3512
182	Defendants' Omnibus Brief Pursuant to Court Order	09/30/22	20 21	4990–5000 5001–5199
139	Defendants' Supplement to Response and Opposition to Plaintiffs' Rogue Supplement	02/10/22	12	2851–2853
146	Errata to Plaintiffs' Motion for Entry of Modified Award of Pre-Judgment Attorney's Fees as Provided for by Remittitur	02/23/22	14	3333–3336
183	Exhibits 6-14 to Defendants' Omnibus Brief Pursuant to Court Order	09/30/22	21 22	5200–5250 5251–5300

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

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

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

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

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

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

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

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

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

99	Plaintiffs' Motion for an Award of Attorneys Fees and Costs as per 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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EXHIBIT I

005501

005501

EXHIBIT I

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 STAY, OFFSET, OR APPORTION AWARD OF
11 COSTS

12 On May 31, 2022, Plaintiffs Michael Murray and Michael Reno, individually
13 and on behalf of others similarly situated, filed a motion to stay, offset, or apportion
14 the Court's award of certain appellate costs to Defendants and/or to reconsider the
15 award. On June 14, 2022, Defendants filed an opposition to the motion. On July 1,
16 2022, Plaintiffs filed a reply in support of the motion. The motion was scheduled for
17 an in-chambers hearing on July 11, 2022. The Court continued its decision on the
18 motion, including because this case had previously been stayed 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*. On September 19, 2022, this Court issued an
21 order lifting the stay given that, at that point, the *Dubric* appeal had been decided,
22 with rehearing denied. However, the Court indicated that given the developments in
23 this case, including in the *Dubric* matter, the parties could each file and serve one
24 additional, omnibus brief in support of or opposed to any pending motion. The parties
25 filed supplemental briefs on September 30, 2022. Having considered the briefing on
26 the offset motion, as well as the supplemental briefs and all pleadings and papers on
27 file, the Court GRANTS the motion consistent with the following:
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1 On May 17, 2022, this Court entered an order awarding Defendants their costs
2 in connection with the appeal of the final judgment order. Plaintiffs ask the Court to
3 offset or apportion that costs award against the judgment in the Plaintiffs' favor. In
4 *Aviation Ventures, Inc. v. Joan Morris, Inc.*, the Nevada Supreme Court held that all
5 that is required for setoff is for each party to have a valid and enforceable debt
6 against the other party. 121 Nev. 113, 121, 110 P.3d 59, 64 (2005). That exists here.
7 Accordingly, the request for setoff is GRANTED. The costs award shall be offset
8 against the total class judgment of \$685,886.60, with the reduction apportioned pro
9 rata amongst the class members. Plaintiffs shall submit a modified judgment for the
10 Court, to include an explanation of their calculations.

11 IT IS SO ORDERED.

12
13 Dated this 17th day of November, 2022

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16 189 3AC 72EC 9281
17 Maria Gall
18 District Court Judge
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1 **CSERV**

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

4
5
6 Michael Murray, Plaintiff(s)

CASE NO: A-12-669926-C

7 vs.

DEPT. NO. Department 9

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

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order 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: 11/17/2022

15 "Esther Rodriguez, Esq." .

esther@rodriguezlaw.com

16 Assistant .

info@rodriguezlaw.com

17 Cindy Pittsenbarger .

cpittsenbarger@hutchlegal.com

18 Dana Sniegocki .

dana@overtimelaw.com

19 Esther Rodriguez .

esther@rodriguezlaw.com

20 filings .

susan8th@gmail.com

21 Hilary Daniels .

hdaniels@blgwins.com

22 Hillary Ross .

hross@blgwins.com

23 leon greenberg .

