

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

|                                       |   |                                     |
|---------------------------------------|---|-------------------------------------|
| A CAB SERIES LLC, f/k/a/; A CAB, LLC, | ) | No. 85850                           |
|                                       | ) |                                     |
| Appellant,                            | ) | District Ct. Case No. A-12-669926-C |
| <i>vs.</i>                            | ) |                                     |
|                                       | ) |                                     |
| MICHAEL MURRAY; and MICHAEL           | ) |                                     |
| MURRAY, individually and on behalf of | ) |                                     |
| others similarly situated,            | ) |                                     |
|                                       | ) |                                     |
| Respondents.                          | ) |                                     |

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**RESPONDENTS' APPENDIX  
VOLUME I OF I**

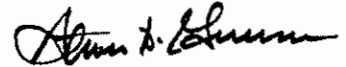
**LEON GREENBERG PROFESSIONAL CORPORATION**

Leon Greenberg, Esq.  
Ruthann Devereaux-Gonzalez, Esq.  
1811 South Rainbow Blvd., Suite 210  
Las Vegas, NV 89146  
LeonGreenberg@Overtimelaw.com  
(702) 383-6085

*Attorneys for Respondents*

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CLERK OF THE COURT

MCCL  
LEON GREENBERG, ESQ., SBN 8094  
DANA SNIEGOCKI, ESQ., SBN 11715  
Leon Greenberg Professional Corporation  
2965 South Jones Blvd - Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
Attorneys for Plaintiffs

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

**MOTION TO CERTIFY THIS  
CASE AS A CLASS ACTION  
PURSUANT TO NRCP RULE  
23 AND APPOINT A SPECIAL  
MASTER PURSUANT TO  
NRCP RULE 53**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,  
hereby move this Court for an Order:

(1) Certifying this case as a class action for all of defendants' taxi drivers  
pursuant to NRCP Rule 23(b)(2) for injunctive and equitable relief and to determine  
whether the defendants should be Ordered to:

(a) Cease their violations of Article 15, Section 16 of the Nevada  
Constitution and pay the class members a minimum wage of at least \$8.25  
an hour for all hours worked, except in the event that they provide proof  
satisfactory to the Court that defendants have complied with the health  
insurance benefits provision of Article 15, Section 16 in which event they  
shall pay a minimum wage of at least \$7.25 an hour to those class  
members for whom they have so complied, such applicable minimum  
wage rate(s) to increase in the future as provided for in Article 15, Section

RA0001

1 16 of the Nevada Constitution; and

2  
3 (b) Accurately record, in a computerized record, the daily hours of work  
4 of the class members and their compensation paid by the defendants each  
5 day, which record shall be preserved until a further Order of the Court  
6 provides otherwise, such record to be made available to this Court or a  
7 Special Master appointed by this Court pursuant to NRCP Rule 53 to  
8 monitor defendants' continuing compliance with Article 15, Section 16 of  
9 the Nevada Constitution, such Special Master's compensation shall also  
10 be paid by the defendants; and

11  
12 (c) Provide accurate compensation statements (paystubs) to each taxi  
13 driver that set forth the hours that they have worked and their pay during  
14 each future pay period; and

15  
16 (d) Cease imploring, encouraging, knowingly allowing, or otherwise  
17 having the class members under report their hours of work or over report  
18 their daily "break time" periods to the defendants and prohibiting  
19 defendants from retaliating against class members or terminating their  
20 employment if they refuse to under report their hours of work or refuse to  
21 over report their daily "break time" periods, and appointing a Special  
22 Master pursuant to NRCP Rule 53 to monitor defendants' continuing  
23 compliance with such Order, such Special Master's compensation shall  
24 also to be paid by the defendants;

25  
26 (e) Implement suitable procedures to provide notice to the class  
27 members that defendants cannot retaliate against class members, and  
28 terminate their employment, if the class members refuse to under report

1           their hours of work or over report their daily “break time” periods.

2  
3           (2)    Certifying this case as a class action for all of defendants’ taxi drivers  
4 pursuant to NRCP Rule 23(b)(3) for a determination of all disputed issues in respect to  
5 the defendants’ liability and the damages owed to the class members under Article 15,  
6 Section 16 of the Nevada Constitution for unpaid minimum wages owed for the work  
7 they have already performed for the defendants;

8  
9           (3)    Appointing the named plaintiffs MICHAEL MURRAY and MICHAEL  
10 RENO as class representatives and also appointing Michael Sargeant and Michael  
11 Brauchle as additional class representatives if the Court deems it appropriate and  
12 helpful;

13  
14           (4)    Appointing Leon Greenberg and Dana Sniegocki of Leon Greenberg  
15 Professional Corporation as attorneys for the class;

16  
17           (5)    Directing the circulation of an appropriate notice to the class pursuant to  
18 NRCP Rule 23(c);

19  
20           (6)    Appointing a Special Master pursuant to NRCP Rule 53, to be  
21 compensated by the defendants, who will have the duty of appropriately compiling the  
22 class members’ hours of work information from their trip sheets to assist the Court in  
23 determining the minimum wage deficiencies owed to the NRCP Rule 23(b)(3) class  
24 members.

25  
26           Plaintiffs’ motion is made and based upon the annexed declaration of counsel,  
27 the memorandum of points and authorities submitted with this motion, the attached  
28 exhibits, and the other papers and pleadings in this action.

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **OVERVIEW OF THIS CASE AND WHY**  
3                                   **THE RELIEF REQUESTED SHOULD BE GRANTED**

4                                   **Nature of this Case**

5           This is a class action lawsuit filed on October 8, 2012 for unpaid minimum  
6 wages owed to current and former taxi cab drivers of the defendants and for associated  
7 equitable and injunctive relief under Article 15, Section 16 of the Nevada Constitution.  
8 Ex. "N," complaint. The Court, in its Order and Decision entered on February 11,  
9 2013, ruled that the minimum wage protections of Nevada's Constitution extended to  
10 taxi drivers. This Court's decision was found correct by the Nevada Supreme Court in  
11 *Thomas v. Nevada Yellow Cab*, 327 P.3d 518, *rehearing denied* (2014).

12                                   **Defendants' Willful Violation of the Court's**  
13                                   **Order of February 11, 2013 that their Taxi**  
14                                   **Drivers Must be Paid the Minimum Wage**

15           Defendants willfully continued to violate Nevada's Constitutional minimum  
16 wage requirements for their taxi drivers after this Court's Order of February 11, 2013  
17 and its Order of April 30, 2013, denying rehearing of such Order. Their own records  
18 (Ex. "G," explained at pages 11-12 *infra*) demonstrate they continued to violate the "no  
19 tip credit" provisions of Nevada's minimum wage until at least June of 2014 when the  
20 *Thomas* decision was issued.

21                                   **A Prior Judgment Against Defendants**  
22                                   **Establishes That the Requested NRCP Rule 23(b)(3)**  
23                                   **Damages Class Certification Should Be Granted**

24           Class certification under NRCP Rule 23 (b)(3) is granted to resolve the money  
25 damages claims of a class of plaintiffs (a "damages" class). Defendant A CAB LLC  
26 was found, in a federal court judgment entered on November 5, 2014, to owe  
27 \$139,834.80 in unpaid minimum wages under the federal Fair Labor Standards Act (the  
28 "FLSA") to 430 of its taxi driver employees, including the named plaintiffs, for a two

1 year period from October 1, 2010 to October 1, 2012.<sup>1</sup>

2 The federal FLSA minimum wage has been \$7.25 an hour since July 24, 2009.  
3 *See*, 29 U.S.C. § 206. That minimum hourly wage can also be reduced to as little as  
4 \$2.13 an hour through a “tip credit,” as the FLSA allows an employer to credit  
5 customer tips against their minimum hourly wage obligation. *See*, 29 U.S.C. § 203(m).  
6 By contrast, Article 15, Section 16 of the Nevada Constitution has, since its passage in  
7 2006, required the payment of an hourly minimum wage that is \$1.00 an hour more  
8 than the FLSA minimum wage unless “qualifying health insurance” benefits are  
9 provided to the employee. It also requires Nevada employers to pay the full minimum  
10 wage rate, currently \$7.25 or \$8.25 an hour, irrespective of the tips their employees  
11 receive.

12 The Exhibit “A” judgment establishes that at least 430 of defendants’ taxi  
13 drivers have two common claims for damages that should be resolved on a class basis:  
14 (1) Whether those drivers were entitled to Nevada’s \$1.00 an hour higher minimum  
15 wage for workers without “qualifying health insurance” in addition to the FLSA  
16 minimum wages found due to them; and (2) Whether they were entitled to additional  
17 unpaid minimum wages beyond those due under the FLSA as a result of Nevada’s  
18 minimum wage not being reduced by any “tip credit.” As discussed, *infra*, such class  
19 certification under NRCF Rule 23(b)(3) should be, at least conditionally, for *all* of  
20 defendants’ taxi drivers (which number in excess of 430 persons) for the time period  
21 from November 28, 2006, the effective date of Article 15, Section 16 of the Nevada  
22 Constitution through the date of this Court’s certification Order, to resolve *all* issues

---

23  
24 The Consent Judgment at Ex. “A” states “IT IS HEREBY **ORDERED,**  
25 **ADJUDGED, AND DECREED** that... ..Defendants, jointly and severally, shall not  
26 continue to withhold payment of \$139,834.80, plus interest of \$154.00, which  
27 represents the unpaid minimum wage compensation hereby found to be due for the  
28 period from October 1, 2010, through October 1, 2012, to the present and former  
employees named in Exhibit A [containing 430 names], attached hereto and made a  
part hereof, in the amounts set forth therein.” Ex. “A” p. 2, l. 21, p. 3., l. 10-14.

1 bearing upon defendant's liability and the class members' damages.

2                   **The Requested NRCP Rule 23(b)(2) Class Certification**  
3                   **Should be Granted to Determine Whether Injunctive and**  
4                   **Equitable Relief is Needed to Remedy and Restrain**  
5                   **Defendants' Continuing Violations of Nevada's Constitution**

6           Class certification is granted under NRCP Rule 23 (b)(2) to secure equitable  
7 relief (an "equitable relief" class) where a defendant has "...acted or refused to act on  
8 grounds generally applicable to the class, thereby making appropriate final injunctive  
9 relief or corresponding declaratory relief with respect to the class as a whole." *Id.*

10           As detailed, *infra*, defendants have ignored this Court's Order of February 11,  
11 2013 and continue to violate Nevada's Constitution. They are also requiring their taxi  
12 drivers to falsify their trip sheets and under report their hours of work or be fired so  
13 defendants can deny them minimum wage pay. While defendants may deny any such  
14 conduct has taken place, such denials are irrelevant to whether class certification  
15 should be granted. The Court will reach the merits of these issues, and weigh the  
16 credibility of defendants' denials, after certification.

17                   **Defendants' Intentional Failure to Keep Records of the**  
18                   **Hours the Class Members Worked Should be Remedied by the**  
19                   **Appointment of a Special Master Paid for by Defendants**

20           United States Department of Labor ("DOL") investigation in 2009 found the  
21 defendants were violating FLSA by failing to maintain a "record of the actual hours  
22 worked" by their taxi drivers. Ex. "B." That investigation was closed in June of 2009  
23 based upon defendants' pledge to maintain such records, which the FLSA requires of  
24 all employers to ensure compliance with the FLSA's minimum wage. *Id.*

25           Despite promising the DOL in 2009 to keep records of the "actual hours  
26 worked" by their taxi drivers the defendants kept no such records. As a result, on  
27 October 1, 2014 the DOL filed a lawsuit against defendants for unpaid FLSA minimum  
28 wages and to remedy such record keeping failures. Ex. "C." The resulting federal  
court judgment, Ex. "A," found that the defendants had violated the FLSA's minimum  
wage requirements for 430 taxi drivers and enjoins the defendants from failing to keep



1 accurate records of the hours worked by their taxi drivers. Ex. "A" ¶ 2 and ¶ 8.

2 As discussed, *infra*, defendants insist that no time records exist recording the taxi  
3 drivers' hours of work and the *only* records from which the taxi drivers' "actual hours  
4 of work" can be ascertained are the drivers' manually filled out, paper, daily trip sheets.  
5 It would be hugely expensive to compile the class members' actual hours of work from  
6 over 100,000 individual trip sheets. Defendants, by failing to keep appropriate records  
7 despite their promise in 2009 to do so, have intentionally constructed a "no accurate  
8 time records" defense and created a "too expensive to prosecute" barrier to imposing  
9 class wide liability against them for their violations of Nevada's Constitution. These  
10 circumstances require the appointment of a Special Master, paid for by the defendants,  
11 to compile from the class members' trip sheets the information that defendants claims  
12 shows the class members' hours of work.

## 13 ARGUMENT

### 14 I. THE REQUESTED CLASS CERTIFICATION 15 UNDER NRCP RULE 23(B)(3) SHOULD BE GRANTED

#### 16 A. The requisite elements of commonality, numerosity, typicality 17 of claims, predominance of common issues, and the superiority 18 of class resolution, have been established by the FLSA judgment.

19 Defendants owe \$139,834.80 in unpaid minimum wages under the FLSA to 430  
20 of their taxi driver employees for a two year period from October 1, 2010 to October 1,  
21 2012. Ex. "A," judgment. Those 430 taxi drivers include the named plaintiffs Murray  
22 and Reno. *See*, Ex. "A" and Ex. A thereto. This Court must treat as an established fact  
23 that defendants have failed to pay such 430 employees the FLSA minimum wage.

24 Defendants will argue that the foregoing facts are not established because of the  
25 recital in Ex. "A" that "Defendants agree and stipulate to enter into this Consent  
26 Judgment for the sole purpose of resolving disputed facts and neither admit nor deny  
27 the allegations contained in the Secretary's Complaint." *See*, Ex. "A", ¶ 11. Such  
28 recital is irrelevant, as it is not the *allegations contained in the Secretary's Complaint*  
that bind this Court but *the findings of the FLSA judgment itself*. Defendants are

1 irrevocably bound by the judgment's findings. It is the judgment itself, not the  
2 complaint, that expressly "Ordered, Adjudged and Decreed" that defendants owed  
3 \$139,834.80 in unpaid minimum wages under the FLSA to 430 of their taxi drivers.  
4 See, Ex. "A" ¶ 3 and judgment entry recital immediately following.

5 The 430 taxi drivers covered by the FLSA judgment present, at a minimum, the  
6 following two common claims for adjudication:

7 (1) The amount of minimum wages they are owed under Nevada Law, in  
8 excess of the \$139,834.80 they are owed under the FLSA, as a result of  
9 defendants' use of the FLSA's "tip credit" towards fulfilling their  
10 minimum wage obligation under the FLSA, as the Nevada Constitution  
11 does not allow the use of any such "tip credit."

12  
13 (2) What amount of minimum wages they are owed, in excess of the  
14 \$139,834.80 they are owed under the FLSA, as a result of Nevada's  
15 Constitution requiring the payment of a minimum wage that is \$1.00 an  
16 hour higher (\$8.25) than the FLSA minimum wage (which is only \$7.25)  
17 for employees who do not receive qualifying health insurance.

18 The foregoing two claims involve 430 persons, a group numerous enough to  
19 warrant class certification. These claims involve common issues (the amount of the  
20 "tip credit" used in figuring defendants' established FLSA minimum wage liability and  
21 whether "qualifying health insurance" was provided). The named plaintiffs' claims are  
22 typical of the class, as they are among the 430 persons owed FLSA minimum wages by  
23 the defendants. A class resolution of these two issues would be superior and common  
24 issues predominate, as the same health insurance was made available to the class  
25 members and the FLSA "tip credit" amounts involve simple across the board  
26 calculations. The proposed class counsel is also highly experienced and can  
27 competently and adequately represent the class. Ex. "D."

28

1                   **B. The class certification granted under Rule 23(b)(3) should extend**  
2                   **to all of defendants' taxi drivers who have been employed since**  
3                   **November 28, 2006 through the date of such certification.**

4                   **1. Limiting class certification to the 430 taxi drivers and two**  
5                   **years of the FLSA judgment would be inappropriate,**  
6                   **especially in light of the documentary evidence showing**  
7                   **the common class issues persisting in June of 2014.**

8                   **(i) Given the magnitude of defendants' established**  
9                   **minimum wage violations for 430 drivers for the**  
10                   **October 2010 to October 2012 period, class**  
11                   **certification should be granted for the full potential**  
12                   **claims period.**

13                   Limiting an NRCP Rule 23(b)(3) certification to just the 430 taxi drivers  
14                   identified in the FLSA lawsuit would be inappropriate. Such class certification should  
15                   extend to *all* of defendants' taxi drivers. Certain taxi drivers, because of the FLSA's  
16                   "tip credit" rule, may have received enough in tips to meet the FLSA's minimum wage  
17                   standard and are not members of the "FLSA Judgement" group. If those taxi drivers  
18                   received a sufficient amount of tips their FLSA minimum wage, paid by the  
19                   defendants, could have been as little as \$2.13 an hour. *See*, 29 U.S.C. § 203(m). Such  
20                   taxi drivers, though lacking any FLSA minimum wage claim, *would* have claims for  
21                   minimum wages under Nevada's Constitution which does not allow a "tip credit" and  
22                   requires the defendants to pay a minimum wage of \$7.25 or \$8.25 an hour.

23                   Nor should the class certification be limited to just the two year period covered  
24                   by the FLSA judgment (October 1, 2010 to October 1, 2012). Defendants have  
25                   violated the FLSA's minimum wage requirements, which are far less demanding of  
26                   defendants than Nevada's, for 430 taxi drivers for that two year time period. It is  
27                   *indisputably established* that a common issue exists as to whether those 430 drivers are  
28                   owed additional minimum wages under Nevada's Constitution for "tip credits" applied  
                      against the FLSA minimum wage and for Nevada's \$1.00 an hour higher "no  
                      qualifying health insurance" minimum wage. The establishment of such violations, on  
                      such a scale, for the two year FLSA judgment period requires the certification of a  
                      class for the full potential claim period at issue in this lawsuit, the entire period after

1 November 28, 2006. The declarations of named plaintiff Murray and class members  
2 Sargeant and Brauchle also attest to the existence of such minimum wage violations  
3 occurring throughout their employment with defendants, not just for the FLSA  
4 judgment period, such employment dating back to 2006 and also including 2014. Ex.  
5 “E” and “F” and “O.”

6 Determining what *all* of defendants’ taxi drivers are owed under the Nevada  
7 Constitution for the full actionable time period involves the *same* inquiries as those  
8 needed for a class limited to the 430 “FLSA judgment” taxi drivers for the two year  
9 period covered by that judgment. The compensation paid to a driver by defendants  
10 (excluding tips), their hours worked, and the health insurance they were provided with,  
11 would have to be determined. Given the clearly met numerosity, commonality,  
12 superiority of resolution standards, etc., it would make no sense to limit those  
13 determinations, and the NRCP Rule 23(b)(3) certification, to just the 430 taxi drivers  
14 identified in the FLSA judgment for just that two year judgment period.