leongreenberg@overtimelaw.com

24 Leon Greenberg .

wagelaw@hotmail.com

25 Michael K. Wall .

mwall@hutchlegal.com

005504

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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
6	Katie Brooks	assistant@gabroy.com
7	Christian Gabroy	christian@gabroy.com
8	Elizabeth Aronson	earonson@gabroy.com
9	Christian Gabroy	christian@gabroy.com
10	Kaine Messer	kmesser@gabroy.com
11	Ali Saad	ASaad@resecon.com
12	Peter Dubowsky, Esq.	peter@dubowskylaw.com
13	Amanda Vogler-Heaton, Esq.	amanda@dubowskylaw.com
14	William Thompson	william@dubowskylaw.com
15	Kaylee Conradi	kconradi@hutchlegal.com
16	Valerie Gray	vgray@blgwins.com
17	Mercedes Ortega	mortega@blgwins.com
18	R. Reade	creade@crdslaw.com
19	Kathrine von Arx	kvonarx@crdslaw.com
20	Ruthann Devereaux-Gonzalez	ranni@overtimelaw.com
21	Jay Shafer	jshafer@crdslaw.com
22	Trent Compton	tcompton@blgwins.com
23		
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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 11/18/2022

4 Esther Rodriguez Rodriguez Law Offices, P.C.
5 Attn: Esther Rodriguez, Esq.
6 10161 Park Run Drive, Suite 150
7 Las Vegas, NV, 89145

8 Stephen Hackett Sklar Williams PLLC
9 Attn: Stephen Hackett
10 410 South Rampart Blvd. - Suite 350
11 Las Vegas, NV, 89145

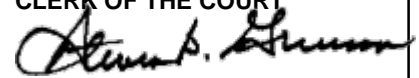
12 Steven Parsons 10091 Park Run DR STE 200
13 Las Vegas, NV, 89145
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EXHIBIT J

005507

005507

EXHIBIT J



NOEO
LEON GREENBERG, ESQ., SBN 8094
RUTHANN DEVEREAUX-GONZALEZ, ESQ., SBN 15904
Leon Greenberg Professional Corporation
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Las Vegas, Nevada 89146
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Ranni@overtimelaw.com
Attorneys for Plaintiffs

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Henderson Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC, and A
CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: IX

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Court entered the attached Order on
November 17, 2022.

Dated: November 17, 2022

LEON GREENBERG PROFESSIONAL CORP.

/s/ *Leon Greenberg*

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

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 17, 2022, she served the within:

NOTICE OF ENTRY OF ORDER

by court electronic service to:

TO:

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

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

/s/ *Ruthann Devereaux-Gonzalez*

Ruthann Devereaux-Gonzalez

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 DENYING DEFENDANTS' MOTION FOR COSTS

11 On October 24, 2022, Defendants A Cab, LLC, A Cab Series, LLC, and
12 Creighton J. Nady filed a motion pursuant to NRAP 39 and NRS 18.060 for their
13 costs incurred in defending a writ petition filed by Plaintiffs in connection with this
14 matter. On November 4, 2022, Plaintiffs Michael Murray and Michael Reno,
15 individually and behalf of others similarly situated, filed an opposition to the motion.
16 On November 7, 2022, Defendants filed a reply in support of the motion. Having
17 considered the briefs and all pleadings and papers on file the Court DENIES the
18 motion consistent with the following:

19 As an initial matter, the Court agrees with Defendants that the NRAP 39
20 allows the prevailing party in a writ proceeding to obtain their costs. "Appellate costs
21 are allowable as of right in the context of the voluntary dismissal of an appeal or
22 original writ proceeding but only as provided by NRAP 39." *Breeden v. Eighth Jud.*
23 *Dist. Ct.*, 131 Nev. 96, 99, 343 P.3d 1242, 1244 (2015).

24 That said, the Court does not understand how Defendants could have incurred
25 copying costs, either for the preparation and transmission of the record or the
26 preparation of the appendix, when both were transmitted to the Nevada Supreme
27 Court electronically. Indeed, Plaintiffs do not attach any receipts to their verified
28 memorandum showing that the copy costs were in fact incurred. Nor do Plaintiffs

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1 respond to this issue as raised in the opposition, leaving the Court to wonder what in
2 fact was copied (on paper) and transmitted to the Nevada Supreme Court when all
3 filings and submissions were done electronically. For these reasons, the motion is
4 DENIED.