15 (ii) **Defendants’ own payroll records from 2014**  
16 **establish the continuing existence of the common**  
17 **“FLSA minimum wage tip credit amount” and**  
**“qualifying health insurance” issues well after the**  
**two year FLSA judgment period.**

18 In response to the United States Department of Labor’s actions, the defendants  
19 sometime after October of 2012 (the end date of the FLSA judgment) have maintained  
20 payroll records purporting to demonstrate compliance with the FLSA’s minimum wage  
21 requirements. Compare Ex. “G,” payroll records of Michael Sargeant from June and  
22 July of 2014, which include a line for “minimum wage subsidy” setting forth a “Qty”  
23 amount, meaning hours worked, and “Rate” amount, meaning hourly subsidy paid to  
24 allegedly make his pay equal the hourly minimum wage, with Ex. “H,” payroll record  
25 for Michael Reno from September of 2012 which contains no such details. As attested  
26 to by Michael Sargeant, those 2014 payroll records are false in that they incorporate  
27 deliberately understated work hours reports that defendants require, under threat of  
28 termination, from their taxi drivers. Ex. “F” ¶¶ 4-7.

1        Assuming, *arguendo*, that defendants' 2014 payroll records are accurate, such  
2 records demonstrate the existence of the *same common issues* for all of defendants' taxi  
3 drivers in 2014 as exists for the October 2010 to October 2012 "FLSA judgment" taxi  
4 drivers. Those records, Ex. "G," demonstrate the continued existence of the "FLSA  
5 minimum wage tip credit" and "no qualifying health insurance" issues for the taxi  
6 drivers, like Michael Sargeant, who were employed by the defendants in 2014.  
7 A discussion of just two of those payroll periods will explain this in detail:

8  
9        Sargeant's 5/14/14-6/6/14 pay stub shows FLSA minimum wage  
10 compliance, but at least \$92.79 owed to him under Nevada's "no tip  
11 credit" minimum wage. It also raises a question of whether Nevada's  
12 \$1.00 an hour higher "no health insurance" minimum wage rate applies.  
13 Such record show he worked 87.48 hours ("Qty" under the "Minimum  
14 Wage Subsidy" line). He was paid a "rate" of \$1.43 per hour ("Rate"  
15 under the Minimum Wage Subsidy line) for earnings of \$125.10 (87.48  
16 hours times \$1.43 an hour as listed on that line). He also earned "Driver  
17 Commission" of \$416.41 and "Tips Supplemental" of \$92.79 for total  
18 compensation of \$634.30. Those gross earnings of \$634.30, when divided  
19 by the hours of work, 87.48, equals \$7.25 an hour, the FLSA minimum  
20 wage. But to arrive at that \$7.25 an hour minimum wage requires the  
21 inclusion of \$92.79 in "Tips Supplemental" (tip) income. That \$92.79 is  
22 clearly tip income because it also appears as a "Tips Out" amount, an  
23 adjustment to Sargeant's net pay, since it was already paid to him in cash  
24 and is not included in his net paycheck. Mr. Sargeant also attests that his  
25 proper minimum wage rate was \$8.25 an hour since he was not provided  
26 with any health insurance benefits, meaning he is owed an additional  
27 \$1.00 an hour (\$87.48) as well for this pay period under Nevada law.  
28

1 Sargeant's 6/21/14-7/4/14 pay stub, unlike the 5/14/14-6/6/14 pay stub,  
2 shows a sufficiently large "minimum wage subsidy" amount to make his  
3 hourly wage, not including tips, equal \$7.25 an hour for Nevada minimum  
4 wage purposes (total compensation for the week, excluding tips, was  
5 \$397.23, divided by 54.78 hours equals \$7.25 an hour). While there is no  
6 "tip credit" violation shown by such records his proper minimum wage  
7 rate under Nevada law was \$8.25 an hour, meaning he is owed an  
8 additional \$54.78 for this pay period.

9 The foregoing payroll records also demonstrate that defendants ignored the  
10 Court's Order of February 11, 2013 finding they had to pay their taxi drivers the  
11 minimum wage required by Nevada's Constitution. Until June of 2014 they only  
12 purported to comply with the FLSA's minimum wage requirements and continued to  
13 violate Nevada's "no tip credit" minimum wage rule. Those documented violations  
14 only ceased after the Nevada Supreme Court's *Thomas* Opinion of June 24, 2014.

15 **2. The class certification under NRCP Rule 23(b)(3) should**  
16 **extend to all taxi drivers employed by defendants after**  
17 **November 28, 2006 and until the date the Court enters its**  
18 **certification Order.**

19 (i) **So far this Court has held either a two or four year**  
20 **statute of limitations is applicable to claims for**  
21 **minimum wages under Nevada's Constitution.**

22 This case was filed on October 8, 2012. Article 15, Section 16 of the Nevada  
23 Constitution, which sets forth the remedies this Court must make available for  
24 violations of its provisions in the broadest possible language, does not specify a statute  
25 of limitations for bringing claims over those violations. Judge Williams of this court  
26 has held that a four year statute of limitations applies to such claims. Ex. "I." He did  
27 so because a claim arising directly under Nevada's Constitution is a claim "not  
28 otherwise provided for" by Nevada's statute of limitations regimen and is therefor  
covered by the four year "catchall" statute of limitations of NRS 11.220. Judge Tao  
held such claims were subject to a two year statute of limitations in *Williams v. Claim*

1 *Jumper*, A702048. The Nevada Supreme Court has directed an answer be filed to a  
2 mandamus writ seeking review of Judge Tao's decision. As a result it is likely the  
3 Nevada Supreme Court will resolve the statute of limitations issue soon.

4 (ii) **The class should be certified for all taxi drivers**  
5 **employed after November 28, 2006 so the common**  
6 **statute of limitations issues and any equitable**  
7 **tolling of the statute of limitations can be decided**  
8 **on a class basis.**

9 The minimum wage requirements of Nevada's Constitution became effective on  
10 November 28, 2006, which is the earliest date on which any class members' claim may  
11 have accrued. Nevada's Constitution also provides for a yearly adjustment to its  
12 minimum wage rate and imposes a mandatory duty upon employers to advise  
13 employees about the minimum wage rate:

14 An employer shall provide written notification of the rate adjustments to  
15 each of its employees and make the necessary payroll adjustments by July  
16 1 following the publication of the bulletin. Art. 15, Sec. 16 (A).

17 Defendants never provided any such written notification of any rate adjustment  
18 to the plaintiffs. The first such rate adjustment bulletin was issued by the Nevada  
19 Labor Commissioner on April 1, 2007, effectuating an increase of the Nevada  
20 Constitution's minimum hourly wage from \$5.15 or \$6.15 an hour to \$5.30 or \$6.33  
21 per hour depending upon whether qualifying health insurance was provided. Ex. "J."

22 Defendants had a duty under Nevada's Constitution to both pay the minimum  
23 hourly wage specified by the Constitution *and* provide to "each" class member "written  
24 notification" of any change in that minimum hourly wage. Defendants' violation of  
25 their written notification obligation should be subject to the most severe, and adverse to  
26 the defendants, consequences, as such written notice was constitutionally commanded.  
27 If defendants had complied with that obligation this lawsuit would have been initiated  
28 years earlier. Such violation, either by itself or in conjunction with defendants'  
29 knowing violation of Nevada's Constitutional requirement to pay a minimum hourly  
30 wage, should toll the statute of limitations in this case from July 1, 2007, the date  
31 defendants were first compelled to give such notice, until such time as they actually

1 give that notice.

2 Nevada law imposes an equitable estoppel of the statute of limitations in  
3 appropriate cases. *See, Copeland v. Desert Inn Hotel*, 637 P.2d 490, 493 (Nev. Sup.  
4 Ct. 1983). Such estoppel need not be pleaded in the complaint. *See, Harrison v.*  
5 *Rodriguez*, 701 P.2d 1015, 1017 (Nev. Sup. Ct. 1985). The defendants' "non-  
6 advisement" of the class member's minimum wage rights, starting in July of 2007, has  
7 been found to create an equitable statute of limitations toll in analogous cases under  
8 federal law. *See, Bonham v. Dresser Industries, Inc.*, 569 F.2d 187, 193 (3<sup>rd</sup> Cir. 1977)  
9 (Holding, and finding support for the conclusion in other authorities, that employer  
10 who fails to post statutorily required notice in workplace of employee rights under Age  
11 Discrimination in Employment Act is subject to equitable statute of limitations toll);  
12 *Kamens v. Summit Stainless, Inc.*, 586 F. Supp. 324, 328 (E.D.Pa 1984) (Citing  
13 *Bonham* and recognizing such "notice violation" provides a basis to impose equitable  
14 estoppel on the statute of limitations of a Fair Labor Standards Act ("FLSA") claim,  
15 such act also being the federal minimum wage statute); *Henchy v. City of Absecon*, 148  
16 F. Supp. 2d 435, 439 (Dist. N.J. 2001)(Citing *Kamens* and reaching same conclusion)  
17 and numerous other cases.

18 The language of Nevada's Constitution is clear and imposes a mandatory duty:  
19 "[a]n employer ***shall provide written notification*** of the rate adjustments [of the  
20 minimum wage, starting in July 2007] to ***each*** of its employees." (emphasis supplied).  
21 It is undisputed that defendants provided no such "written notification" to its taxi  
22 drivers. Indeed, prior to this litigation, it was defendants' position that its taxi drivers  
23 had no right to a minimum wage under Nevada's Constitution so they, of course, never  
24 advised any of their drivers of any such right. Whether equitable tolling of the statute  
25 of limitations is an appropriate remedy for such violation of Nevada's Constitution  
26 should be decided on a class wide basis for all of defendants' taxi drivers.



1           **II. THE REQUESTED CLASS CERTIFICATION**  
2           **UNDER NRCP RULE 23(B)(2) SHOULD BE GRANTED**

3           **A. The requested NRCP Rule 23(b)(2) class certification is**  
4           **proper as it seeks common declaratory and injunctive**  
5           **relief for each member of the class.**

6           An equitable relief class under Rule 23(b)(2) is properly certified “....when a  
7           single injunction or declaratory judgment would provide relief to each member of the  
8           class. It does not authorize class certification when each individual class member  
9           would be entitled to a different injunction or declaratory relief against the defendant.”  
10          *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541, 2557 (2011). The proposed class  
11          wide equitable relief would command the defendants to take certain actions, and cease  
12          certain conduct, so that all of the class members in the future will receive the minimum  
13          wages owed to them under Nevada’s Constitution. All class members will receive the  
14          same relief and no individual member would be afforded any different relief.  
15          Accordingly, the proposed equitable class certification is proper under Rule 23(b)(2).

16           **B. Plaintiffs have standing to seek class certification**  
17           **for equitable relief under NRCP Rule 23(b)(2) and**  
18           **Nevada’s Constitution.**

19          Defendants, citing *Wal-Mart*, and other cases, may argue the requested equitable  
20          relief class certification is improper because the named plaintiffs lack standing. *Wal-*  
21          *Mart*, a case brought under federal law alleging sex discrimination in employment, held  
22          that former employees lacked standing to seek equitable relief under FRCP Rule  
23          23(b)(2). 131 S. Ct. at 2559-60. This Court would err by extending this holding in  
24          *Wal-Mart* and similar federal court cases to this case and denying any prospect for the  
25          class wide equitable relief requested.

26          Article 15, Section 16, Subsection “B” of Nevada’s Constitution provides that:

27           “An employee claiming violation of this section may bring an action against his  
28           or her employer in the courts of this State *to enforce the provisions of this*  
          *section and shall be entitled to all remedies available under the law or in*  
          *equity appropriate to remedy any violation of this section, including but not*  
          *limited to back pay, damages, reinstatement or injunctive relief.* (emphasis  
          provided)

          Employees are empowered to bring civil actions to “enforce the provisions” of

1 Article 15, Section 16 of Nevada's Constitution and this Court must grant them all  
2 remedies appropriate to correct "any violation" of that section including injunctive  
3 relief. Plaintiffs are not merely granted rights, individually, to damages or remedies  
4 for the injuries they have suffered but a right to "enforce" the Nevada Constitution's  
5 provisions against defendants and remedy all "violations" of those provisions  
6 committed by defendants. Such language grants plaintiffs standing to enforce those  
7 constitutional protections and have those violations remedied.

8 *Wal-Mart* and similar cases holding past victims of a defendant's conduct or  
9 former employees of an employer lack standing to seek FRCP Rule 23(b)(2) class  
10 certification are grounded in the "case or controversy" limitations on federal  
11 jurisdiction found in Article III of the United States Constitution. *See, Smook v.*  
12 *Minnehaha County* 457 F.3d 806, 816 (8<sup>th</sup> Cir. 2006) (Reviewing federal decisions and  
13 finding Article III deprives class of former juvenile facility inmates of standing to  
14 secure injunctive relief against future actions by facility towards inmates).

15 This Court's jurisdiction is not restricted by Article III standing limitations. The  
16 Nevada Supreme Court has held standing in this Court exists whenever rights are  
17 conferred with language that is broader than the standing conferred under a general  
18 constitutional standing analysis. *See, Stockmeier v. Nevada Dept. of Corrections*  
19 *Psychological Review Panel*, 135 P.3d 220, 226 (Nev. Sup. Ct. 2006) (Inmate need not  
20 meet Article III constitutional standing requirements of injury, causation,  
21 redressability, to have standing to seek remedy for violation of Nevada's Open Meeting  
22 law as such law confers standing more broadly by its own language) and  
23 *Hantges v. City of Henderson*, 113 P.3d 848, 850 (Nev. Sup. Ct. 2005) (The provisions  
24 of NRS 279.609, by expressly authorizing challenges to agency decisions grants  
25 standing to make such challenges to all citizens, not just landowners who might  
26 otherwise meet traditional constitutional standing limitations, despite statute's silence  
27 on who has standing). Accordingly, cases dealing with FRCP Rule 23(b)(2) class  
28 action standing limitations under federal law, such *Wal-Mart*, are inapplicable.

1                   **C. Sufficient evidence exists to grant class certification so the**  
2                   **Court can consider whether class wide equitable relief should**  
3                   **be granted.**

---

4           The equitable relief sought on behalf of the proposed NRCP Rule 23(b)(2) class  
5 would (a) Require defendants to properly pay minimum wages in the future to the class  
6 members or be held in contempt by the Court; (b) Require defendants to keep proper  
7 records documenting their compliance with the minimum wage requirements of  
8 Nevada's Constitution and refrain from coercing false record keeping from class  
9 members; and (c) Require defendants to notify the class members of their minimum  
10 wage rights under Nevada's Constitution and assure them of defendants' respect for  
11 those rights. Appropriate monitoring of the defendants' compliance with such  
12 equitable relief would also be instituted, with the assistance of a Special Master.

13           While no request is made as this time that the Court rule on the merits of the  
14 proposed NRCP Rule 23(b)(2) class relief, substantial evidence has been presented  
15 indicating that such relief may be warranted. As a result, the Court should now certify  
16 the class and place itself in a position to make such a ruling and potentially Order such  
17 relief. The evidence supporting that conclusion includes, but is not limited to:

- 18           ● Defendants' violation of this Court's Order finding they must pay their  
19 taxi drivers the minimum wage specified by Nevada's Constitution.  
20           Defendants' willful disregard of that Order indicates they will not honor  
21 their obligations under Nevada's Constitution unless facing contempt  
22 sanctions by this Court.
- 23  
24           ● Defendants' refusal to keep proper records demonstrating their  
25 compliance with the minimum wage requirements of the FLSA, despite  
26 their promise to do so in 2009. Such conduct has resulted in the 2014  
27 federal court judgment requiring such compliance.
- 28

1           ● Defendants' written policy of unilaterally deeming certain time periods  
2 taxi drivers were working as "personal time" that would "be excluded  
3 from any minimum wage computation" because they had no taxi fare  
4 "meter activation." Ex. "K." Such policy is illegal and defendants cannot  
5 exclude time a taxi driver is working, and waiting for a passenger fare, for  
6 minimum wage purposes, even if it was a prolonged period.

7  
8           ● Defendants' policy, as attested to in the sworn declarations at Ex. "E" and  
9 "F" and "O" of forcing taxi drivers to falsify their trip sheets and certify  
10 they are working far fewer hours than they actually have worked and  
11 terminating their employment if they refuse to do so.

12       **III. THE REQUESTED CLASS CERTIFICATIONS ARE NOT**  
13       **MERITS DETERMINATIONS AND ARE CONDITIONAL**  
14       **AND CAN BE AMENDED IN THE FUTURE**

15       It is expected that defendants will object to class certification by insisting they  
16 have done no wrong; by insisting there is no proof that illegal actions have taken place  
17 on a scale meriting resolution on a class basis; and by insisting that a class resolution is  
18 unworkable and the proposed class certification is overbroad and over-inclusive. All  
of such objections are baseless.

19       The extent of defendants' violations of the Nevada Constitution's minimum  
20 wage requirements, and the appropriate remedies for those violations, remain to be  
21 determined. The merits of such matters are not currently before the Court, only the  
22 class certification issue. Nor are the class members' varying amounts of damages, and  
23 the need to make individual determinations of each class member's damages, germane  
24 to the class certification issue. "Our court long ago observed that 'the amount of  
25 damages is invariably an individual question and does not defeat class action  
26 treatment.'" *Yokoyama v. Midland National Life Insurance Co.*, 594 F. 3d 1087, 1089  
27 (9<sup>th</sup> Cir. 2010) citing *Blackie v. Barrack*, 524 F.2d 891, 905 (9<sup>th</sup> Cir. 1975).

28       As discussed, *supra*, there are common issues that should be resolved on a class

1 basis and the other applicable requirements of class certification have been met. The  
2 class certification sought is especially appropriate in light of defendants' documented  
3 violation of this Court's Order of February 11, 2013 and the findings made in the  
4 FLSA judgment. To the extent that a class of "all" taxi driver employees includes taxi  
5 drivers that are not, in fact, owed any minimum wages by defendants, such facts will be  
6 determined at a later date. The Order granting class certification will be amended in  
7 the future to modify the class composition and exclude initially included class  
8 members, if any, who are later determined to not possess any colorable minimum wage  
9 claims. *See*, NRCF Rule 23(c)(1) ("An order [granting class certification] under this  
10 subdivision may be conditional, and may be altered or amended before the decision on  
11 the merits.")

12 **IV. THE REQUESTED APPOINTMENT OF A SPECIAL**  
13 **MASTER PAID FOR BY DEFENDANTS TO COMPILE**  
14 **HOURS OF WORK INFORMATION SHOULD BE GRANTED**

15 **A. Defendants' assertion of a defense based upon the claim "only**  
16 **the trip sheets contain the driver's work time" has created the**  
17 **need to appoint a Special Master to be paid by the defendants,**  
18 **as it has been established such trip sheet review will show that**  
19 **the defendants owe minimum wages.**

20 Defendants insist that no accurate computerized records exist recording the taxi  
21 drivers' "actual hours of work." They insist the *only* records from which the taxi  
22 drivers' "actual hours of work" can be ascertained are the drivers' manually filled out,  
23 paper, daily trip sheets. They claim no computerized time clock or other records exist  
24 from which it can be determined how many hours a particular taxi driver worked  
25 during a particular day or week. Ex. "L." These assertions by defendants, if correct,  
26 means the only way to determine the hours of work of the taxi drivers is by laboriously  
27 examining and tallying the shift start time, the shift end time, and break times recorded  
28 on each taxi driver's trip sheet for each day they worked.

It is also established that a review of the defendants' drivers' trip sheets, and an  
acceptance of those trip sheets as containing accurate work time information, will  
document minimum wage violations by defendants. The FLSA judgment's calculation

1 of \$139,834.80 in unpaid minimum wages being owed to 430 of defendants' taxi  
2 drivers was made based upon such a "trip sheet" time review. Ex. "L." Plaintiffs'  
3 counsel have also conducted such a review for a single pay period in March of 2011 for  
4 plaintiff Michael Murray. Ex. "M." That review, accepting the "time in" and "time  
5 out" and "break time" recordings on each trip sheet as accurate, indicates Murray  
6 worked 91.25 hours for which he was paid \$655.94 (excluding tips), only \$7.19 an  
7 hour, which is less than Nevada's \$8.25 or \$7.25 an hour minimum wage. *Id.*

8 As discussed, *infra*, defendants have intentionally failed to keep time records of  
9 their taxi drivers' hours of work. Defendants claim they do not even know how many  
10 shifts each taxi driver worked each pay period and such information can also only be  
11 determined by examining the trip sheets. Nor are they willing to concede that a driver  
12 worked for the entirety of their assigned shift. Instead they are asserting a "you must  
13 review each trip sheet" defense to determine the hours that any particular driver  
14 worked, knowing full well it would be incredibly expensive to review all of those trip  
15 sheets and construct those working time totals for the class members. The Court  
16 should remedy this situation by requiring the *defendants* pay for a Special Master to  
17 review those trip sheets and compile such information. This unusual relief is required,  
18 as explained *infra*, because defendants have intentionally constructed this "no time  
19 records" defense to the class members' claims.

20 **B. The Court has authority to appoint a Special Master**  
21 **under NRCP Rule 53 for the limited purpose requested.**

22 Pursuant to NRCP 53 the Court has the authority to appoint a Special Master in  
23 "any action." NRCP 53(a)(1). Such appointment can be to "report only upon  
24 particular issues or to do or perform particular acts." NRCP 53(c). The Court may  
25 command such Special Master's compensation "shall be charged upon such of the  
26 parties" as "the court may direct." NRCP 53(a)(1).

27 **C. The exceptional circumstances requiring the appointment of**  
28 **the requested Special Master, to be paid by the defendants,**  
**have been amply established in this case.**

"A reference to a master shall be exception and not the rule." NRCP 53(b).

1 Defendants, relying upon this admonition, will surely argue that this showing of  
2 “exception” is not present in this case and the Court should deny the requested Special  
3 Master appointment. The Court should reject such argument, as overwhelmingly  
4 compelling grounds exist to grant the requested Special Master appointment, when the  
5 very limited scope of that appointment, and defendants prior conduct, are considered.

6 (1) **Because the Special Master would only be charged**  
7 **with compiling the class members work hours, as**  
8 **set forth in defendants’ records, and would make**  
9 **no factual findings and hold no evidentiary hearings,**  
10 **such appointment presents no danger of this Court**  
11 **abdicating its judicial and constitutional functions.**

12 Relying upon cases such as *Venetian Casino Resort, LLC v. Eighth Judicial Dist.*  
13 *Court*, 41 P.3d 327, 328 (Nev. Sup. Ct. 2002) defendants will argue the requested  
14 appointment should be denied as “[i]n all cases, referral to a special master is only  
15 warranted when it is necessary, not merely when it is desirable.” *Id.* As discussed,  
16 *infra*, the appointment of a Special Master as requested is *necessary* in this case to  
17 appropriately vindicate the class members’ paramount constitutional rights. Such  
18 necessity was created by the defendants’ intentionally concocted scheme to violate  
19 such rights by *not* maintaining time records. But before turning to that issue the Court  
20 should also understand the reasons for the Special Master appointment rule recited in  
21 *Venetian Casino* and similar cases.

22 *Venetian Casino* cites *Russell v. Thompson*, 619 P.2d 537, 539 (Nev. Sup. Ct.  
23 1980) for its holding. The circumstances of *Russell* illustrate why the concerns  
24 underlying *Venetian Casino* are not presented by the Special Master appointment  
25 requested in this case. In *Russell* the district court gave a “blanket delegation” to a  
26 Special Master in a divorce case to decide “nearly all contested issues” and to act as a  
27 fact finder. 619 P.2d at 539. Such a Special Master appointment “approaches an  
28 unallowable abdication by a jurist of his constitutional responsibilities and duties” and  
would improperly “place the trial judge into a position of a reviewing court” of the  
Special Master. *Id.* Accordingly, the Special Master appointment was vacated.

The circumstances of *Venetian Casino*, where a Special Master was appointed to

1 make findings on mechanics' liens in which over 100 construction subcontractors had  
2 an interest, were similar to *Russell*. The Supreme Court held the limitless authority  
3 granted to the *Venetian Casino* Special Master, to not only hold hearings and make  
4 reports on the amount of lien claims but their validity, was improper. 41 P.3d at 330.

5 None of the concerns posed by cases such as *Venetian Casino* or *Russell* are  
6 present in this case. The proposed Special Master will conduct no hearings and make  
7 no actual findings. They will simply collect defendants' taxi driver trip sheets and  
8 compile the start, stop, and break time entries from each tripsheet for each class  
9 member and enter them in a spreadsheet. The resulting report of "hours worked" for  
10 each class member is not a "fact finding" by the Special Master but simply the  
11 *placement of information maintained by the defendants in their own records* into a  
12 format usable by the Court.

13 (2) **Defendants' intentional creation of a "no time**  
14 **records" situation, which they did for the express**  
15 **purpose of defeating any attempt to hold them**  
16 **responsible for their violations of Nevada's Constitution,**  
17 **is an "exceptional circumstance" that requires the**  
18 **appointment of the requested Special Master.**

19 In 2009 the United States Department of Labor ("DOL") investigated  
20 defendants' FLSA's minimum wage compliance. It found that defendants maintained  
21 "no record of the actual hours worked" by their taxi drivers. Ex. "B." The DOL  
22 advised the defendants at that time, in June of 2009, "that they must keep a record of  
23 actual hours worked" by their drivers and the DOL's investigation was being  
24 concluded with the defendants' "assurance of future compliance." *Id.* They were also  
25 advised they must pay their taxi drivers the Nevada minimum hourly wage which was  
26 then at least \$6.85 an hour. *Id.*

27 Despite promising the DOL in 2009 to keep records of the "actual hours  
28 worked" by their taxi drivers defendants kept no such records. Nor did they pay their  
taxi drivers the Nevada minimum hourly wage, as the DOL advised them to do, such  
payment would have also obviated any need for any future DOL enforcement action.  
As a result, on October 1, 2014 the DOL filed a lawsuit against defendants for unpaid



1 FLSA minimum wages and to remedy such record keeping failures. Ex. "C," federal  
2 district court complaint, ¶ 8, stating defendants violated the FLSA by failing to  
3 "maintain and preserve records" that showed "adequately and accurately, among other  
4 things, the hours worked each workday and the total hours worked each workweek" of  
5 their taxi drivers. The federal court judgment, Ex. "A," found that the defendants had  
6 violated the FLSA's minimum wage requirements for 430 taxi drivers and enjoins the  
7 defendants from failing to keep accurate records of the hours worked by their taxi  
8 drivers. Ex. "A" ¶ 2 and ¶ 8..

9 The defendants' history is clear as are the conclusions to be drawn from that  
10 history. Defendants were advised in 2009 by the DOL that they must keep accurate  
11 records of the hours of work of their taxi drivers and pay them the minimum hourly  
12 wage required by Nevada's Constitution. They did neither. Instead they maintained  
13 only an incidental record of each taxi driver's work hours, locked away in taxi driver  
14 trip sheets. The work hours of the taxi drivers were not actually recorded by the  
15 defendants but were potentially ascertainable after the fact by computing such hours  
16 from the daily shift start, shift stop and break times on each trip sheet.

17 Defendants' taxi drivers generate well over 3,000 trip sheets each month and  
18 over 35,000 per year (defendants reported on the Nevada Taxicab Authority's website  
19 they had 4,013 shifts driven in January of 2015, each shift generates one trip sheet).  
20 Defendants were expressly advised by the DOL that they must keep records of the  
21 "actual hours worked" by the taxi drivers, promised to do so, and then intentionally and  
22 willfully did not. They engaged in such conduct so they could, in the future (1)  
23 Defend against any class action claiming they failed to pay minimum wages by  
24 insisting such claims can only be determined after manually compiling information  
25 from over 100,000 trip sheets to find out the "actual hours worked" of each driver; and  
26 (2) Render the prosecution of any such claims prohibitively expensive, given the cost  
27 of compiling such information, and thus shield themselves from any liability for their  
28 minimum wage violations.

1 Article 15, Section 16, Subpart "B" of the Nevada Constitution commands this  
2 Court to afford an employee aggrieved of any violation of its provisions "...all remedies  
3 available under the law or in equity appropriate to remedy any violation of this section,  
4 including but not limited to back pay, damages, reinstatement or injunctive relief." It  
5 further provides that "[a]n employee who prevails in any action to enforce this section  
6 shall be awarded his or her reasonable attorney's fees and costs."  
7 Such command could not be more broadly worded, or given its Constitutional nature,  
8 more forceful.

9 As discussed, *supra*, the defendants have acted to conceal their failure to pay  
10 minimum wages by intentionally failing to maintain "actual hours worked" records.  
11 They have done so to construct a "too expensive to prosecute" barrier to the vindication  
12 of the class members' minimum wage rights. The limited trip sheets plaintiffs' counsel  
13 have examined, also, if they are accurate as defendants' claim, confirm violations of  
14 Nevada's Constitutional minimum wage requirements by the defendants. *See*, Ex. "M"  
15 and page 20, *supra*.

16 The rights granted under Nevada's Constitution are paramount legal rights.  
17 Defendants should not allowed to frustrate the vindication of those rights by  
18 intentionally failing to keep hours of work records. The relief "appropriate to remedy"  
19 the defendants' violations of the Nevada Constitution's minimum wage requirements is  
20 to have defendants bear the cost of a Special Master to compile the information on the  
21 taxi driver class members' "actual hours worked." The Court can then have the benefit  
22 of such information, which must be compiled from over 100,000 individual trip sheets,  
23 to use as part of its determination of the appropriate amount of damages owed to the  
24 class members.

25 **V. NOTICE MUST BE DISPATCHED TO THE CLASS MEMBERS**  
26 **AND THE FORM OF SUCH NOTICE WILL BE SPECIFIED**  
**IN THE PROPOSED ORDER SUBMITTED TO THE COURT**

27 Appropriate notice to the class members of an order certifying any case as a class  
28 action under NRCP Rule 23(b)(3) must be provided. *See*, NRCP Rule 23(c)(2).  
Plaintiffs' counsel will provide such a form of notice to the Court, for its approval as

1 part of a proposed Order granting the requested class action certification. It is  
2 suggested that such notice be mailed to the last known address of each class member;  
3 defendants be required to provide such last known addresses to plaintiffs' counsel  
4 within 30 days of such Order; plaintiffs' counsel be required to mail such notice within  
5 30 days of being provided with such addresses; and class members shall have 45 days  
6 after such mailing to advise the Court if they wish to exclude themselves from the  
7 class.

8 **VI. NAMED PLAINTIFFS RENO AND MURRAY SHOULD BE**  
9 **APPOINTED AS CLASS REPRESENTATIVES WITH CLASS**  
10 **MEMBERS SARGEANT AND BRAUCHLE ALSO AVAILABLE**  
11 **TO BE APPOINTED AS CLASS REPRESENTATIVES**

12 In addition to the named plaintiffs, two class members, Brauchle and Sargeant,  
13 have provided declarations supporting class certification. Brauchle and Sargeant are  
14 also available to be appointed as class representatives or standby class representatives  
15 if the Court believes it would be helpful for them to be so appointed. Plaintiffs'  
16 counsel takes no position on whether they should be so appointed in addition to the  
17 named plaintiffs.

18 **CONCLUSION**

19 For all the foregoing reasons, plaintiff's motion should be granted in its entirety  
20 together with such other further and different relief that the Court deems proper.

21 Dated: May 18, 2015

22 LEON GREENBERG PROFESSIONAL CORP.

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

# EXHIBIT "A"

Appears at AA Vol. 15 P. 3529-3550

# EXHIBIT "B"

A-CAB Taxi Services, LLC  
4444 S. Valley View  
Las Vegas, NV 89103  
702-365-1900  
EIN: 88-0470590

Attorney:

Esther Rodriguez, [REDACTED]

NARRATIVE

COVERAGE

Subject firm is a 24-hour taxi cab service company. The firm is a Nevada limited liability corporation that began operations and incorporated in 2001. (See Exhibit C-1). There are no other branches located in Nevada. The corporate officer is Creighton J. Nady (100% owner). Creighton J. Nady and Jon Gathright are 3(d) employers as they are acting directly in the day-to-day decision making as it relates to employees. ADV YTD 2009 is (as of 04-07-09) [REDACTED] 2008 [REDACTED] and 2007- [REDACTED] Jon Gathright, General Manager provided ADV information.

The investigation period covers April 1, 2007 to April 09, 2009.

EXEMPTIONS

13(a) (1) is applicable to:

|                  |                 |             |         |
|------------------|-----------------|-------------|---------|
| Creighton J Nady | Owner           | \$455.00+   | 541.101 |
| Jon Gathright    | General Manager | \$55,000.00 | 541.102 |
| [REDACTED]       |                 |             | 541.201 |

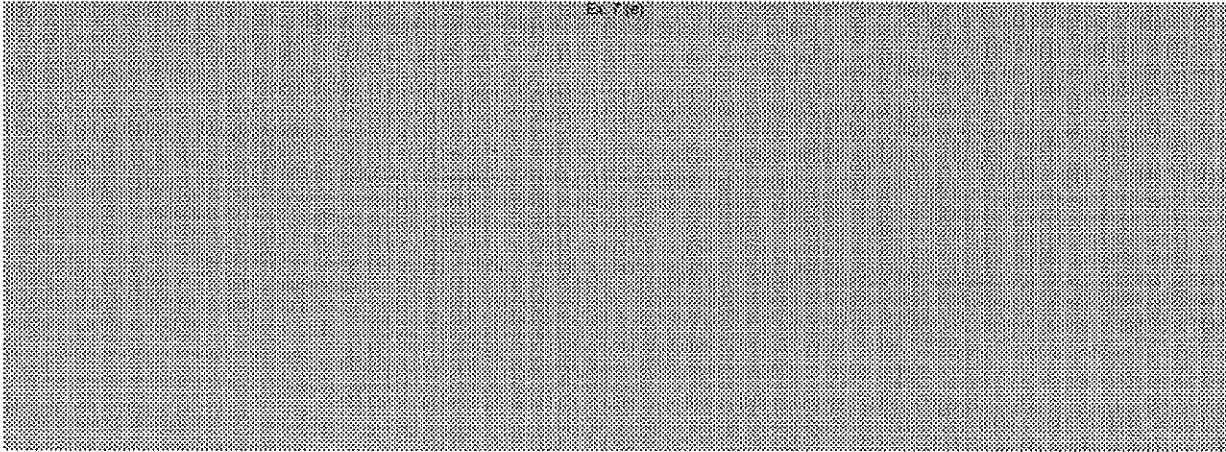
13(b) (17) All taxi cab drivers are overtime exempt.

All other non-taxi driver employees are paid by the hour. No other exemptions are applicable.

STATUS OF COMPLIANCE

Prior History: There was no prior enforcement action involving this firm.

MODO Instruction: The MODO is Phoenix, Arizona DO.



Section 6: There were no minimum wage violations found. The review of the payroll records resulted in a determination that the drivers are paid on a commission basis. While there is no record of actual hours worked, the drivers have scheduled hours and complete a trip sheets. The trip sheets have gaps in the hours worked. Using the scheduled hours worked from shift start time to shift end time, less an estimated period of time for a meal period, it was determined that in most workweeks, the drivers receive minimum wage based on the gross wage paid. Any short fall based on the scheduled hours worked could be offset by a less inclusive number of hours worked as indicated by the trip sheets. The drivers also receive tips in addition to the gross wage paid by the employer.

Section 7: No overtime violations found

Section 11: No record keeping violations found

Section 12: There were no Child Labor violations found during this investigation.

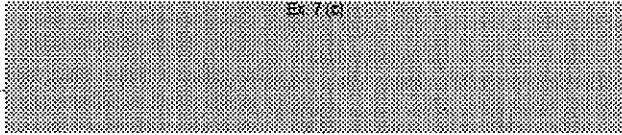
**DISPOSITION:**

On April 30, 2009, I conducted a final conference at the firm. The following firm representatives were present for the final conference: Esther Rodriguez, legal counsel, Creighton Nady, owner, Jon Gathright, General Manager and [REDACTED]

[REDACTED] We discussed the findings of the investigation. The firm was advised that they must keep a record of actual hours worked and that the drivers, while exempt from overtime, must be paid at least the applicable minimum wage for all hours worked.

A-CAB Taxi Services LLC Case ID: 1528555

The firm was also advised that the State of Nevada minimum wage is currently \$6.85 per hour and that this investigation is being concluded with the firm's assurance of future compliance.



Date: 6-10-09

RA0030



# EXHIBIT "C"

1 JANET M. HEROLD, Regional Solicitor  
2 SUSAN SELETSKY, Counsel for FLSA  
3 ANDREW J. SCHULTZ, Trial Attorney  
4 email: schultz.andrew@dol.gov  
5 California State Bar Number 237231  
6 United States Department of Labor  
7 Office of the Solicitor  
8 90 Seventh Street, Suite 3-700  
9 San Francisco, California 94103  
10 Telephone: (415) 625-7745  
11 Facsimile: (415) 625-7772

12 Attorneys for Plaintiff, Thomas E. Perez, Secretary  
13 United States Department of Labor

14 UNITED STATES DISTRICT COURT FOR THE  
15 DISTRICT OF NEVADA

16 THOMAS E. PEREZ, Secretary of )  
17 Labor, United States Department of )  
18 Labor, )

19 Plaintiff,

20 v.

21 A CAB LLC, a Nevada Limited )  
22 Liability Company, )  
23 CREIGHTON J. NADY, an individual, )

24 Defendants. )

) Docket No.: 2:14-cv-1615

) COMPLAINT FOR VIOLATIONS OF  
) THE FAIR LABOR STANDARDS  
) ACT

25 1. Plaintiff, **THOMAS E. PEREZ**, Secretary of Labor, United States  
Department of Labor, brings this action to enjoin defendants **A CAB LLC**, as a

1 Nevada Limited Liability Company, **CREIGHTON J. NADY**, as an individual,  
2 from violating the provisions of the Fair Labor Standards Act of 1938, as amended,  
3 29 U.S.C. §§ 201-219, hereinafter called the Act, pursuant to section 17 of the Act,  
4 29 U.S.C. § 217; and to recover unpaid minimum wage compensation owing to  
5 defendants' employees, together with an equal amount as liquidated damages,  
6 pursuant to section 16(c) of the Act, 29 U.S.C. § 216(c).