5 IT IS SO ORDERED.

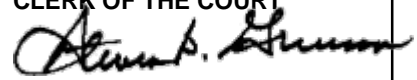
6
7 Dated this 17th day of November, 2022

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10 99A FEB 3120 C7D6
11 Maria Gall
12 District Court Judge
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ASTA
Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC; A CAB SERIES,
LLC f/k/a A CAB, LLC; and CREIGHTON J.
NADY,

Defendants.

APPELLANTS' CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

This appeal and case appeal statement is filed on behalf of Defendants A CAB SERIES, LLC f/k/a A CAB, LLC in the above action. A CAB TAXI SERVICE, LLC, although named as a defendant in the district court's caption, does not exist. There is no such entity, and no such entity participated in the action in district court. The matter against CREIGHTON J. NADY has been severed and stayed.

2. The name of the judge who entered the order or judgment being appealed.

The Honorable District Judge Maria Gall, Eighth Judicial District Court, Clark County,
Department 9, District Court Case No. A-12-669926-C.

3. The name of each appellant and the name and address of counsel for each appellant.

Appellants: A CAB, LLC and A CAB SERIES, LLC

Esther C. Rodriguez, Esq.
Nevada Bar #6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
info@rodriguezlaw.com
Telephone: 702-320-8400
Facsimile 702-320-8401

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

Attorneys for Appellants

4. The name of each respondent and the name and address of appellate counsel for each respondent, but if not known, then the name and address of that respondent's trial counsel.

Respondents: MICHAEL MURRAY and MICHAEL RENO, individually and behalf of others
similarly situated.

It is unknown whether they will serve as appellate counsel, but the following were trial
counsel for the Plaintiffs in the underlying matter:

Leon Greenberg, Esq.
Ruthann Devereaux-Gonzalez, Esq.
Leon Greenberg Professional Corporation
1811 South Rainbow Boulevard
Las Vegas, NV 89146

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

5. Whether an attorney identified in response to subparagraph (D) is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order

1 **granting that permission.**

2 Not applicable.

3 **6. Whether the appellant was represented by appointed or retained counsel in the district court.**

4
 5 Appellants were represented by retained counsel in the district court.

6 **7. Whether the appellant is represented by appointed or retained counsel in the appeal.**

7 Appellants are represented by retained counsel in the appeal.

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

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

10 **9. The date the proceedings commenced in the district court.**

11 The action commenced in the district court with the filing of Plaintiffs' Complaint on
 12 October 8, 2012.

13 **10. A brief description of the nature of the action and the result in district court.**

14 The underlying action is a class action suit against A Cab for A Cab's alleged failure to pay
 15 its employees a sufficient wage to satisfy the Minimum Wage Act of the Nevada Constitution. Prior
 16 to his retirement, this matter was before Honorable Judge Kenneth Cory. On August 21, 2018, Judge
 17 Cory issued an Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final
 18 Judgment. Defendants' appealed this order on September 21, 2018, and subsequently amended the
 19 appeal on January 15, 2019 and March 6, 2019 to include subsequently issued orders. On December
 20 30, 2021, the Nevada Supreme Court issued 137 Nev. Advance Opinion 84, which "affirmed in part,
 21 reversed in part and remanded" the appeal for further determinations by the district court.
 22 Defendants appeal from the district court's orders as the issues as remanded have not been
 23 appropriately addressed.

24 Upon remand, Plaintiffs moved for entry of a modified judgment as provided for by
 25 remittitur, and for entry of a modified award of pre-judgment attorney's fees as provided for by
 26 remittitur, which were granted on November 14, 2022. Plaintiffs also moved for: an award of
 27 attorney's fees on appeal; and to stay, offset, or apportion award of costs, which were all granted on
 28 November 17, 2022. Plaintiffs also moved for an award of attorney's fees on appeal of order

denying receiver, opposing mooted motion for attorney's fees, and for costs of appeal, which motion has been continued. Defendants moved for sanctions under NRCP 11, and for costs on appeal, which were both denied on November 17, 2022. Defendants also moved for a declaratory order, which motion was not addressed by the court, but instead an Order Amending the Class was issued on November 17, 2022. Defendants appeal from these orders as the district court has not addressed the issues as instructed in the remand, and which have arisen in the interim, before entering a modified judgment and issuing its subsequent orders stemming therefrom.

11. Whether the case has been the subject of a previous appeal; and if so, the caption and docket number of the prior proceeding.

"A Cab, LLC, and Creighton J. Nady, Appellants, vs. Michael Murray and Michael Reno, et al., Respondents." **Supreme Court Docket No. 72691.**

"A Cab, LLC, a Nevada Limited Liability Company; and Creighton J Nady, an Individual, Petitioners, vs. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the Honorable Kenneth C. Cory, District Judge, Respondents, and Michael Murray; and Michael Reno, Individually and on Behalf of Others Similarly Situated, Real Parties in Interest." **Supreme Court Docket No. 73326.**

"A Cab, LLC, and A Cab Series LLC, Appellants vs. Michael Murray, and Michael Reno, Individually and on behalf of others similarly situated, Respondents." **Supreme Court Docket No. 77050.**

"Michael Murray, and Michael Reno, Individually and on behalf of others similarly situated, Appellants, vs. A Cab Taxi Service LLC, A Cab, LLC and Creighton J. Nady, Respondents." **Supreme Court Docket No. 81641.**

"Michael Murray, and Michael Reno, Individually and on behalf of others similarly situated, Appellants, vs. A Cab Taxi Service LLC, A Cab, LLC and Creighton J. Nady, Respondents." **Supreme Court Docket No. 82539.**

"Michael Murray, and Michael Reno, Individually and on behalf of others similarly situated, Petitioners, vs. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, and The Honorable, District Judge Carli Kierny Respondents, and A Cab Taxi Service LLC,

A Cab Series LLC formerly known as A Cab, LLC, and Creighton J. Nady, Real Parties in Interest.”

Supreme Court Docket No. 84456.

“Michael Murray, and Michael Reno, Individually and on behalf of others similarly situated, Appellants, vs. A Cab Taxi Service LLC, A Cab Series LLC, f/k/a A Cab, LLC, and Creighton J. Nady, Respondents.” **Supreme Court Docket No. 84888.**

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

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

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

It is counsel’s belief there is a possibility of settlement.

DATED this 14th day of December, 2022.

RODRIGUEZ LAW OFFICES, P. C.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 14th day of December, 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:

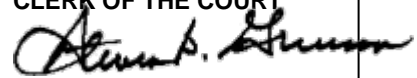
Leon Greenberg, Esq.
 Leon Greenberg Professional Corporation
 1811 South Rainbow Boulevard
 Las Vegas, NV 89146

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

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

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NRE
LARSON & ZIRZOW, LLC
ZACHARIAH LARSON, ESQ.
Nevada Bar No. 7787
E-mail: zlarson@lzlawnv.com
MATTHEW C. ZIRZOW, ESQ.
Nevada Bar No. 7222
E-mail: mzirzow@lzlawnv.com
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170
Fax: (702) 382-1169

Proposed Bankruptcy Counsel for
Debtor-Defendant, A Cab, Series L.L.C,
f/k/a A Cab, LLC

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

Plaintiffs,

v.

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

NOTICE OF REMOVAL

Defendants.

PLEASE TAKE NOTICE that Defendant, A CAB, SERIES, L.L.C, f/k/a A CAB, LLC, a Nevada series limited liability company, as chapter 11 debtor and debtor in possession in Case No. 22-14361-nmc, hereby removes the entire above-captioned civil action commenced by the Plaintiffs, MICHAEL MURRAY, and MICHAEL RENO, Individually and on behalf of others similarly situated (collectively, the "Plaintiff"), filed in the Eighth Judicial District Court, Clark County, Nevada (the "State Court"), as Case No. A-12-669926-C (the "State Court Action"), to the United States Bankruptcy Court for the District Of Nevada (the "Bankruptcy Court"). A copy of the Notice of Removal (without exhibits) as filed in the Bankruptcy Court is attached as **Exhibit 1.**