7       2. Jurisdiction of this action is conferred upon the Court by sections  
8 16(c) and 17 of the Act, 29 U.S.C. §§ 216(c) and 217, and 28 U.S.C. §§ 1331 and  
9 1345.

10       3. Venue lies in the United States District Court, District of Nevada,  
11 Southern Division, pursuant to 28 U.S.C. § 1391(b) as a substantial part of the  
12 events giving rise to the claim occurred in Las Vegas, Nevada.

13       4. (a) Defendant, **A CAB LLC**, is and at all times hereinafter  
14 mentioned was a corporation with an office and a place of business at 1500 Searles  
15 Avenue, Las Vegas, Nevada, 89101, within the jurisdiction of this Court, and is  
16 and at all times hereinafter mentioned was engaged in the operation of a taxicab  
17 business.

18       (b) Defendant, **CREIGHTON J. NADY**, an individual, at all times  
19 hereinafter mentioned acted directly or indirectly in the interest of **A CAB LLC**, in  
20 relation to its employees, by setting wages, hours, record keeping procedures, and  
21 hiring and firing such employees.

22       5. Defendant **A CAB LLC**, is and at all times hereinafter mentioned was  
23 engaged in related activities performed through unified operation or common  
24 control for a common business purpose, and is and at all times hereinafter  
25

1 mentioned was an enterprise within the meaning of section 3(r) of the Act, 29  
2 U.S.C. § 203(r).

3         6. Defendant **A CAB LLC**, is and at all times hereinafter mentioned was  
4 an enterprise engaged in commerce or in the production of goods for commerce  
5 within the meaning of sections 3(s)(1)(A) of the Act, 29 U.S.C. § 203(s)(1)(A), in  
6 that said enterprise at all times hereinafter mentioned had employees engaged in  
7 commerce or in the production of goods for commerce, or employees handling,  
8 selling, or otherwise working on goods or materials that have been moved in or  
9 produced for commerce by any person and in that said enterprise has and has had  
10 an annual gross volume of sales made or business done of not less than \$500,000.

11         7. Defendants have willfully and repeatedly violated, and continue to  
12 violate, the provisions of sections 6 and 15(a)(2) of the Act, 29 U.S.C. §§ 206 and  
13 215(a)(2), by paying many of their employees wages at rates less than the  
14 applicable federal minimum wage in workweeks when said employees were  
15 engaged in commerce and in the production of goods for commerce or were  
16 employed in an enterprise engaged in commerce or in the production of goods for  
17 commerce, within the meaning of the Act, as aforesaid.

18         8. Defendants, employers subject to the provisions of the Act, repeatedly  
19 have violated, and continue to violate the provisions of sections 11(c) and 15(a)(5)  
20 of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), in that they failed to make, keep,  
21 and preserve adequate and accurate records of all employees and the wages, hours  
22 and other conditions and practices of employment maintained by them as  
23 prescribed by regulations duly issued pursuant to authority granted in the Act and  
24 found in 29 C.F.R. § 516, in that the defendants did not maintain and preserve  
25 records for at least one employee and/or such records fail to show adequately and

1 accurately, among other things, the hours worked each workday and the total hours  
2 worked each workweek, thereby depriving, interfering and impeding the ability of  
3 the employees, and derivatively the Secretary, to detect, identify and have notice of  
4 the underpayment of minimum wages due under the Act.

5 9. During the relevant statutory period and thereafter, defendants have  
6 willfully and repeatedly violated, and continue to violate, the aforesaid provisions  
7 of the Act. A judgment which enjoins and restrains such violations and includes  
8 the restraint of any withholding of payment of unpaid minimum wage and  
9 overtime compensation found by the court to be due to present and former  
10 employees under the Act is expressly authorized by section 17 of the Act, 29  
11 U.S.C. § 217.

12 **WHEREFORE**, cause having been shown, plaintiff prays for a judgment  
13 against defendants as follows:

14 (a) For an Order pursuant to section 17 of the Act, 29 U.S.C. § 217,  
15 permanently enjoining and restraining defendants, their officers, agents, servants,  
16 employees, and those persons in active concert or participation with them from  
17 prospectively violating the provisions of section 15 of the Act, 29 U.S.C. § 215;  
18 and

19 (b) For an Order  
20 (1) pursuant to section 16(c) of the Act, 29 U.S.C. § 216(c), finding  
21 defendants liable for minimum wage compensation due defendants' employees and  
22 for liquidated damages equal in amount to the unpaid minimum wage  
23 compensation found due defendants' employees, including those listed in the  
24 attached Exhibit A (additional back wages and liquidated damages may be owed to  
25

1 certain employees presently unknown to plaintiff for the period covered by this  
2 complaint);

3 (2) In the event liquidated damages are not awarded, pursuant to  
4 section 17 of the Act, 29 U.S.C. § 217, enjoining and restraining defendants, their  
5 officers, agents, servants, employees and those persons in active concert or  
6 participation with defendants, from withholding payment of unpaid back wages  
7 found to be due defendants' employees, and pre-judgment interest at an  
8 appropriate interest rate; and

9 (c) For an Order awarding plaintiff the costs of this action; and

10 (d) For an Order granting such other and further relief as may be  
11 necessary or appropriate,

12 Dated: October 1, 2014

13 M. PATRICIA SMITH  
14 Solicitor of Labor

15 JANET M. HEROLD  
16 Regional Solicitor

17 SUSAN SELETSKY  
18 FLSA Counsel

19 By: /s/ Andrew J. Schultz  
20 ANDREW J. SCHULTZ  
21 Trial Attorney

22 UNITED STATES  
23 DEPARTMENT OF LABOR  
24 Attorneys for the Plaintiff  
25

EXHIBIT A

**NAME**

**Abdella, Juhar M**  
**Abebe, Tamrat**  
**Abraha, Tesfalem B**  
**Abuel, Alan B**  
**Abuhay, Fasil M**  
**Acosta, Lorrie F**  
**Adamian, Robert**  
**Adams, Michael J**  
**Adamson, Nicole K**  
**Agacevic, Ibnel**  
**Ahmed, Ahmed A**  
**Alemayhu, Tewodros D**  
**Alexander, Darvious N**  
**Ali, Abraham A**  
**Allen, Otis L**  
**Alnaif, Abdul S**  
**Altamura, Vincent T**  
**Alves, Mary A**  
**Ameha, Samuale B**  
**Anastasio, James**  
**Anderson, Jason E**  
**Anderson, Roosevelt A**  
**Anif, Janeid M**  
**Appel, Howard J**  
**Applegate, Angela M**  
**Arar, Isam K**  
**Arell, Roger D**  
**Arellano, Miguel A**  
**Arnwine, Howard B**  
**Asad, Tassawar A**  
**Aseffa, Mulubahan Z**

EXHIBIT A

**Assena, Zenebech K**  
**Atanasov, Nikolay P**  
**Atterbury, Joseph A**  
**Aurich, Juan P**  
**Awalom, Alemayehu G**  
**Azzouay, El Houcine**  
**Baca-Paez, Sergio A**  
**Baker, Timothy J**  
**Bakhtiari, Marco L**  
**Barbu, Ion D**  
**Bardo, Timothy F**  
**Barich, Edward C**  
**Barnes, Benjamin**  
**Barr, Kenneth W**  
**Barrett, Jon A**  
**Barseghyan, Artur**  
**Bartunek, Johnny W**  
**Batista, Eugenio L**  
**Bellegarde, Josue**  
**Benel, Christian E**  
**Bey, Ronald A**  
**Bialorucki, Richard M**  
**Black, Burton J**  
**Blanco, Mario L**  
**Blanusa, Zeljko**  
**Boling, Freddy D**  
**Borges, Antonio G**  
**Borja, Virginia**  
**Bowen, Christopher T**  
**Bozic, Nebojsa**  
**Bradley, Leroy V**  
**Brauchle, Michael**  
**Brimhall, Tracy L**  
**Brisco, Allen L**  
**Briski, Louis**



EXHIBIT A

**Brown, Maurice**  
**Buergey, Christopher M**  
**Butler, Bonnie J**  
**Caldwell Jr., Paul M**  
**Calise, Domenic R**  
**Cancio-Betancourt, Rene S**  
**Carr, Jamaal C**  
**Casiello, Anthony R**  
**Catoggio, Alfred T**  
**Caymite, Luc**  
**Chang, Yun-Yu**  
**Chasteen, Jeffrey T**  
**Chatrizeh, Shahin**  
**Chau, Phi V**  
**Chico, David**  
**Choudhary, Krishna M**  
**Christensen, Rosa L**  
**Christodoulou, Panos**  
**Cphoon, Thomas S**  
**Coizeau, Leonardo R**  
**Collier, Ella R**  
**Collins, Donald V**  
**Collins, Lincoln**  
**Coney-Cummings, Keisha T**  
**Conway, James H**  
**Costello, Brad**  
**Craddock, Charles P**  
**Crawford, Darryl W**  
**Daniels, Donald W**  
**Daniels, Katherine A**  
**Danielsen, Danny**  
**D'Arcy, Timothy C**  
**Davis, Bradley C**  
**Deguzman, Fermin B**  
**Deguzman, Leloi S**

EXHIBIT A

**DeMarco, William J**  
**Deocampo, Michael M**  
**Desta, Fissehay S**  
**Diaz, Aiser L**  
**Dibaba, Desta T**  
**Diemoz, Ernest D**  
**Dillard, Corey L**  
**Dinok, Ildiko**  
**Disbrow, Ronald L**  
**Dobszewicz, Gary S**  
**Donahoe, Stephen L**  
**Dontchev, Nedeltcho**  
**Dotson, Contessa R**  
**Dotson, Eugene B**  
**Draper, Ivan L**  
**Dudek, Anthony R**  
**Durey, Robert J**  
**Durtschi, Jeffrey**  
**Edwards, Jeffrey A**  
**Egan, Joseph W**  
**Ekoue, Ayi**  
**Ellis, Charles C**  
**Emling, Paul E**  
**Ernst, William L**  
**Eshaghi, Mohammad**  
**Estrada, Michael S**  
**Evans, Pamela D**  
**Fadlallah, Michel J**  
**Farah, Yohannes M**  
**Fears, Thomas A**  
**Feleke, Melak M**  
**Fesehazion, Teabe**  
**Filfel, Kamal A**  
**Fleming, Gary G**  
**Frankenberger, Grant R**

EXHIBIT A

**Furst III, James P**  
**Garcia, John E**  
**Garcia, Miguel B**  
**Gardea, Alfred E**  
**Gared, Yaekob G**  
**Garras, Bill G**  
**Gaumont, Gerard J**  
**Gebrayes, Henock L**  
**Gebremariam, Meley A**  
**Gebreyes, Fanuel H**  
**Gelane, Samuel G**  
**Ghori, Azhar**  
**Gianopoulos, Samuel N**  
**Gillett, David C**  
**Gilmore, Paula J**  
**Gleason, John T**  
**Glogovac, Goran**  
**Godsey, Kelly L**  
**Golden, Theresa M**  
**Golla, Dawit A**  
**Gomez-Gomez, Arlene R**  
**Gonzalez, Luis A**  
**Gonzalez, Ramon**  
**Goolsby, Victor**  
**Grafton, Natasha D**  
**Gray, Gary D**  
**Green, Tony D**  
**Greever, Rickey E**  
**Gross, Timothy S**  
**Guil, Inessa**  
**Guinan, William J**  
**Gyuro, John H**  
**Habtom, Ermias**  
**Hadley, Aaron S**  
**Haigh III, Walter E**

EXHIBIT A

**Hanna, Christopher S**  
**Hansen, Jordan Z**  
**Haralambov, Valko G**  
**Harms, Michael**  
**Harrell, Mark K**  
**Harris III, Reggie W**  
**Harris, Dennis R**  
**Harris, Jason B**  
**Harris, Jay L**  
**Harun, Idris Y**  
**Hasen, Akmel W**  
**Haskell, William L**  
**Hays, Larry M**  
**Herbert, Christopher L**  
**Herga, Ryan A**  
**Hinks, Dana**  
**Holcomb, Dalton E**  
**Holler, Alfonso**  
**Hollis, James L**  
**Holt, John R**  
**Hooper, Donald L**  
**Hoschouer, Christina A**  
**Hughes, Jerry**  
**Hunter, James A**  
**Huntington, Walter D**  
**Hurd, Donald P**  
**Hurley, Robert A**  
**Hurtado, Hubert B**  
**Hussien, Leykun E**  
**Inman, Christopher W**  
**Ivey, Timothy**  
**Jackson, Frederick D**  
**Jackson, Willie J**  
**Jarmosco, John J**  
**Jelancic, Vladko**

EXHIBIT A

Jellison, Charles S  
Jimenez, Michael J  
Johnson, Kennard T  
Johnson, Richard B  
Johnson, Rodney L  
Jones, Glenn O  
Joseph, Leroy A  
Kaiyoorawongs, Chaipan  
Kang, Chong  
Kang, Dae Ik  
Kaplon, Mark S  
Karner, Adam M  
Keba, Woldmarim G  
Kenary, Brian T  
Kennerly, Bridgett N  
Kern, Gary F  
Key, Roy F  
King Jr., John  
Klein, Phillip N  
Knight, Tyree D  
Kogan, Martin J  
Krouse, Stephen P  
Kunik, Robert  
Laico, Paul T  
Lantis, Glen  
Leacock, Brian  
Leal, Jill I  
Lee, Thomas J  
Legesse, Dereje G  
Ligus, Thomas J  
Link, Peter J  
Linn, Ronald M  
Linzer, Steven A  
Little, Dennis P  
Lonbani, Khosro D

EXHIBIT A

Lovelady, Warren S  
Lovin, Charles E  
Lydick, Chip S  
Macato, Jaime L  
Magana, Luis Antonio  
Magazin, Milorad  
Mahoney, Kevin J  
Mainwaring, David C  
Majors, John N  
Manor, Quincy A  
Maras, Maria M  
Martinez-Ramirez, Eduardo  
Mastrio, Angelo M  
Maza, Inez E  
McCarter, Patrick E  
McCarthy, John L  
McConnell, Therral R  
McCoubrey, Earl E  
McGowan, Sean  
McGregor, Matthew E  
McLandaum, Antonio O  
McNeece, James J  
Medina, Taurean S  
Mekonen, Solomon  
Melesse, Abebe B  
Meloro, Paul M  
Mengesha, Alemayehu  
Menocal, Pedro P  
Mezzenasco, Pedro J  
Milliron, Darrol Q  
Mindyas, James B  
Mirkulovski, Danny  
Mitrikov, Ilko I  
Mogeeth, Ehab K  
Monforte II, Peter R

EXHIBIT A

**Monteagudo, Oscar C**  
**Montoya, Francisco J**  
**Moore, Aileen L**  
**Moore, Jerry**  
**Moreno, James M**  
**Moretti, Bryan J**  
**Morley, David L**  
**Morris, Robert**  
**Morris, Thomas J**  
**Mostafa, Ahmed M**  
**Murawski, Richard F**  
**Murray, Mark A**  
**Murray, Michael P**  
**Nazarov, Mikael A**  
**Ndichu, Simon K**  
**Negashe, Legesse M**  
**Netrayana, Kanchalee**  
**Newell, John D**  
**Ngo, Tuan T**  
**Nichols, Keith**  
**Nigussie, Gulilat T**  
**Norberg, Christopher R**  
**Norvell, Chris D**  
**Ocampo, Leonardo O**  
**Ogbazghi, Dawit**  
**Ohlson, Ryan E**  
**Olen, Virginia F**  
**Oliveros, Mario**  
**Ontura, Tesfalem B**  
**O'Shea, Kevin M**  
**Osterman, Victor L**  
**Overson, Michael T**  
**Oyebade, Vincent O**  
**Ozgulgec, Tunc**  
**Pak, Sam U**

EXHIBIT A

**Pariso, David J**  
**Parker, Shawnette M**  
**Paros, Nicholas**  
**Patry, Michael J**  
**Pearson, Jon C**  
**Penera, Eric S**  
**Perrotti, Dominic W**  
**Peterson, Kenneth C**  
**Peterson, Steven A**  
**Petrossian, Robert**  
**Phonesavanh, Paul**  
**Pilkington, Margaret A**  
**Pitts, Amir G**  
**Platania, John A**  
**Pletz, David E**  
**Pohl, Daniel**  
**Portillo, Mario E**  
**Presnall, Darryl L**  
**Price, Allen D**  
**Price, James L**  
**Prifti, Ilia K**  
**Purdue, Robert H**  
**Pyles, Joseph P**  
**Ramirez, Erney M**  
**Rasheed, Willie A**  
**Ray, William A**  
**Reid, Marvin D**  
**Relopez, Craig M**  
**Reno, Michael A**  
**Rivas, Victor M**  
**Roach, Jayson R**  
**Roberson, Ronnie**  
**Roberts, James**  
**Robles, Mark A**  
**Rockett Jr., Roosevelt**



EXHIBIT A

**Rohlas, Polly A**  
**Romano, Anthony L**  
**Romero, Ruben J**  
**Rosenthal, John S**  
**Ross, Larry W**  
**Rothenberg, Edward L**  
**Rotich, Emertha**  
**Rousseau, James R**  
**Ruby, Melissa F**  
**Ruiz, Travis C**  
**Russell, Darrell L**  
**Saevitz, Neil R**  
**Salameh, George S**  
**Saleh, Jemal**  
**Sampson, James M**  
**Sanders, Acy**  
**Saravanos, John T**  
**Sayed, Jamil A**  
**Schoeb, Kirk C**  
**Schroeder, William L**  
**Schwartz, George H**  
**Schwartz, Steven**  
**Sedgwick, Anthony A**  
**Serio, John A**  
**Serrano, Hector N**  
**Sevillet, Otto E**  
**Sexner, Alexis L**  
**Shallufa, Azmy**  
**Shein, Efraim**  
**Sherman, Jason C**  
**Shinn, Kevin H**  
**Shoyombo, Rilwan O**  
**Siasat, Manuel N**  
**Siegel, Jeffrey M**  
**Siljak, Lidija**

EXHIBIT A

**Siljkovic, Becir**  
**Simmons, John D**  
**Sinay, Abraham**  
**Singh, Baldev**  
**Sitotaw, Haileab T**  
**Smale, Charles J**  
**Smith Jr., Willie**  
**Smith, Jephthy L**  
**Smith, Lisa**  
**Smith, Lottie M**  
**Smith, Robert J**  
**Solis, Brigido D**  
**Sorbi, Nina F**  
**Soree, Mladen V**  
**Sorrosa-Paulin, Juan**  
**Soto, Jacob D**  
**Soto, Johnny**  
**Sparks, Cody J**  
**Spaulding, Ross X**  
**Spilmon, Mark A**  
**Springer, Marvin L**  
**Stauff, John E**  
**Stayton, William P**  
**Steck, Gregory C**  
**Stern, Robert H**  
**Stevenson, John F**  
**Stockton, Clarence W**  
**Stonebreaker, Dawn M**  
**Talley, George A**  
**Tarragano, Stephen G**  
**Terry, James J**  
**Thomas, Scott R**  
**Thompson, Glen R**  
**Thompson, Michael B**  
**Ticheste, Biserot G**

EXHIBIT A

**Travis, Brian T**  
**Tucker, Kenlon A**  
**Tullao, Isaac T**  
**Tyler, Christopher M**  
**Ullah, Mohammad H**  
**Urban, David**  
**Urbanski, Anthony**  
**Valdes, Lazaro R**  
**Vanluven, RJ**  
**Vences, Alfredo B**  
**Viado, Ramon S**  
**Villegas, Gene L**  
**Vongthep, Christopher**  
**Wagg, John M**  
**Wakeel, Daud I**  
**Wallace, James S**  
**Wallace, Roy L**  
**Warner, Terrance O**  
**Weaver, Gerie L**  
**Webb, Ricky**  
**Weiss, Matthew B**  
**Welborn, Paul M**  
**Weldu, Berhane G**  
**Welzbacher, Daniel R**  
**Williams, Danny H**  
**Wilson Jr., Mose**  
**Wolde, Hailemariam G**  
**Woldeghebriel, Berhane H**  
**Wondired, Eshetu D**  
**Wong, Jorge S**  
**Woodall, Charles E**  
**Wright, Edward T**  
**Yabut, Gerry C**  
**Yamaguchi, Alicia C**  
**Yepiz-Patron, Ubaldo**

EXHIBIT A

**Yesayan, Razmik**  
**Yihdego, Abdulkadir M**  
**Yimer, Yidersal Z**  
**Younes, Ahmed**  
**Zabadneh, Randa**  
**Zafar, John A**  
**Zawoudie, Masfen B**  
**Zelege, Abraham A**  
**Zhen, Yong Q**

# EXHIBIT "D"

1 **DECL**  
2 LEON GREENBERG, ESQ., SBN 8094  
3 DANA SNEGOCKI, ESQ., SBN 11715  
4 Leon Greenberg Professional Corporation  
5 2965 South Jones Blvd- Suite E4  
6 Las Vegas, Nevada 89146  
7 (702) 383-6085  
8 (702) 385-1827(fax)  
9 leongreenberg@overtimelaw.com  
10 dana@overtimelaw.com

11 Attorneys for Plaintiffs

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

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

17 Plaintiffs,

18 vs.