LARSON & ZIRZOW LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

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1 THE STATE COURT ACTION SHALL NOW PROCEED IN THE
2 BANKRUPTCY COURT, AND NO FURTHER PROCEEDINGS SHALL BE HAD IN
3 THIS ACTION BEFORE THIS STATE COURT. THE CLERK OF THE STATE
4 COURT IS HEREBY DIRECTED TO EFFECT THE REMOVAL TO THE
5 BANKRUPTCY COURT.

6 Dated: December 14, 2022.

7 By: /s/ Matthew C. Zirzow
8 LARSON & ZIRZOW, LLC
9 ZACHARIAH LARSON, ESQ.
10 Nevada Bar No. 7787
11 MATTHEW C. ZIRZOW, ESQ.
12 Nevada Bar No. 7222
13 850 E. Bonneville Ave.
14 Las Vegas, Nevada 89101
15 Tel: (702) 382-1170
16 Fax: (702) 382-1169

17 Proposed Bankruptcy Counsel for
18 Debtor-Defendant, A Cab, Series L.L.C,
19 f/k/a A Cab, LLC
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LARSON ZIRZOW & RAYPLAN LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

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CERTIFICATE OF MAILING

I hereby certify that the foregoing *Notice of Removal* was filed with the Eighth Judicial District Court, Clark County, Nevada on December 14, 2022. Electronic service of the foregoing document shall be made in accordance with the E-Service List.

/s/ Carey Shurtliff

Carey Shurtliff, an employee of
Larson & Zirzow, LLC

LARSON ZIRZOW & RAYPLAN LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

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EXHIBIT "1"

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EXHIBIT "1"

LARSON & ZIRZOW, LLC
 ZACHARIAH LARSON, ESQ.
 Nevada Bar No. 7787
 E-mail: zlarson@lzlawnv.com
 MATTHEW C. ZIRZOW, ESQ.
 Nevada Bar No. 7222
 E-mail: mzirzow@lzlawnv.com
 850 E. Bonneville Ave.
 Las Vegas, Nevada 89101
 Tel: (702) 382-1170
 Fax: (702) 382-1169

Proposed Bankruptcy Counsel to
 Debtor-Defendant, A Cab, Series L.L.C.,
 f/k/a A Cab, LLC

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:

A CAB, SERIES L.L.C.,

Debtor.

Case No. 22-14361-nmc
 Chapter 11

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

Plaintiffs,

v.

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

Defendants.

Adv No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 157, 1334, and 1452(a), Fed. R. Bankr. P. 9027, and LR 1001(b) and 9027.1, defendant, A CAB, SERIES LLC, f/k/a A CAB, LLC, a Nevada series limited liability company, as debtor and debtor in possession (the “Debtor”), hereby removes to the United States Bankruptcy Court for the District Court of Nevada (the “Bankruptcy Court”), any and all claims and causes of action in the case commenced by MICHAEL MURRAY, and

LARSON ZIRZOW & RAY, LLC

850 E. Bonneville Ave.

Las Vegas, Nevada 89101

Tel: (702) 382-1170 Fax: (702) 382-1169

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MICHAEL RENO, Individually and on behalf of others similarly situated, within the civil action from the Eighth Judicial District Court, Clark County, Nevada (the “State Court”), pending as Case No. A-12-669926-C (the “State Court Action”). This is a removal of the entire State Court Action to the Bankruptcy Court. The Bankruptcy Court, through general order of reference from the United States District Court for the District of Nevada (the “District Court”), and pursuant to LR 1001(b) has original jurisdiction over this matter pursuant to 28 U.S.C. § 1334.

I. STATEMENT OF FACTS

1. On December 12, 2022 (the “Petition Date”), the Debtor filed its voluntary petition for relief under chapter 11 of the Bankruptcy Code, thereby commencing its bankruptcy case. The Debtor has elected to be treated under Subchapter V of chapter 11, and thus is authorized to continue operating its business and managing its property as a debtor in possession pursuant to section 1184 of the Bankruptcy Code. Nathan F. Smith has been appointed as Subchapter V Trustee in this case.