19 A CAB TAXI SERVICE LLC, and A  
20 CAB, LLC,

21 Defendants.

Case No.: A-12-669926-C

Dept.: I

**DECLARATION OF  
PLAINTIFFS' COUNSEL,  
LEON GREENBERG, ESQ.**

**Re: Class Certification**

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

24 1. I am one of the attorneys representing the plaintiff in this matter. I am  
25 requesting that I, along with my co-counsel, Dana Sniegocki, Esq., be appointed class  
26 counsel for the plaintiff class in this matter. I am familiar with the plaintiffs' claims in  
27 this case, those claims involving a failure by the plaintiffs and the plaintiff class  
28 members to receive the minimum wage for each hour they worked as required by  
Article 15, Section 16 of the Nevada Constitution. I am confident that I can adequately  
and properly represent the plaintiffs and the plaintiff class in this litigation and am thus  
requesting appointment as plaintiffs' class counsel in this case along with my co-  
counsel, Dana Sniegocki.

2. I have extensive experience in class actions and wage and hour litigation and am qualified to be appointed class counsel in this case. I am a magna cum laude graduate of New York Law School and graduated in 1992. I was first admitted to practice law in 1993. I am a member of the Bars of the States of New York, New Jersey, Nevada, California and Pennsylvania. I have substantial experience in litigating class actions, in particular wage and hour class action claims, and have been appointed class counsel in a significant number of litigations in various jurisdictions. These cases include *Flores v. Vassallo*, Docket 01 Civ. 9225 (JSM), United States District Court, Southern District of New York; *Menjivar v. Sharin West et al.*, Index # 101424/96, Supreme Court of the State of New York, County of New York; *Rivera v. Kedmi*, Index # 14172/99, Supreme Court of the State of New York, County of Kings; *Burke v. Chiusano*, Docket 01 Civ. 3509 (KW), United States District Court, Southern District of New York; *Kalvin v. Santorelli*, Docket 01 Civ. 5356 (VM), United States District Court, Southern District of New York. In all of the foregoing matters I was appointed sole counsel for the respective plaintiff classes. All of these litigations involved unpaid wage claims. I was also appointed class counsel in *Maraffa v. NCS Inc.*, Eighth Judicial District Court, State of Nevada, Case No. A504053 (2005), Dept. III. I was appointed sole plaintiffs' class counsel in that case for a class of plaintiffs seeking damages for improper wage garnishments. I was also appointed class co-counsel in the following cases: *Klemme v. Shaw*, Docket CV-S-05-1263 (PMP-LRL), United States District Court, District of Nevada, in that case representing a class of persons making claims for unpaid health fund benefits under ERISA; *Williams v. Trendwest*, Docket CV-S-05-0605 (RCJ/LRL); *Westerfield v. Fairfield Resorts*, Docket CV-S-05-1264 (JCM/PAL); *Leber v. Starpoint*, Docket CV-S-09-01101 (RLH/PAL); and *Brunton v. Berkeley Group*, Docket CV-S-08-1752 (PMP/PAL), United States District Court, District of Nevada, on behalf of classes of salespersons denied overtime wages, minimum wages, and commissions; *Allerton v. Sprint Nextel*, Docket CV-S-09-1325 (RLH/GWF), United States District Court, District of Nevada, on behalf of classes of

1 telephone call center workers denied overtime wages and other wages; *Jankowski v.*  
2 *Castle Construction*, Docket CV-01-164, United States District Court, Eastern District  
3 of New York, on behalf of a class of construction workers denied overtime wages;  
4 *Levinson v. Primedia*, Docket 02 Civ. 2222 (DAB), United States District Court,  
5 Southern District of New York, on behalf of a class of Internet website guides for  
6 unpaid commissions due under contract; *Hallissey v. America Online*, Docket 99-CV-  
7 03785 (KTD), United States District Court, Southern District of New York, on behalf  
8 of a class of Internet “volunteers” for unpaid minimum wages; and *Elliott v.*  
9 *Leatherstocking Corporation*, 3:10-cv-00934-MAD-DEP, Northern District of New  
10 York, on behalf of a class of hospitality and banquet workers for improperly withheld  
11 “service charges” and unpaid overtime wages; *Phelps v. MC Communications, Inc.*,  
12 Eighth Judicial District Court, A-11-634965-C and *Kiser v. Pride Communications,*  
13 *Inc.*, United States District Court, District of Nevada, 2:11-CV-00165 on behalf of two  
14 separate classes of cable, phone, and internet installation technicians for unpaid  
15 overtime wages; *Socarras v. Tormar Cleaning Services Nevada, Inc.*, Eighth Judicial  
16 District Court, A-13-675189 on behalf of a class of janitorial workers for unpaid  
17 overtime wages; *Girgis v. Wolfgang Puck Catering and Events LLC*, Eighth Judicial  
18 District Court, A-13-674853 on behalf of a group of restaurant servers for unpaid  
19 minimum wages and overtime wages; and most recently in *Gemma v. Boyd Gaming*  
20 *Corporation*, Eighth Judicial District Court, A-14-703790-C on behalf of a class of  
21 casino workers for unpaid minimum wages under the Nevada Constitution.

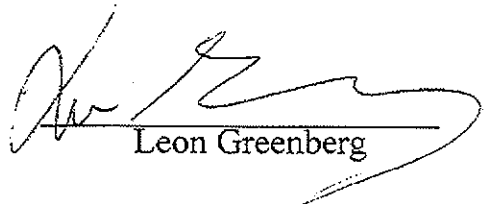
22 3. I am also requesting that my co-counsel, Dana Sniegocki, be appointed  
23 with me as co-class counsel. Dana Sniegocki is a *cum laude* graduate of Thomas  
24 Jefferson Law School and has been licensed to practice law for over six years, is  
25 admitted to the State Bars of Nevada and California, has been an associate attorney at  
26 my office for more than five years, and has experience in litigating class action cases,  
27 specifically wage and hour class action litigations. To date, Dana Sniegocki has been  
28 appointed co-class counsel in the following cases: *Phelps v. MC Communications,*  
*Inc.*, Eighth Judicial District Court, A-11-634965-C and *Kiser v. Pride*



1 *Inc.*, Eighth Judicial District Court, A-11-634965-C and *Kiser v. Pride*  
2 *Communications, Inc.*, United States District Court, District of Nevada, 2:11-CV-  
3 00165 on behalf of two separate classes of cable, phone, and internet installation  
4 technicians for unpaid overtime wages; *Socarras v. Tormar Cleaning Services*  
5 *Nevada, Inc.*, Eighth Judicial District Court, A-13-675189 on behalf of a class of  
6 janitorial workers for unpaid overtime wages; *Girgis v. Wolfgang Puck Catering and*  
7 *Events LLC*, Eighth Judicial District Court, A-13-674853 on behalf of a group of  
8 restaurant servers for unpaid minimum wages and overtime wages; and most recently  
9 in *Gemma v. Boyd Gaming Corporation*, Eighth Judicial District Court, A-14-703790-  
10 C on behalf of a class of casino workers for unpaid minimum wages under the Nevada  
11 Constitution.

12 4. I am aware of my duty as counsel to adequately represent the interests of  
13 the class members in this case. I believe that my co-counsel, Dana Sniegocki, and I,  
14 are competent to do so.

15 Affirmed this 18th day of May, 2015

16  
17   
18 Leon Greenberg  
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28

# EXHIBIT "E"

1 LEON GREENBERG, ESQ., SBN 8094  
2 DANA SNIEGOCKI, ESQ., SBN 11715  
3 Leon Greenberg Professional Corporation  
4 2965 South Jones Blvd- Suite E3  
5 Las Vegas, Nevada 89146  
6 (702) 383-6085  
7 (702) 385-1827(fax)  
8 leongreenberg@overtimelaw.com  
9 dana@overtimelaw.com  
10 Attorneys for Plaintiffs

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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,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**DECLARATION OF  
MICHAEL MURRAY**

Michael Murray hereby affirms and declares under penalty of perjury the  
following:

1. I am one of the named plaintiffs in this lawsuit seeking unpaid minimum  
wages from the defendants. I offer this declaration in support of my attorneys' request  
to have this court certify this case as a class action.

2. I was employed by defendants as a taxicab driver from September 6, 2008  
until April 6, 2011.

3. Based upon my first hand knowledge from being a taxicab driver for  
defendants and witnessing other taxicab drivers working for defendants, I know that  
the follow common policies and practices existed for all of defendants' taxicab drivers  
while I was employed by defendants.

1           4. **The Common False "Break Time" Recording Issue** - The large majority  
2 of taxicab drivers were always given a 12 hour shift each day by defendants.  
3 Although defendants claim that taxicab drivers worked far fewer than 12 hours per day  
4 because they averaged breaks in excess of 1 hour during each shift, that is not true. On  
5 average, I, personally, would take no more than a total of one hour in breaks per day. I  
6 am aware based upon many conversations I have had with other taxicab drivers  
7 employed by the defendants that such drivers also took, on average, no more than one  
8 hour of breaks per shift. Because drivers were paid commissions, based upon the  
9 fares they collected, they did not want to take many breaks. In addition, the  
10 defendants would fire drivers who consistently did not book a certain average of fares  
11 in a one week period and drivers would be unable to keep their jobs and meet the  
12 defendants' fare booking standards if they took, on average, more than 1 hour break  
13 per shift. But defendants' tripsheets for myself and other drivers were falsely filled  
14 out by us to list several hours in breaks per shifts. The reason for this is because the  
15 supervisor in the shack who collects the drivers' keys and time stamps their tripsheets  
16 at the end of their shifts would tell drivers that they must write in a certain number of  
17 break periods whether or not they actually took such breaks. The supervisor would tell  
18 us the total amount of break time a driver should write in on the tripsheet based upon  
19 the total "book" or amount of fares collected by the driver. If the total book was "low"  
20 drivers were told to fill in more hours of break time so it appeared their commission  
21 payments, which were based upon the fares collected, would meet the minimum wage  
22 standards; if their total book was higher in amount, they would not need to write in as  
23 much break time. Tripsheets were not accepted by A Cab unless the break time  
24 specified by the supervisor was filled in.

25           5. **The Common Computer System "Clock In" and "Clock Out"**  
26 **Procedures that Recorded the Taxi Drivers' True Hours of Work** - It has been  
27 explained to me by my attorneys that the defendants in this case have asserted that they  
28 do not possess or maintain any computer records containing information that would

1 show the hours of work of myself and the other taxi drivers. That is not true.

2 6. At the start of every taxicab driver's shift at A Cab, each driver is required to  
3 hand their Taxi Authority card to a desk supervisor, who then, using a computer, scans  
4 the bar code on the back of the Taxi Authority card which "checks" the drivers in for  
5 the start of their shift. Taxicab drivers then wait to be assigned a cab to drive for their  
6 shift.

7 7. Once assigned a cab, a supervisor then prints a tripsheet for the taxicab  
8 driver. Those tripsheets are never printed until *after* the driver has "checked" in and is  
9 actually at the office to start work. Such tripsheets are generated from a computer  
10 system for each driver and include computer generated information at the top which  
11 states the name of the driver, the cab number the driver is driving for his/her shift, the  
12 date, and the start time, to the minute, for the shift. That start time is either the time  
13 the sheet is printed or the time the driver checked in, but either way it shows the time  
14 the driver is on site and has started work. The top of the tripsheet also includes a  
15 unique bar code. *See*, Ex. "1" attached hereto. These tripsheets are used throughout  
16 the shift by all taxicab drivers in order to keep a record of all rides they give and fares  
17 they accept. The taxicab drivers fill out these tripsheets by hand throughout their shift.

18 8. After a shift is concluded and drivers return back to A Cab's office, all  
19 taxicab drivers are required to perform a meter reading of their taxicabs. Drivers do  
20 this by activating the taxicab meter's "time-off" function which results in both the  
21 meter printing a paper receipt showing the meter totals as well uploading the meter's  
22 information directly into A Cab's computer system. *See*, Ex. "1" page 2, copy of  
23 receipt indicating "Meter Details" and also stating "Meter Totals Sent- OK."

24 9. Once the information described in paragraph 8 has been uploaded to A Cab's  
25 computer system, drivers then proceed to a supervisor's shack just outside of A Cab's  
26 building and hand their tripsheets to a supervisor who timestamps the drivers'  
27 tripsheets using a mechanical punch clock. *See*, Ex. "1" page two showing mechanical  
28 timestamp on bottom right corner. Drivers then proceed with their trip sheet over to

1 any one of a number of computers (called driver check-out stations) available to  
2 drivers to do our end of shift paperwork. This process requires drivers to scan the bar  
3 code at the top of the Ex. "1" tripsheet on the computer's scanning device. Once  
4 scanned, information appears on the computer screen showing the driver's name, cab  
5 number, meter readings, time they were clocked-in, and the time their tripsheet's bar  
6 code was scanned at the end of the shift (which is the current time the driver is  
7 working on the terminal). Drivers then proceed to input into the computer system the  
8 fares they received for each trip they drove and indicate whether such fare was paid by  
9 credit card, cash, or a taxi voucher. This information is handwritten by the drivers on  
10 their tripsheets throughout the day. Once all information has been entered, the  
11 computer system tallies all fares collected and informs the drivers how much cash they  
12 must deposit into a separate bill collector machine called a drop safe.

13 10. The drivers then proceed to the drop safe and again scan their bar code on  
14 the top of their tripsheets to log into the drop safe computer system. Once logged in,  
15 the drop safe's screen identifies the driver and specifies the total amount of cash, that  
16 was previously calculated by the computer described in paragraph 9, that must be  
17 dropped. Once the money is dropped, drivers then print a receipt from the drop safe  
18 which shows the driver's name, the total amount of cash dropped, and the time the  
19 cash drop was made. *See*, Ex. "1" page two, copy of receipt "Validated Drop."

20 11. These functions described in paragraphs 6-10 are performed by every one of  
21 A Cab's drivers on every single shift they work.

22 12. I understand that my attorney is seeking to have this case certified as a class  
23 action, meaning that I would serve as a class representative in this case. My attorney  
24 has explained to me that by serving as a class representative I will be pursuing this  
25 case not just for myself but on behalf of all of the defendants' taxicab drivers who  
26 were not paid minimum wage under Nevada law for the applicable time period. I  
27 understand that if this case is certified as a class action I will have a responsibility to  
28 represent the other former and current A Cab taxicab drivers and act in their interests

1 and not just my own personal interest. I understand that if this case is certified as a  
2 class action I will not be able to settle my claim against the defendants without  
3 approval from the Court. I am comfortable with serving as a class representative and  
4 support the class action certification of this case.

5 13. I am over 21 years of age and I make this statement, which I have read  
6 and declare to be true, of my own free will. I have not received any compensation or  
7 any promise of any compensation for making this statement.

8  
9  
10 I have read the foregoing and affirm under penalty of perjury that the same is  
11 true and correct.

12  
13 Michael Murray  
14 Michael Murray

4/17/15  
Date

# EXHIBIT "F"



1 LEON GREENBERG, ESQ., SBN 8094  
2 DANA SNIEGOCKI, ESQ., SBN 11715  
3 Leon Greenberg Professional Corporation  
4 2965 South Jones Blvd- Suite E3  
5 Las Vegas, Nevada 89146  
6 (702) 383-6085  
7 (702) 385-1827(fax)  
8 [leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
9 [dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
10 Attorneys for Plaintiffs

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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,

Defendants.

Case No.: A-12-669926-C

Dept.: I

DECLARATION OF MICHAEL  
SARGEANT

Michael Sargeant hereby affirms and declares under penalty of perjury the  
following:

1. I am a former taxi driver employee of the defendants A Cab in this case. I  
was employed by A Cab from late May or early June of 2014 until July 23, 2014. I  
understand that this lawsuit is seeking unpaid minimum wages from the defendants  
that are owed to its current and former taxi driver employees. I offer this declaration  
in support of the plaintiffs' attorneys' request to have this court certify this case as a  
class action.

2. While I was employed by defendants I was assigned to drive a taxi for either  
a 10 hour shift or a 12 hour shift, although when I was assigned 12 hour shifts I  
sometimes finished my shift before the end of the full 12 hours. I always worked at  
least a 10 hour shift, although on three occasions I recall working fewer than 10 hours

1 because my taxicab broke down for the day. Otherwise, I always worked at least 10  
2 hours on each of my shifts for the entirety of my employment with A Cab.

3 3. When I started working for defendants, and before I worked any shifts  
4 driving a taxi for them, I attended a training or orientation class that the defendants  
5 had for all new A-Cab drivers. The person assigned to teach that class was one of  
6 defendants' managers. He advised me that all taxi drivers were expected to take at  
7 least 1.5 hours of break time during their shift and record that break time on their trip  
8 sheets.

9 4. Shortly after I started driving taxis for A-Cab I received a "low book" oral  
10 warning. This oral warning came during a meeting I was called into in the office to  
11 have with two supervisors. During that meeting those supervisors told me the fares I  
12 collected for my shifts were considered too "low" in amount to meet A-Cab's goals  
13 and that I had a "low book" and was being warned to improve my "book." Just after I  
14 came out of that meeting the same supervisor who taught defendants' orientation class  
15 came to speak with me. He explained that I could correct my "low book" situation by  
16 listing more break time on my trip sheets. He told me that if my book was between  
17 \$150 and \$200 for the shift I should have at least 2 hours of break time on my shift,  
18 and if my book was less than \$150 for the shift I should have at least 3 hours of break  
19 time on my shift.

20 5. A Cab's supervisors, by warning me about my "low book" and then  
21 instructing me to fix my "low book" by listing more break time on my trip sheets were  
22 trying to force me to falsify my trip sheets. It was clear to me if I wanted to keep my  
23 job they were going to force me to list break time on my trip sheets for breaks that I  
24 never took. They wanted me to do that so I would be recorded as working fewer  
25 hours and they would have to pay me a smaller amount of "minimum wage subsidy"  
26 money to bring my hourly rate up to \$7.25 an hour. I am submitting with this  
27 declaration my pay stubs that show every pay period I was recorded as working a  
28 certain number of hours and needing to have A-Cab pay me a certain amount of hourly

1 "minimum wage subsidy" money to bring my pay up to \$7.25 an hour on defendants'  
2 records, that \$7.25 an hour not including the tips defendants recorded me as receiving.

3 6. Because I wanted to keep my job at A-Cab I followed A-Cab's  
4 supervisors' instructions and started listing more break time, for breaks I did not take,  
5 on my trip sheets. For example, I would list as break time one-half hour or more when  
6 I started my shift even though I spent that time driving from the A-Cab depot in North  
7 Las Vegas to a taxi stand location, such as at the Rio or Orleans casinos, and waiting  
8 on a taxi line to get my first fare for the day.

9 7. Ultimately defendants fired me because even with the false break times  
10 they forced me to list on my trip sheets they decided I was earning too much from their  
11 minimum wage subsidy payments. On the day I was fired the defendants' manager,  
12 Bill, told me "we don't pay minimum wage here" and told me I was fired. He made  
13 clear I was being fired because my book was too low for the total number of hours I  
14 was recording on my trip sheets.

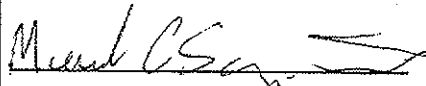
15 8. During the time period I worked at A-Cab I was not provided with any  
16 health insurance benefits from A-Cab.

17 9. I understand that the plaintiffs' attorneys want to have this Court certify  
18 this case as a class action for the unpaid minimum wages A-Cab owes to its taxi  
19 drivers and to order A-Cab to stop forcing its taxi drivers to falsely record their hours  
20 of work or get fired. I, personally, am owed unpaid minimum wages by A-Cab  
21 because they forced me to falsely report my true hours of work. While A-Cab paid me  
22 a minimum wage subsidy based upon its records, to equal at least \$7.25 an hour on  
23 those records, those records are wrong because they are based upon the trip sheet times  
24 A-Cab had me falsify and do not include all of the time I was actually working for A-  
25 Cab. I also understand I am owed unpaid minimum wages because even using the  
26 understated hours that A-Cab recorded me as working I was only paid \$7.25 an hour  
27 for those hours when I should have been paid \$8.25 an hour.

28

1        10. If the Court desires, I am willing to give testimony to support this case  
2 and confirm the foregoing information. I am also willing to be appointed as a class  
3 representative and assume the responsibility of prosecuting this case on behalf of all of  
4 the A-Cab taxi drivers and not just myself. I understand that if I was appointed as a  
5 class representative I would not be able to settle any personal claim I have against A-  
6 Cab without approval by the Court and would have to act in the interests of all of the  
7 A-Cab taxi drivers and not just my individual interest. I am willing to assume that  
8 responsibility.

9  
10        I have read the foregoing and affirm under penalty of perjury that the same is  
11 true and correct.

12  
13   
14 Michael Sargeant

4-22-15  
Date

# EXHIBIT "G"

A CAB, SERIES LLC Employee Leasing Company

12044

| Employee   |  |       |        |         | SSN                                 | Status (Fed/State) | Allowances/Extra     |
|--|--|-------|--------|---------|-------------------------------------|--------------------|----------------------|
| Michael C. Sargeant, 2001 Ramrod Ave. #2215, Henderson, NV 89014 |  |       |        |         | ***-5207                            | Single/(none)      | Fed-1/0/NV-0/0       |
|  |  |       |        |         | Pay Period: 05/24/2014 - 06/06/2014 |                    | Pay Date: 06/13/2014 |
| Earnings and Hours   |  | Qty   | Rate   | Current | YTD Amount                          |                    |                      |
| Minimum Wage Subsidy   |  | 87.48 | 1.43   | 125.10  | 125.10                              |                    |                      |
| Driver Commission  |  | 1.00  | 416.41 | 416.41  | 416.41                              |                    |                      |
| Tips Supplemental  |  |       |        | 92.79   | 92.79                               |                    |                      |
|  |  | 87.48 |        | 634.30  | 634.30                              |                    |                      |
| Taxes  |  |       |        | Current | YTD Amount                          |                    |                      |
| Federal Withholding  |  |       |        | -42.00  | -42.00                              |                    |                      |
| Social Security Employee   |  |       |        | -39.33  | -39.33                              |                    |                      |
| Medicare Employee  |  |       |        | -9.20   | -9.20                               |                    |                      |
|  |  |       |        | -90.53  | -90.53                              |                    |                      |
| Adjustments to Net Pay   |  |       |        | Current | YTD Amount                          |                    |                      |
| Tips Out   |  |       |        | -92.79  | -92.79                              |                    |                      |
| Net Pay  |  |       |        | 450.98  | 450.98                              |                    |                      |

RA0068

| Employee   |  |       |        |         | SSN                                 | Status (Fed/State) | Allowances/Extra     |
|--|--|-------|--------|---------|-------------------------------------|--------------------|----------------------|
| Michael C. Sargeant, 2001 Ramrod Ave. #2215, Henderson, NV 89014 |  |       |        |         | ***-**-5207                         | Single/(none)      | Fed-1/0/NV-0/0       |
|  |  |       |        |         | Pay Period: 07/05/2014 - 07/18/2014 |                    | Pay Date: 07/25/2014 |
| Earnings and Hours   |  | Qty   | Rate   | Current | YTD Amount                          |                    |                      |
| Minimum Wage Subsidy   |  | 57.08 | 4.27   | 243.73  | 583.62                              |                    |                      |
| Driver Commission  |  | 1.00  | 165.01 | 165.01  | 1,163.01                            |                    |                      |
| Incentive #5   |  |       | 5.00   | 5.00    | 16.00                               |                    |                      |
| Tips Supplemental  |  |       |        | 46.71   | 267.79                              |                    |                      |
| Supervisor Counseling Pay  |  |       |        | 0.00    | 1.45                                |                    |                      |
|  |  | 57.08 |        | 460.45  | 2,031.87                            |                    |                      |
| Taxes  |  |       |        | Current | YTD Amount                          |                    |                      |
| Federal Withholding  |  |       |        | -22.00  | -111.00                             |                    |                      |
| Social Security Employee   |  |       |        | -28.55  | -125.98                             |                    |                      |
| Medicare Employee  |  |       |        | -6.67   | -29.46                              |                    |                      |
|  |  |       |        | -57.22  | -266.44                             |                    |                      |
| Adjustments to Net Pay   |  |       |        | Current | YTD Amount                          |                    |                      |
| Tips Out   |  |       |        | -46.71  | -267.79                             |                    |                      |
| Cash loan  |  |       |        | -10.00  | -10.00                              |                    |                      |
|  |  |       |        | -56.71  | -277.79                             |                    |                      |
| Net Pay  |  |       |        | 346.52  | 1,487.64                            |                    |                      |

A Cab, LLC, 1500 Searles Avenue, 1500 Searles Avenue, Las Vegas, NV 89101-1123, A CAB TAXI SERVICE LLC

A CAB, SERIES LLC Employee Leasing Company

| Employee   |  |       |       |         | SSN                                 | Status (Fed/State) | Allowances/Extra     |
|--|--|-------|-------|---------|-------------------------------------|--------------------|----------------------|
| Michael C. Sargeant, 2001 Ramrod Ave. #2215, Henderson, NV 89014 |  |       |       |         | ***-**-5207                         | Single/(none)      | Fed-1/0/NV-0/0       |
|  |  |       |       |         | Pay Period: 07/19/2014 - 08/01/2014 |                    | Pay Date: 07/28/2014 |
| Earnings and Hours   |  | Qty   | Rate  | Current | YTD Amount                          |                    |                      |
| Minimum Wage Subsidy   |  | 22.81 | 4.08  | 93.06   | 676.68                              |                    |                      |
| Driver Commission  |  | 1.00  | 72.41 | 72.41   | 1,235.42                            |                    |                      |
| Tips Supplemental  |  |       |       | 17.90   | 285.69                              |                    |                      |
| Supervisor Counseling Pay  |  |       |       | 0.00    | 1.45                                |                    |                      |
| Incentive #5   |  |       |       | 0.00    | 16.00                               |                    |                      |
|  |  | 22.81 |       | 183.37  | 2,215.24                            |                    |                      |
| Taxes  |  |       |       | Current | YTD Amount                          |                    |                      |
| Federal Withholding  |  |       |       | 0.00    | -111.00                             |                    |                      |
| Social Security Employee   |  |       |       | -11.36  | -137.34                             |                    |                      |
| Medicare Employee  |  |       |       | -2.66   | -32.12                              |                    |                      |
|  |  |       |       | -14.02  | -280.46                             |                    |                      |
| Adjustments to Net Pay   |  |       |       | Current | YTD Amount                          |                    |                      |
| Tips Out   |  |       |       | -17.90  | -285.69                             |                    |                      |
| Cash loan  |  |       |       | 0.00    | -10.00                              |                    |                      |
|  |  |       |       | -17.90  | -295.69                             |                    |                      |
| Net Pay  |  |       |       | 151.45  | 1,639.09                            |                    |                      |

A Cab, LLC, 1500 Searles Avenue, 1500 Searles Avenue, Las Vegas, NV 89101-1123, A CAB TAXI SERVICE LLC

A CAB, SERIES LLC Employee Leasing Company

12959

|  |                    |                                    |                                   |
|--|--------------------|------------------------------------|-----------------------------------|
| Employee<br>Michael C. Sargeant, 2001 Ramrod Ave. #2215, Henderson, NV 89014 | SSN<br>***-**-5207 | Status (Fed/State)<br>Single(none) | Allowances/Extra<br>Fed-10/NV-0/0 |
| Pay Period: 07/19/2014 - 08/01/2014  |                    | Pay Date: 07/28/2014               |                                   |

| Earnings and Hours        | Qty   | Rate  | Current | YTD Amount |
|---------------------------|-------|-------|---------|------------|
| Minimum Wage Subsidy      | 22.81 | 4.08  | 93.06   | 676.68     |
| Driver Commission         | 1.00  | 72.41 | 72.41   | 1,235.42   |
| Tips Supplemental         |       |       | 17.90   | 285.69     |
| Supervisor Counseling Pay |       |       | 0.00    | 1.45       |
| Incentive #5              |       |       | 0.00    | 16.00      |
|                           | 22.81 |       | 183.37  | 2,215.24   |

| Taxes                    | Current | YTD Amount |
|--------------------------|---------|------------|
| Federal Withholding      | 0.00    | -111.00    |
| Social Security Employee | -11.36  | -137.34    |
| Medicare Employee        | -2.68   | -32.12     |
|                          | -14.02  | -280.46    |

| Adjustments to Net Pay | Current | YTD Amount |
|------------------------|---------|------------|
| Tips Out               | -17.90  | -285.69    |
| Cash loan              | 6.00    | 10.00      |
|                        | -17.90  | -295.69    |

|         |        |          |
|---------|--------|----------|
| Net Pay | 151.45 | 1,638.09 |
|---------|--------|----------|

A Cab, LLC, 1500 Searles Avenue, 1500 Searles Avenue, Las Vegas, NV 89101-1123, A CAB TAXI SERVICE LLC



# EXHIBIT "H"

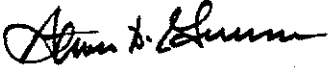
A Cab, LLC  
1500 Searles Avenue

Michael A Reno  
811 E. Bridger Ave. #363  
Las Vegas, NV 89101

| Employee Pay Stub   |  | Check number: 25056 |        | Pay Period: 09/15/2012 - 09/26/2012 |                    | Pay Date: 10/05/2012 |  |
|---|--|---------------------|--------|-------------------------------------|--------------------|----------------------|--|
| Employee  |  |                     |        | SSN                                 | Status (Fed/State) | Allowances/Extra     |  |
| Michael A Reno, 811 E. Bridger Ave. #363, Las Vegas, NV 89101 |  |                     |        | ***-**-XXXX<br>XXXX                 | Single/(none)      | Fed-1/0/NV-0/0       |  |
| Earnings and Hours  |  | Qty                 | Rate   | Current                             | YTD Amount         |                      |  |
| Driver Commission   |  | 1.00                | 459.70 | 459.70                              | 11,646.17          |                      |  |
| Tips Supplemental   |  |                     |        | 89.49                               | 2,237.62           |                      |  |
| Incentive #1  |  |                     |        |                                     | 349.78             |                      |  |
| Incentive #2  |  |                     |        |                                     | 143.00             |                      |  |
| Incentive #3  |  |                     |        |                                     | 71.00              |                      |  |
|   |  | 1.00                |        | 549.19                              | 14,447.57          |                      |  |
| Deductions From Gross   |  |                     |        | Current                             | YTD Amount         |                      |  |
| Dental ins. Amt pd by Employee                                |  |                     |        | -12.24                              | -237.43            |                      |  |
| Section 125 Medical   |  |                     |        | -49.21                              | -769.70            |                      |  |
|   |  |                     |        | -61.45                              | -1,007.13          |                      |  |
| Taxes   |  |                     |        | Current                             | YTD Amount         |                      |  |
| Federal Withholding   |  |                     |        | -26.00                              | -941.00            |                      |  |
| Social Security Employee                                      |  |                     |        | -20.49                              | -564.50            |                      |  |
| Medicare Employee   |  |                     |        | -7.08                               | -194.89            |                      |  |
|   |  |                     |        | -53.57                              | -1,700.39          |                      |  |
| Adjustments to Net Pay  |  |                     |        | Current                             | YTD Amount         |                      |  |
| Tips Out  |  |                     |        | -89.49                              | -2,237.62          |                      |  |
| Cash loan   |  |                     |        |                                     | -31.00             |                      |  |
| Reimb-Overpaid Cash Machine                                   |  |                     |        |                                     | 78.00              |                      |  |
| Reimb-Manual CC Not Entered                                   |  |                     |        |                                     | 32.00              |                      |  |
| Reimb-Taxipass Error  |  |                     |        |                                     | 16.00              |                      |  |
|   |  |                     |        | -89.49                              | -2,142.62          |                      |  |
| Net Pay   |  |                     |        | 344.68                              | 9,597.43           |                      |  |

A Cab 0081

# EXHIBIT "I"

  
CLERK OF THE COURT

1 **FFCL**  
2 **DON SPRINGMEYER, ESQ.**  
3 **Nevada State Bar No. 1021**  
4 **BRADLEY SCHRAGER, ESQ.**  
5 **Nevada State Bar No. 10217**  
6 **DANIEL BRAVO, ESQ.**  
7 **Nevada State Bar No. 13078**  
8 **WOLF, RIFKIN, SHAPIRO,**  
9 **SCHULMAN & RABKIN, LLP**  
10 **3556 E. Russell Road, 2nd Floor**  
11 **Las Vegas, Nevada 89120-2234**  
12 **Telephone: (702) 341-5200/Fax: (702) 341-5300**  
13 **Email: dspringmeyer@wrslawyers.com**  
14 **Email: bschrager@wrslawyers.com**  
15 **Email: dbravo@wrslawyers.com**  
16 **Attorneys for Plaintiffs**

17 **EIGHTH JUDICIAL DISTRICT COURT**

18 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

19 **PAULETTE DIAZ, an individual;**  
20 **AWANDA GAIL WILBANKS, an**  
21 **individual; SHANNON OLSZYNSKI, an**  
22 **individual; and CHARITY FITZLAFF, an**  
23 **individual, on behalf of themselves and all**  
24 **similarly-situated individuals,**

25 **Plaintiffs,**

26 **vs.**

27 **MDC RESTAURANTS, LLC, a Nevada**  
28 **limited liability company; LAGUNA**  
29 **RESTAURANTS, LLC, a Nevada limited**  
30 **liability company; INKA, LLC, a Nevada**  
31 **limited liability company; and DOES 1**  
32 **through 100, inclusive,**

33 **Defendants.**

**Case No: A701633**  
**Dept. No.: XVI**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER**

**Date of Hearing: December 4, 2014**  
**Time of Hearing: 9:00 a.m.**

34 On October 1, 2014, Defendants filed their Motion for Judgment on the Pleadings Pursuant to  
35 NRCP 12(c) with Respect to All Claims for Damages Outside the Two-Year Statute of Limitations. On  
36 October 20, 2014, Plaintiffs filed their Opposition to Defendants' Motion and a Countermotion for  
37 Partial Summary Judgment Re: Limitation of the Action. On December 4, 2014, the Court held a  
38 hearing on the competing motions on the applicable statute of limitations.

39 ///

40 ///

RA0074

1 After a review and consideration of the record, the points and authorities on file herein, and the  
2 oral arguments of counsel, the Court finds the following facts and states the following conclusions of  
3 law:<sup>1</sup>

4 FINDINGS OF FACT

5 The District Court FINDS as follows:

6 1. The civil claims and remedies for violations of minimum wage laws under NRS 608.260  
7 and article XV, section 16 of the Nevada Constitution differ significantly in both character and nature.

8 2. Pursuant to NRS 608.260, an employee may, at any time within 2 years, bring a civil  
9 action to recover the difference between the amount paid to the employee and the minimum wage  
10 amount. Thus, under the Nevada statutory scheme, the employee is solely limited to back pay, i.e., the  
11 difference between the amount paid and the amount of the minimum wage. See NRS 608.260.

12 3. In contrast, article XV, section 16(B) of the Nevada Constitution provides that "[a]n  
13 employee claiming a violation of this section may bring an action against his or her employer in the  
14 courts of this State to enforce the provisions of the section and shall be entitled to all of the  
15 remedies available under the law or in equity appropriate to remedy any violation of this section,  
16 including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who  
17 prevails in any action under this section shall be awarded his or her attorney fees and costs."  
18 Nev. Const. art. XV, § 16(B).

19 4. The claims for relief and remedies afforded to Nevada employees under the Nevada  
20 Constitutional Amendment are expanded and not merely limited to back pay.

21 5. By its very nature, the Nevada Constitutional Amendment grants Nevada employees  
22 expansive rights, relief and legal remedies available in law or in equity. *Id.* In addition, the Nevada  
23 Constitutional Amendment expands employee rights even further, providing for an entitlement to  
24 attorney fees and costs should an employee prevail in the prosecution of his or her action. *Id.*

25 6. It is of paramount importance to distinguish the limited remedy of back pay available to  
26

---

27 <sup>1</sup> If any finding herein is in truth a conclusion of law, or if any conclusion stated is in truth a  
28 finding of fact, it shall be deemed so.