2. In accordance with Fed. R. Bankr. P. 9027(a)(1), true and correct copies of all process, pleadings, motions and order filed in the State Court Action to date since January 1, 2022 are attached as Exhibit 1 through Exhibit 169. Additionally, attached as Exhibit 170 is a copy of the docket to date in the State Court Action.

II. LEGAL AUTHORITY

A. Removal Jurisdiction is Proper Pursuant to 28 U.S.C. §§ 1334 and 1452(a).

3. The State Court Action, including all claims and causes of action asserted therein, is a civil action over which the Bankruptcy Court has original jurisdiction pursuant to 28 U.S.C. § 1334 and LR 1001(b) because the claims remaining at issue in the State Court Action are “core”; therefore, the State Court Action may be removed to the Bankruptcy Court pursuant to 28 U.S.C. § 1452.

4. The State Court Action is a civil proceeding that presently seeks the appointment of a receiver over the Debtor, implicitly seeks to determine what is or is not property of the Debtor’s bankruptcy estate, seeks to disburse funds garnished from the Debtor’s bank accounts to pay certain creditors, and other relief subject to 11 U.S.C. §§ 362, 541, 542, and 549. The

claims and causes of action in the State Court Action constitute “core” matters in at least the follow respects:

a. They are matters concerning the administration of the bankruptcy estate (28 U.S.C. § 157(b)(2)(A));

b. They are matters concerning the allowance or disallowance of claims by or against the estate (28 U.S.C. § 157(b)(2)(B));

c. They are matters involving turnover of property of the estate (28 U.S.C. § 157(b)(2)(E));

d. They are matters concerning the validity, extent, or priority of liens on property of the estate (28 U.S.C. § 157(b)(2)(K)); and

e. They are matters concerning other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor relationship (28 U.S.C. § 157(b)(2)(O));

5. As the claims for relief and causes of action in the State Court Action involve “core” matters, the Bankruptcy Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1334, as referred by the District Court through LR 1001(b), and removal is proper under 28 U.S.C. § 1452.

B. Removal Jurisdiction Is Proper Per 28 U.S.C. § 1452(a) & “Related To” Jurisdiction.

6. The State Court Action, including all claims and causes of action asserted therein, is a civil action over which the Bankruptcy Court has original jurisdiction pursuant to 28 U.S.C. § 1334 and LR 1001(b) because the claims and causes asserted therein as “related to” the Bankruptcy Case; therefore, the State Court Action may be removed to the Bankruptcy Court pursuant to 28 U.S.C. § 1452.

7. A civil action is “related to” a pending bankruptcy case if “[its] outcome could conceivably have any effect on the estate being administered in bankruptcy.” *In re Fietz*, 852 F.2d 455, 457 (9th Cir. 1988) (quoting *Pacor, Inc. v. Higgins*, 784 F.2d 984, 994 (3d Cir. 1984)). Adopting the test enunciated in *Pacor*, the Ninth Circuit has determined that “[a]n action is related to bankruptcy if the outcome could alter the debtor’s rights, liabilities, options, or

1 freedom of action (either positively or negatively) and which in any way impacts upon the
2 handling and administration of the bankrupt estate.” Id. In Fietz, the Ninth Circuit determined
3 that this definition promotes Congress’ objective to facilitate “the efficient and expeditious
4 resolution of all matters connected to the bankruptcy estates.” Id.

5 8. The State Court Action is sufficiently “related to” the Bankruptcy Case because
6 the State Court Action asserts claims against the Debtor, the outcome of the State Court Action
7 could alter the Debtor’s rights and liabilities, and the outcome will conceivably, indeed clearly,
8 have a significant impact on the handling and administration of the Debtor’s bankruptcy estate.