1 Nevada employees under NRS 608.260 versus the Constitutional rights, claims, and remedies available  
2 to Nevada employees under the Nevada Constitutional Amendment, which could include, but are not  
3 limited to, back pay, damages, and injunctive relief.

4 7. Pursuant to the language of NRS 608.260, the two-year limitations period applies only  
5 to claims for back pay. See NRS 608.260. Consequently, this statutory limitation does not affect or  
6 apply to the constitutionally mandated claims, rights, and remedies afforded to claimants under the  
7 Constitutional Amendment.

8 8. It is also important to note that the Nevada Constitutional Amendment is much more  
9 expansive in the rights, claims, relief, and remedies available to claimants. As a result, it would be  
10 problematic to apply a two year statute of limitations to a claim for back pay and a different limitations  
11 period for claims for damages and/or injunctive relief not covered by the statute (NRS 608.260).

12 9. Clearly, the implication of the expansive Nevada Constitutional Amendment effectively  
13 supplants, supersedes, and/or repeals the two-year limitations period and the limited civil remedy  
14 provisions of NRS 608.260.

15 10. Lastly, with respect to the applicable statute of limitations period, this determination is  
16 based largely on the allegations and claims for relief asserted in Plaintiffs Complaint. A review of  
17 Plaintiffs' Amended Complaint clearly indicates that Plaintiffs' action is primarily based on  
18 Defendants' alleged violations of Nev. Const. art. XV, 16. Furthermore, Plaintiffs Prayer For Relief is  
19 not limited to an award of back pay; rather, Plaintiffs request declaratory relief, unpaid wages,  
20 damages, interest, attorneys' fees and costs, and other relief necessary and just in law and in equity.

21 11. Therefore, the Court finds that in this action, the most plausible applicable limitations  
22 provision shall be the four-year catch-all limitations period for civil actions pursuant to NRS 11.220.

### 23 CONCLUSIONS OF LAW

24 Based upon these Findings of Fact, the District Court CONCLUDES AND ORDERS as  
25 follows:

26 1. In this action, for alleged violations of article XV, section 16 of the Nevada  
27 Constitution, the applicable limitations provision shall be the four-year catch-all limitations period for  
28 civil actions pursuant to NRS 11.220.

2. Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c) with Respect to All Claims for Damages Outside the Two-Year Statute of Limitations is DENIED.

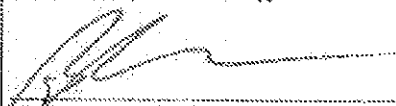
3. Plaintiffs' Countermotion for Summary Judgment Re: Limitation of the Action is GRANTED.

IT IS SO ORDERED this 19<sup>th</sup> day of February, 2015.


  
DISTRICT COURT JUDGE *Ks*

Submitted by:

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP  
DON SPRINGMEYER, ESQ.  
Nevada State Bar No. 1021  
BRADLEY SCHRAGER, ESQ.  
Nevada State Bar No. 10217  
DANIEL BRAVO, ESQ.  
Nevada State Bar No. 13078  
3556 E. Russell Road, Second Floor  
Las Vegas, Nevada 89120  
*Attorneys for Plaintiffs*

  
Bradley Schrage, Esq.

Approved as to form and content by:

  
LITTLE MENDELSON, P.C.  
RICK D. ROSKELLEY, ESQ.  
Nevada State Bar No. 3192  
ROGER GRANDGENNET, ESQ.  
Nevada State Bar No. 6323  
MONTGOMERY Y. PAEK, ESQ.  
Nevada State Bar No. 10176  
KATHRYN BLAKEY, ESQ.  
Nevada State Bar No. 12701  
3960 Howard Hughes Parkway, Suite 300  
Las Vegas, Nevada 89169  
*Attorneys for Defendants*

# EXHIBIT "J"





JIM GIBBONS  
Governor

MENDY ELLIOTT  
Director

MICHAEL TANCHEK  
Labor Commissioner

STATE OF NEVADA  
Department of Business & Industry  
**OFFICE OF THE LABOR COMMISSIONER**

675 Fairview Drive Suite 226  
Carson City, Nevada 89701  
Telephone (775) 687-4850 Fax (775) 687-6409

**STATE OF NEVADA  
MINIMUM WAGE  
2007 ANNUAL BULLETIN**

APRIL 1, 2007

PURSUANT TO ARTICLE 15, SECTION 16(A) OF THE CONSTITUTION OF THE STATE OF NEVADA, THE GOVERNOR HEREBY ANNOUNCES THAT THE FOLLOWING MINIMUM WAGE RATES SHALL APPLY TO ALL EMPLOYEES IN THE STATE OF NEVADA UNLESS OTHERWISE EXEMPTED. THESE RATES SHALL BECOME EFFECTIVE ON JULY 1, 2007.

FOR EMPLOYEES TO WHOM QUALIFYING HEALTH BENEFITS HAVE BEEN  
MADE AVAILABLE BY THE EMPLOYER:

**NO LESS THAN \$5.30 PER HOUR**

FOR ALL OTHER EMPLOYEES:

**NO LESS THAN \$6.33 PER HOUR**

Copies of this bulletin may obtained on the internet at  
[http://www.laborcommissioner.com/docs/4-1-07%20ANNUAL%  
20BULLETIN%20for%20site.doc](http://www.laborcommissioner.com/docs/4-1-07%20ANNUAL%20BULLETIN%20for%20site.doc)

Copies may also be obtained from the Labor Commissioner's Offices at

675 Fairview Drive, Suite 226  
Carson City, Nevada 89701  
(775) 687-4850

or

RA0079

555 East Washington, Suite 4100  
Las Vegas, Nevada 89101  
(702) 486-2650

RA0080

# EXHIBIT "K"

**A-CAB, LLC**

---

**EMPLOYEE HANDBOOK**

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A CAB 00581  
RA0082

### Calculation of Drivers Wages

#### Commissions are calculated as follows:

A calculation including 42% of gross book, miles per gallon, % of paid miles, total miles driven, number of trips, percentage of unpaid miles and the number of hours worked is used to figure commission. This must always be consistent with Nevada State Minimum Wage Laws of \$7.25/hour. A greater amount may be earned with a conscientious effort by the employee to raise the gross book, drive efficiently for better miles per gallon, reduce total miles driven, increase the number of trips, and lower the % of unpaid miles.

Drivers that cannot be reached by radio or cell phone (assuming that cell phone numbers have been provided to the Company) and have a prolonged period of time without meter activation indicating a passenger has hired the Taxicab, will be considered to be on "personal time" and outside the control of the Company. That time will be excluded from any minimum wage computation if such is required because of "low book" for any shift.

### Tip Compliance Agreement

Effective March 5, 2011, this company, A Cab LLC, has entered into a

#### **TIP COMPLIANCE AGREEMENT WITH THE IRS.**

This agreement requires A Cab to report 5.5% of "total book" receipts each day by each driver to be reported as additional income for tax purposes.

A Cab employee taxi drivers are paid the greater of their appropriate commission or the Minimum Wage of \$7.25 per hour, whichever is greater. However, if the Minimum Wage is greater than the commission earned, the amount supplemented to commission to realize minimum wage hourly rate will be reduced by the amount of tips that were reported per this IRS agreement. The tip credit allowed for tipped employees will not permit wages to be less than \$5.12 per hour.

# EXHIBIT "L"

1 **DECL**  
2 LEON GREENBERG, ESQ., SBN 8094  
3 DANA SNIEGOCKI, ESQ., SBN 11715  
4 Leon Greenberg Professional Corporation  
5 2965 South Jones Blvd- Suite E3  
6 Las Vegas, Nevada 89146  
7 (702) 383-6085  
8 (702) 385-1827(fax)  
9 leongreenberg@overtimelaw.com  
10 dana@overtimelaw.com

11 Attorneys for Plaintiffs

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

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

17 Plaintiffs,

18 vs.

19 A CAB TAXI SERVICE LLC, and A  
20 CAB, LLC,

21 Defendants.

Case No.: A-12-669926-C

Dept.: I

22 **DECLARATION OF**  
23 **PLAINTIFFS' COUNSEL,**  
24 **LEON GREENBERG, ESQ.**

25 Re: Defendants' assertions  
26 regarding their records of the  
27 hours of work of their taxi drivers.

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

1. I am one of the attorneys representing the plaintiffs in this matter. I am  
offering this declaration to explain to the Court defendants' assertions that they have no  
record of the working hours of their taxi drivers, besides whatever information is  
contained in each taxi driver's hand written trip sheet for each day they work.

2. I have repeatedly inquired with defendants' counsel about what records are  
in the possession of the defendants setting forth the hours of work of their taxi drivers,  
both the named plaintiffs in this case and the taxi drivers who are members of the

1 putative class of plaintiffs. I have repeatedly been advised by defendants as follows:

2 (a) There are no "time records" of the taxi drivers hours of work  
3 maintained by the defendants in any computerized, or other, format.  
4 There are no time clock, punch card, or similar records maintained by  
5 defendants that contain totals of the hours worked by defendants' taxi  
6 drivers each day, week or pay period.  
7

8 (b) There are no records that defendants can provide that would just show,  
9 in a computerized file, such as a spreadsheet, the number of shifts a  
10 particular taxi driver worked in a particular pay period. Nor do defendants  
11 agree that each taxi driver worked the same amount of time each shift.  
12

13 (c) The only way to accurately determine the hours worked by any  
14 individual taxi cab driver of the defendants is to extract the information on  
15 each driver's daily trip sheet. Each of those trip sheets (a sample is at Ex.  
16 "M" of this motion) has a "start" time stamp on page 1 and at the bottom  
17 of page 2 a "time end" stamp. Defendants insist that the only way to  
18 determine how many hours a particular taxi driver worked on any day is to  
19 measure the time between those two entries on the trip sheet and then  
20 subtract the "snack, meal and break" time amounts recorded on page 1 of  
21 the trip sheet.  
22

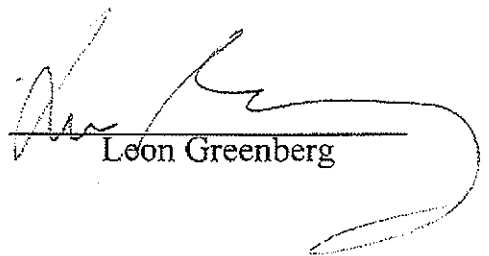
23 3. I have also spoken with defendants about trying to ascertain the working  
24 hours of their taxi drivers by reference to other computerized activity records that have  
25 time notations. Those records would include such things as taxi driver badge "swipe"  
26 times on the defendants' computerized taxicab management system; the driver "start"  
27 times for each cab recorded in that system; the recorded "upload" time of taxi meter  
28



1 times for each cab recorded in that system; the recorded "upload" time of taxi meter  
2 data, such upload being made at the end of each taxi driver's shift; and the time  
3 recorded when each taxi driver "drops" their cash fares in defendants' electronic safe  
4 system at the end of their shifts. Defendants insist that either no such computerized  
5 records exist or if they exist they are inaccurate and cannot be relied upon to determine  
6 the working hours of their taxi drivers. They insist that the only way to determine how  
7 many hours a particular taxi driver worked in any particular day or week or pay period  
8 is by manually examining that driver's trip sheets.

9  
10 4. In support of their claim no time records exist of their taxi drivers' hours of  
11 work, and those hours of work can only be manually extracted from the drivers' trip  
12 sheets, defendants' advise they had the same issue with the United States Department  
13 of Labor (the "DOL"). Defendants claim in response to the DOL's audit, which  
14 resulted in the Ex. "A" consent judgment which is part of this motion, they were  
15 unable to provide any hours of work records for their taxi drivers to the DOL.  
16 Defendants advise that instead they provided the only relevant records they had, a  
17 "truckload" of trip sheets of their drivers, which the DOL in turn analyzed, extracted  
18 information from, and relied upon to reach a resolution of the DOL's claim that the  
19 defendants had violated the minimum wage provisions of the Fair Labor Standards  
20 Act.

21 Affirmed this 18th day of May, 2015

22   
23 Leon Greenberg  
24  
25  
26  
27  
28

# EXHIBIT "M"

A Cab, LLC  
1500 Searles Avenue

Murray, Michael P  
5986 Yorba Ct.  
Las Vegas, NV 89103

Employee Pay Stub      Check number: 10745      Pay Period: 03/05/2011 - 03/18/2011      Pay Date: 03/25/2011


Employee      SSN  
Michael P Murray, 5986 Yorba Ct., Las Vegas, NV 89103      \*\*\*-\*\*-0281

| Earnings and Hours       | Qty  | Rate   | Current | YTD Amount |
|--------------------------|------|--------|---------|------------|
| Driver Commission        | 1.00 | 655.94 | 655.94  | 3,363.35   |
| Tips Supplemental        |      |        | 150.88  | 773.57     |
| Hourly Rate              |      |        |         | 431.25     |
|                          | 1.00 |        | 806.82  | 4,568.17   |
| Taxes                    |      |        | Current | YTD Amount |
| Federal Withholding      |      |        | -93.00  | -515.00    |
| Social Security Employee |      |        | -33.88  | -191.86    |
| Medicare Employee        |      |        | -11.70  | -66.24     |
|                          |      |        | -138.58 | -773.10    |
| Adjustments to Net Pay   |      |        | Current | YTD Amount |
| Tips Out                 |      |        | -150.88 | -773.57    |
| Cash loan                |      |        | -2.00   | -27.00     |
|                          |      |        | -152.88 | -800.57    |
| Net Pay                  |      |        | 515.36  | 2,994.50   |

A Cab 0012

SUMMARY OF TRIP SHEETS - MURRAY - 3/5/11-3/19/11

| date      | time in    | time out   | hours  | break | hours worked | total fare |
|-----------|------------|------------|--------|-------|--------------|------------|
| 3/5/2011  | 3:02:00 PM | 2:07:00 AM | 11     | 1     | 10           | \$279.00   |
| 3/8/2011  | 3:13:00 PM | 2:52:00 AM | 11.75  | 4.5   | 7.25         | \$163.30   |
| 3/9/2011  | 3:10:00 PM | 2:45:00 AM | 11.5   | 2.5   | 9            | \$184.80   |
| 3/10/2011 | 2:58:00 PM | 2:36:00 AM | 11.5   | 3     | 8.5          | \$192.10   |
| 3/11/2011 | 3:36:00 PM | 2:58:00 AM | 11.5   | 1     | 10.5         | \$246.30   |
| 3/12/2011 | 2:58:00 AM | 1:46:00 AM | 10.75  | 1.75  | 9            | \$159.00   |
| 3/15/2011 | 2:48:00 PM | 2:35:00 AM | 12     | 3.75  | 8.25         | \$195.00   |
| 3/16/2011 | 3:06:00 PM | 2:47:00 AM | 11.75  | 3.25  | 8.5          | \$232.00   |
| 3/17/2011 | 3:11:00 PM | 3:11:00 AM | 12     | 1.5   | 10.5         | \$312.70   |
| 3/18/2011 | 3:02:00 PM | 2:38:00 AM | 11.5   | 1.75  | 9.75         | \$197.00   |
|           |            |            | 115.25 |       | 91.25        |            |

|                |                    |  |       |                                     |    |               |            |
|----------------|--------------------|--|-------|-------------------------------------|----|---------------|------------|
| Name           | Murray, Michael P. | Cab#   | 1329  | Med#                                | 23 | Date          | 3/5/2011   |
| TA#            | 24453              |  |       |                                     |    | Shift         | 89-01      |
| Total Fares    | 279.00             |  |       |                                     |    | Time          | 3/5/2011   |
| Not on meter + | 0                  |  |       |                                     |    | Start         | 3:02:20 PM |
| VIP/CPO        | 0                  |  |       |                                     |    | Radio Cabs    | 10.71      |
| Charges        | 76.00              |  |       |                                     |    | \$ Per Gallon | 3.479      |
| Coupons        | 0                  | # of Gallons   | 8.375 | <b>BROKE DOWN</b><br>Declaired Tips |    |               |            |
| Turn-in        | 203.00             | Total Gas Cost   | 28.12 |                                     |    |               |            |

| Write corrections in the space provided above. |                |                 |                |           |             |          |
|--|----------------|-----------------|----------------|-----------|-------------|----------|
|  | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |
| End  | 538.17         | 817             | 953            | 20        | 637.74      | 207598   |
| Start  | 309.57         | 640             | 859            | 10        | 561.84      | 207425   |
| Diff   | 228.60         | 177             | 94             | 10        | 76.90       | 173      |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From                    | Drop Off At           | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|---------------------------------|-----------------------|--------|---------|----------|-----------|
| 1      | R                      | 22 ER                           | LOS PRODIGES          | 32.30  | 3:35    | 3:55     | 1         |
| 2      | R                      | BAILY'S                         | 17                    | 9.50   | 4:00    | 4:10     | 1         |
| 3      | R                      | WATA                            | WYNN                  | 33.10  | 4:35    | 5:05     | 2         |
| 4      | R                      | AMERICAN GRASS                  | VENETIAN              | 9.96   | 5:20    | 5:30     | 3         |
| 5      | R                      | ARROYO                          | CAESARS               | 40.40  | 6:45    | 7:25     | 4         |
| 6      | R                      | CAB 1326 D RINE TRAIL OUT-TRAIL |                       |        | 7:30    | 8:00     |           |
| 7      | R                      | 9                               | 20                    | 28.90  | 8:20    | 8:40     | 1         |
| 8      | RTP                    | JOES-CRAB                       | VENETIAN              | 30.90  | 9:25    | 9:45     | 4         |
| 9      | RTP 21917              | ICHETZA                         | GNIR                  | 37.10  | 10:00   | 10:15    | 1         |
| 10     |                        | GVR                             | HORIZON               | 23.30  | 10:15   | 10:30    | 1         |
| 11     | TIP 21920              | 4 1/2                           | GVR                   | 33.50  | 11:20   | 11:40    | 2         |
| 12     | R                      | CAB 1363 ORQUINSA               | POLARIS AT RAINI ACCO |        | 11:49   | 12:50    |           |
| 13     |                        | TA DOWNED 1329                  | OVERHEATED TOW        | TOWS   |         |          |           |
| 14     |                        |                                 |                       |        |         |          |           |
| 15     |                        |                                 |                       |        |         |          |           |
| 16     |                        |                                 |                       |        |         |          |           |
| 17     |                        |                                 |                       |        |         |          |           |
| 18     |                        |                                 |                       |        |         |          |           |
| 19     |                        |                                 |                       |        |         |          |           |
| 20     |                        |                                 |                       |        |         |          |           |

|  |                          |       |               |      |      |
|--|--------------------------|-------|---------------|------|------|
| SNACK  | (12hr Shift = 30min X 2) | SNACK | Initial Here: | 5:30 | 6:30 |
| MEAL   | (12hr Shift = 1 hour)    | MEAL  | Initial Here: |      |      |
| Requirements to be included in a break are:            |                          | SNACK | Initial Here: |      |      |
| 1. Outside the control of management.                  |                          | BREAK | Initial Here: |      |      |
| 2. Not performing duties associated with taxi driving. |                          | BREAK | Initial Here: |      |      |

A Cab 00522

RA0091

T. Pass TOT. :\$ 75.90

Currency: USD

Accu. T. Pass: \$15637.74

| Qty          | Value | Subtotal |
|--------------|-------|----------|
| 0003         | 1.00  | 3.00     |
| 0002         | 5.00  | 10.00    |
| 0001         | 10.00 | 10.00    |
| 0000         | 20.00 | 180.00   |
| 0015 Tot USD |       | 203.00   |

\*\*\*\*\* TOTAL \*\*\*\*\*  
TOTAL USD 203.00

METER DETAILS  
Tot. FARE: \$329588.17  
Tot. EXTRAS: \$691.19  
Accu. Trips: 21920  
Tot. DIST.: 66816.69  
PAID DIST.: 108952.74  
1-800-222-TAXI

... METER TOTALS SENT

[illegible]

Time End  
(stamp here)

14 MAR 6 2007

A Cab 00523

Driver  
Signature

Mike Murray

RA0092

Name: Murray, Michael P. Cab# 1352 Med# 12 Date: 3/8/2011

Taxi: 24453

Total Fare: 163.30

Not on meter: 0

VIR/CPO: 0

Charges: 53.70

Coupons: 24.00

Turn-in: 95.10

Barcode: [Barcode]

Shift: 15-01

Time Start: 3/8/2011 3:13:51 PM

Radio Calls: 8 2/1

\$ Per Gallon: 3.479

# of Gallons: 5.346

Total Gas Cost: 18.60

After meeting with UNITED STATES DEPARTMENT OF LABOR: All drivers who work a 12-hour shift must take two 30-minute snack breaks and a 1-hour meal break. Your snack breaks and meal break must be documented on your trip sheet with a Time In and a Time Out. Space at the bottom of this page has been provided for this information. You must initial next to the "Time In" for all breaks and a meal. Anyone who doesn't adhere to this rule will be disciplined.