9 9. In addition to the foregoing effects on the Bankruptcy Case, because the Debtor is
10 the entity with which the Plaintiffs allege to have dealt, the State Court Action will likely require
11 a determination of the scope and extent of the Debtor’s obligations, liabilities, rights, and
12 defenses with and/or against the Debtor. As a result, adjudication of the State Court Action may
13 directly and substantially affect the validity, amount, and priority of alleged creditor claims, the
14 amount of property available for distribution in the Bankruptcy Case, and the allocation of
15 property among the Debtor’s creditors. As such, continued pursuit of the State Court Action will
16 certainly “impact[] upon the handling and administration of the [Debtor’s] estate.” Feitz, 852
17 F.2d at 457.

18 10. As the State Court Action involves matters “related to” the Bankruptcy Case, the
19 Bankruptcy Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. §
20 1334, as referred by the District Court through LR 1001(b), and removal is proper under 28
21 U.S.C. § 1452.

22 **C. This Notice of Removal Complies With Federal and Local Bankruptcy Rules.**

23 11. This Notice of Removal is properly filed with the Clerk of the Bankruptcy Court,
24 and is signed pursuant to Fed. R. Bankr. P. 9011. See Fed. R. Bankr. P. 9027(a)(1). This Notice
25 of Removal is accompanied by a copy of all papers filed with the State Court from which the
26 action was removed. See Fed. R. Bankr. P. 9027(a)(1).

27 12. Upon removal, the claims and causes of action in the State Court Action
28 constitute “core” matters. The Defendants consent to the entry of final orders or judgment by the

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1 Bankruptcy Judge. See Fed. R. Bankr. P. 9027(a)(1); LR 7008, and 9027.1(a).

2 13. The Debtor-Defendnt will serve a copy of this Notice of Removal on all parties to
3 the State Court Action, and will file a copy of the Notice of Removal with the State Court. See
4 Fed. R. Bankr. P. 9027(b)-(c).

5 14. This Notice of Removal is timely pursuant to Fed. R. Bankr. P. 9027(a)(2)(B)
6 because the State Court Action was commenced prior to the Petition Date, and the removal
7 notice was filed within ninety (90) days of the Petition Date.

8 **III. CONCLUSION**

9 NOW, THEREFORE, all parties to the State Court Action in the State Court are hereby
10 notified, pursuant to Fed. R. Bankr. P. 9027 and 28 U.S.C. § 1452, as follows:

11 1. Removal of the State Court Action and all claims and causes of action therein was
12 effected immediately and automatically upon the filing of a copy of this Notice of Removal with
13 the Clerk of the State Court pursuant to Fed. R. Bankr. P. 9027(c). The parties to the State Court
14 Action shall proceed no further in the State Court, and the State Court no longer has any
15 jurisdiction over the matters.

16 2. As required by Fed. R. Bankr. P. 9027(e)(3) and LR 9027.1(b), any party who has
17 filed a pleading in connection with the removed claims, other than the party filing this Notice of
18 Removal, shall file a statement admitting or denying any allegation in the Notice of Removal that
19 upon removal of the claim, the proceeding is “core” or “non-core.” If the statement alleges that
20 the proceeding or any part of it is core, the party shall also state that the party does or does not
21 consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that
22 the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment
23 consistent with Article III of the United States Constitution. If the statement alleges that the
24 proceeding is non-core, it shall state that the party does or does not consent to the entry of final
25 orders or judgments by the Bankruptcy Judge.

26 . . .

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28 . . .

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1 Dated: December 14, 2022.

2 By: /s/ Matthew C. Zirzow

3 LARSON & ZIRZOW, LLC

4 ZACHARIAH LARSON, ESQ.

5 Nevada Bar No. 7787

6 MATTHEW C. ZIRZOW, ESQ.

7 Nevada Bar No. 7222

8 850 E. Bonneville Ave.

9 Las Vegas, Nevada 89101

10 Proposed Bankruptcy Counsel to

11 Debtor-Defendant, A Cab, Series L.L.C.,

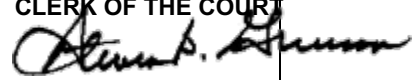
12 f/k/a A Cab, LLC

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DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL MURRAY,
Plaintiff(s),
vs.
A CAB TAXI SERVICE, LLC,
Defendant(s).

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

BEFORE THE HONORABLE MARIA GALL, DISTRICT COURT JUDGE
THURSDAY, DECEMBER 15, 2022

**RECORDER'S TRANSCRIPT OF HEARING:
ARGUMENT RE: POST JUDGMENT RECEIVER
MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL ON
AN ORDER SHORTENING TIME**

APPEARANCES VIA BLUEJEANS:

For the Plaintiffs: RUTHANN DEVEREAUX-GONZALEZ, ESQ.

For the Defendants: ESTHER C. RODRIGUEZ, ESQ.
JAY SHAFER, ESQ.

RECORDED BY: GINA VILLANI, COURT RECORDER

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1 Las Vegas, Nevada, Thursday, December 15, 2022

2
3 [Hearing began at 9:04 a.m.]

4 THE COURT: Let me go ahead and call page 1, this is
5 A-12-669926-C, this is Michael Murray versus A Cab Taxi Service, LLC.

6 Could I have appearances of counsel, please.

7 MS. GONZALEZ: Ruthann Devereaux-Gonzalez for plaintiff.

8 MS. RODRIGUEZ: Good morning, Your Honor, this is Esther
9 Rodriguez for the defendants.

10 THE COURT: Okay. Anyone else for the defendants?

11 MR. SHAFER: Yes, good morning, Jay Shafer, bar number
12 9184.

13 THE COURT: Okay. Anyone else? Did you all bring
14 bankruptcy counsel?

15 MS. RODRIGUEZ: I'm not sure if he's on the line, Your
16 Honor. Our -- it's Matt Zirzow --

17 THE COURT: Mm-hmm.

18 MS. RODRIGUEZ: -- from Larson and Zirzow. But there was
19 a notice of removal filed yesterday. I wasn't sure if Your Honor received
20 a copy of that.

21 THE COURT: I did.

22 Is there anyone else for the plaintiff?

23 MS. GONZALEZ: There is not. Thank you, Your Honor.

24 THE COURT: Okay. Hold on for a second.

25 All right. Let me ask plaintiffs' counsel, what's your position on

1 the notice of removal? I did review it this morning.

2 MS. GONZALEZ: Plaintiffs believe that the -- that the removal
3 is inappropriate and will be pursuing that with the bankruptcy court and
4 believe that it will be -- it will be sent back to the state court. However,
5 we need to wait for an order from the bankruptcy court to do that.

6 THE COURT: Okay. I agree with -- I take no position on
7 whether or not the removal was appropriate or not. But I do agree that --
8 given that a notice of removal has been filed -- that I'm without
9 jurisdiction to decide anything in the matter.

10 Does anyone disagree with that assertion? I assume
11 defendants don't.

12 MS. RODRIGUEZ: No, Your Honor, we agree.

13 THE COURT: Okay. Plaintiffs' counsel?

14 MS. GONZALEZ: No, Your Honor, plaintiffs agree as well.

15 THE COURT: All right.

16 MS. GONZALEZ: Plaintiffs' counsel agree as well.

17 THE COURT: All right. Very good.

18 If this gets remanded to me, I'm sure I'll be seeing you all
19 then. Until then, happy proceedings in bankruptcy court.

20 Thanks, everyone.

21 MS. GONZALEZ: Thanks so much.

22 MS. RODRIGUEZ: Thank you, Your Honor.

23 THE COURT: All right.

24 MS. GONZALEZ: Thank you, Your Honor.

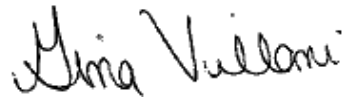
25 THE COURT: Thank you.

1 MS. GONZALEZ: Bye-bye.

2 [Hearing concluded at 9:06 a.m.]

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

21 

22 _____
23 Gina Villani
24 Court Recorder/Transcriber
25 District Court Dept. IX