Declared Tips: \$25.00

| Write corrections in the space provided below |                |                 |                |           |             |          |
|---|----------------|-----------------|----------------|-----------|-------------|----------|
| End   | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |
| Start   | 434.69         | 976             | 232            | 90        | 844.37      | 95658    |
| Diff  | 271.39         | 848             | 185            | 79        | 840.67      | 95533    |
|   | 163.30         | 128             | 47             | 11        | 54.00       | 125      |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From     | Drop Off At       | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|------------------|-------------------|--------|---------|----------|-----------|
| 1      | R                      | WALMART          | QUINN HILL ROAD   | 16.50  | 3:30    | 3:50     | 2         |
| 2      | R                      | 3130 S. RAINBOW  | BELLARIO          | 17.50  | 4:30    | 4:50     | 2         |
| 3      | TAP R 1082             | R. HODES RANCH   | T.I.              | 34.70  | 5:35    | 6:05     | 2         |
| 4      | R                      | 4208 WA. VALLEJO | AMERICAN          | 21.90  | 8:20    | 8:35     | 1         |
| 5      | RTP 1083               | CLUB 1           | WEST JET          | 17.30  | 9:20    | 9:35     | 1         |
| 6      | FIP 1085               | 12               | RAN               | 9.70   | 10:05   | 10:15    | 2         |
| 7      |                        | T2               | GALLIN            | 12.50  | 11:00   | 11:10    | 1         |
| 8      |                        | 12               | SAN JACINTO CLARK | 7.30   | 12:10   | 12:20    | 2         |
| 9      |                        | R                | STREET            | 6.40   | 12:40   | 12:45    | 1         |
| 10     | R                      | FRANKS           | SAHARA            | 9.30   | 1:30    | 1:35     | 2         |
| 11     |                        | 10               | KALAZZO           | 9.70   | 2:05    | 2:15     | 3         |
| 12     |                        |                  |                   |        |         |          |           |
| 13     |                        |                  |                   |        |         |          |           |
| 14     |                        |                  |                   |        |         |          |           |
| 15     |                        |                  |                   |        |         |          |           |
| 16     |                        |                  |                   |        |         |          |           |
| 17     |                        |                  |                   |        |         |          |           |
| 18     |                        |                  |                   |        |         |          |           |
| 19     |                        |                  |                   |        |         |          |           |
| 20     |                        |                  |                   |        |         |          |           |

|  | SNACK | MEAL  | Initial Here: | Time In | Time Out |
|--|-------|-------|---------------|---------|----------|
| 1. Outside the control of management                   | SNACK | MEAL  | Initial Here: | 6:00    | 8:00     |
| 2. Not performing duties associated with taxi driving. | SNACK | MEAL  | Initial Here: | 8:35    | 9:20     |
|  | SNACK | MEAL  | Initial Here: | 9:35    | 10:05    |
|  | BREAK | BREAK | Initial Here: | 11:10   | 12:10    |
|  | BREAK | BREAK | Initial Here: | 12:45   | 1:30     |

A Cab 00524

RA0093

ARCO an/pm 82974  
300 N Lake Road  
Las Vegas  
NV 89030  
Tel: 7026337300  
Fax: 7026335600  
Site Number 11909167

COPY  
Trans# 009588  
03/09/11 02:25

PIC# 2

| Pump | Gallons | Price    |
|------|---------|----------|
| 05   | 5.345   | \$ 3.479 |

| Product        | Amount |
|----------------|--------|
| UNLEADED REGUL | 18.60  |

Total Sale \$ 18.60

GASPRO DEBIT  
XXXXXXXXXX4738  
Auth #: 633946

A Cabl  
1441 S. Valley View Dr  
Las Vegas, NV

VALIDATED DROP

Drop # : 00632281  
Trans # : 00237858  
Date-Time: 03/05/11 04:19:00  
POS :  
Remote ID: FX  
Oper # : 00611  
Oper Name: MURRAY, MICHAEL  
Cash : Cash Vol  
Rejected : 1

Val 2

Currency: USD

| Qty          | Value | Subtotal |
|--------------|-------|----------|
| 0001         | 5.00  | 5.00     |
| 0004         | 20.00 | 80.00    |
| 0005 Tot USD |       | 85.00    |

TAXIPASS VOUCHER(S) AND  
TOTALS

CAB#: 1352  
TIME: 2:44  
DATE: 3/9/2013

T. Pass TOT.: \$ 0.00  
Accu. T. Pass: \$18894.37

## - NSTER DETAILS

Tot.FARE: \$15434.63  
Tot.EXTRAS: \$21974836.47  
Accu.Trips: 1090  
Tot.DIST.: 9975.94  
PAID DIST.: 4232.38  
1-800-222-TAXI



ARCO am/pm 82674  
300 W Lake Mead  
Las Vegas  
NV 89030  
Tel : 7025337300  
Site Number 11509107

### Car Wash Slip ### 1293425

|              |      |
|--------------|------|
| 1 CAR WASH 1 | 2.50 |
| CODE # 54570 |      |

Receipt 1233425 ORIGINAL  
2 GORGE HERNANDEZ 03/09/2011 02:37  
Thank you for choosing APM

\*\*\*\*\* TOTAL \*\*\*\*\*  
TOTAL USD 85.00

Time End  
(stamp here)

11 MAR 9 2:52PM


Driver  
Signature

Mike Murray

A Cab 00525

RA0094



|                |                    |  |       |                |       |               |            |
|----------------|--------------------|--|-------|----------------|-------|---------------|------------|
| Name           | Murray, Michael P. | Cab#   | 1308  | Med#           | 1     | Date          | 3/9/2011   |
| TAF#           | 24453              |  |       |                |       | Shift         | 15-01      |
| Total Fares    | 184.80             |  |       |                |       | Time          | 3/9/2011   |
| Not on meter + | 0                  |  |       |                |       | Start         | 3:10:46 PM |
| VIP/CPO        | 0                  |  |       |                |       | Radio Calls   | 79         |
| Charges        | 68.90              |  |       |                |       | \$ Per Gallon | 3.499      |
| Coupons        | 0                  | # of Gallons   | 6.229 | Total Gas Cost | 21.80 |               |            |
| Turn-In        | = 116.00           | Declared Tips  |       |                |       |               |            |

|  |                |                 |                |           |             |          |
|--|----------------|-----------------|----------------|-----------|-------------|----------|
| Write corrections in the space provided above. |                |                 |                |           |             |          |
|  | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |
| End  | 775.10         | 320             | 461            | 79        | 772.23      | 76947    |
| Start  | 590.70         | 164             | 397            | 69        | 703.33      | 76806    |
| Diff   | 184.80         | 156             | 64             | 10        | 69.00       | 141      |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From         | Drop Off At    | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|----------------------|----------------|--------|---------|----------|-----------|
| 1      | R                      | 10657 4 REMROSE AVE. | CITY STOP      | 7.50   | 3:03.5  | 3:40     | 1         |
| 2      | RTP 5171               | LVI.                 | WEST JET       | 45.90  | 4:45    | 5:10     | 2         |
| 3      | RTP 7                  | SUNSET               | 12             | 41.70  | 5:40    | 6:05     | 1         |
| 4      |                        | F2                   | VIEW           | 9.70   | 7:00    | 8:00     | 3         |
| 5      |                        | TIA                  | #3             | 14.10  | 9:10    | 9:30     | 2         |
| 6      |                        | #3                   | VALLEY VIEW/TW | 10.30  | 9:35    | 9:40     | 1         |
| 7      | R                      | CLUB II              | SAPPHIRE       | 15.90  | 10:20   | 10:30    | 2         |
| 8      | R                      | #8 EMPLOYEES         | MEADOWS RIDGE  | 14.30  | 10:35   | 11:20    | 1         |
| 9      | R                      | ERBS + RYE           | HILTOP         | 10.10  | 12:20   | 12:35    | 1         |
| 10     | RTP 5179               | 11 11 11             | COSMO          | 14.90  | 11:15   | 12:25    | 4         |
| 11     |                        |                      |                |        |         |          |           |
| 12     |                        |                      |                |        |         |          |           |
| 13     |                        |                      |                |        |         |          |           |
| 14     |                        |                      |                |        |         |          |           |
| 15     |                        |                      |                |        |         |          |           |
| 16     |                        |                      |                |        |         |          |           |
| 17     |                        |                      |                |        |         |          |           |
| 18     |                        |                      |                |        |         |          |           |
| 19     |                        |                      |                |        |         |          |           |
| 20     |                        |                      |                |        |         |          |           |

|  |                          |               |       |       |  |
|--|--------------------------|---------------|-------|-------|--|
| SNACK  | (12hr Shift = 30min X 2) | Initial Here: | 3:40  | 4:40  |  |
| MEAL   | (12hr Shift = 1 hour)    | Initial Here: | 6:40  | 7:10  |  |
| Requirements to be included in a break are:            |                          | Initial Here: | 11:20 | 12:20 |  |
| 1. Outside the control of management.                  |                          | Initial Here: |       |       |  |
| 2. Not performing duties associated with taxi driving. |                          | Initial Here: |       |       |  |

A Cab 00526

RA0095

A-CAB 1309  
EMR.# 2018

**amprn**  
Mike Murray  
201.609.9074

\*\*\* Car Wash Slip \*\*\* 1296152

1 CAR WASH 1 2.50  
CODE # 12170  
Receipt 1296152 ORIGINAL  
2 WARANJO 03/10/2011 02:19  
Thank you for choosing AMPM

A Cab 00527

Driver  
Signature

Time End  
(stamp here)

7-2-50000 2451

RA0096

Name: Murray, Michael P. Cab# 1329 Med# 23 Date 3/10/2011

TA# 24453

Total Fare 192.10

Not on meter + 0

VIP/CPO 0

Charges 78.82

Coupons 0

Turn-in = 93.00

Barcode: [Barcode]

Shift 89-01

Time Start 3/10/2011 2:58:14 PM

Radio Calls C ✓

\$ Per Gallon 3.519

# of Gallons 60.95

Total Gas Cost 21.45

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Declared Tips

Write corrections in the space provided above.

|       | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |
|-------|----------------|-----------------|----------------|-----------|-------------|----------|
| End   | 485.67         | 379             | 513            | 43        | 028.06      | 209135   |
| Start | 293.57         | 205             | 452            | 32        | 929.24      | 208964   |
| Diff  | 192.10         | 174             | 61             | 11        | 92.00       | 171      |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

S = Stand F = Flag R = Radio Call Voucher # = Taxi Pass

| Ride # | Ride Type or Voucher # | Pick Up From    | Drop Off At   | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|-----------------|---------------|--------|---------|----------|-----------|
| 1      | RTP 22033              | PIUTE GOLF      | 21 SPA        | 50.50  | 4:05    | 4:30     | 2         |
| 2      | R                      | 28 EDDY         | MEGA 510      | 37.50  | 5:25    | 5:50     | 2         |
| 3      | R                      | 15 N            | 215 / DEGRIN  | 20.10  | 6:35    | 6:55     | 4         |
| 4      | R                      | 3559 CASA REAL  | LA TALENTA    | 8.50   | 8:50    | 9:00     | 1         |
| 5      | R                      | 216 C           | 20            | 5.30   | 9:20    | 9:25     | 2         |
| 6      | R                      | 1104 NEVADA SKY | GRADDA        | 20.70  | 9:40    | 9:55     | 1         |
| 7      | R                      | 30              | 20            | 11.90  | 10:35   | 10:45    | 3         |
| 8      | TTP 22040              | 12              | MORTE         | 13.50  | 11:55   | 12:05    | 1         |
| 9      | R                      | FRANKIES        | GLITTER GULCH | 9.50   | 12:40   | 12:50    | 4         |
| 10     | TTP 22042              | 12 1/2          | 10            | 7.15   | 1:15    | 1:25     | 4         |
| 11     | TTP 22043              | 11 11 11        | 11 11 11      | 7.40   | 1:50    | 2:00     | 6         |
| 12     |                        |                 |               |        |         |          |           |
| 13     |                        |                 |               |        |         |          |           |
| 14     |                        |                 |               |        |         |          |           |
| 15     |                        |                 |               |        |         |          |           |
| 16     |                        |                 |               |        |         |          |           |
| 17     |                        |                 |               |        |         |          |           |
| 18     |                        |                 |               |        |         |          |           |
| 19     |                        |                 |               |        |         |          |           |
| 20     |                        |                 |               |        |         |          |           |

SNACK (12hr Shift = 30min X 2)

MEAL (12hr Shift = 1 hour)

Requirements to be included in a break are:

- Outside the control of management.
- Not performing duties associated with taxi driving.

SNACK Initial Here: [Signature] 3:00 4:00

MEAL Initial Here: [Signature] 6:50 8:50

SNACK Initial Here: [Signature]

BREAK Initial Here: [Signature]

BREAK Initial Here: [Signature]

A Cab 00528

RA0097

| Ric # | From | Drop Off At | Amount | Time In | Time Out | # of Pass |
|-------|------|-------------|--------|---------|----------|-----------|
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |
| 2     |      |             |        |         |          |           |

ARCO am/pm 82874  
300 W Lake Mead  
Las Vegas  
NV 89030  
Tel: 7026337300  
Fax: 7026335600

Site Number 11909107

Trans# 000531  
03/11/11 02:11

PICK # 4

Pump Gallons Price  
12 6.095 \$ 3.519

Product Amount  
UNLEADED REGUS \$ 21.45

Total Sale \$ 21.45

GASPRO DEBIT  
XXXXXXXXXXXX4157  
Auth #: 212408  
Ref: 08476046  
Resp Code: 000  
Stan: 06451323308  
Trace #: 00000000

A-CAB 1329  
EMP.# 2018



ARCO am/pm 82874  
300 W Lake Mead  
Las Vegas  
NV 89030  
Tel: 7026337300  
Site Number 11909107

\*\*\* Car Wash Slip \*\*\* 1298849

1 CAR WASH 1 2.50  
CODE # 24140  
Receipt 1298849 ORIGINAL  
2 NARANJO 03/11/2011 02:18  
Thank you for choosing AMPM

A Cab2  
4444 S. Valley View Bl  
Las Vegas, NV

VALIDATED DROP

Drop # : 00024345  
Trans # : 00188031  
Date-Time: 03/11/11 04:02:41  
POS  
Remote ID: FK  
Oper # : 00179  
Oper Name: MURRAY, MICHAEL  
Cash : Cash Val  
Rejected : 0

Val 2

Currency: USD

| Qty          | Value | Subtotal |
|--------------|-------|----------|
| 0003         | 1.00  | 3.00     |
| 0002         | 5.00  | 10.00    |
| 0004         | 20.00 | 80.00    |
| 0009 Tot USD |       | 93.00    |

\*\*\*\*\* TOTAL \*\*\*\*\*  
TOTAL USD 93.00

\*80TAXIPASS VOUCHER(S) A  
NO TOTALS

CAB#: 1329  
TIME: 2:32  
DATE: 3/11/2011

DATE: 3/10/2011  
VOUCH#: 22033  
Amount: \$ 61.00

DATE: 3/10/2011  
VOUCH#: 22040  
Amount: \$ 17.00

DATE: 3/11/2011  
VOUCH#: 22042  
Amount: \$ 8.32

DATE: 3/11/2011  
VOUCH#: 22043  
Amount: \$ 12.50

T. Pass TOT.: \$ 98.82

Accu. T. Pass: \$16828.06

METER DETAILS  
Tot. FARE: \$331485.00  
Tot. EXTRAS: \$691.19  
Accu. Trips: 22043  
Tot. DIST.: 68378.52  
Paid DIST.: 109512.51  
000-222-TAXI

Time End  
(stamp here) 11 MAR 11 2:36PM

A Cab 00529

Driver  
Signature *Mike Murray*

RA0098

Murray, Michael P. 1329 23 3/11/2011

Name 24453 Cab# Mod# Date 89-01

TA# 246.30

Total Fares 246.30

Not on meter + 0

VIP/CPO 0

Charges 0

Coupons 0

Turn-In = 246.30

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Declared Tips

Radio Calls 8 0

\$ Per Gallon 3.539

# of Gallons 5.962

Total Gas Cost 21.10

| Write corrections in the space provided above. |                 |                |           |             |          |  |
|--|-----------------|----------------|-----------|-------------|----------|--|
| Total Fare (1)                                 | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |  |
| End 923.67                                     | 759             | 669            | 73        | 200.76      | 209510   |  |
| Start 777.37                                   | 608             | 603            | 58        | 200.76      | 209321   |  |
| Diff 246.30                                    | 151             | 86             | 15        | 0           | 148      |  |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From | Drop Off At        | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|--------------|--------------------|--------|---------|----------|-----------|
| 1      | R                      | N-BLUE       | PREMIUM OUTLET     | 12.30  | 2:00    | 2:15     | 4         |
| 2      | R                      | KK 12/10/11  | Wells Fargo = BACK | 19.50  | 4:30    | 5:20     | 1         |
| 3      | R                      | 23 MAR - TOM | PV NY              | 37.50  | 5:15    | 6:05     | 4         |
| 4      | R                      | NEW SHARAH   | BELLACKS           | 9.70   | 6:20    | 7:25     | 2         |
| 5      | R                      | 23 MAR 12    |                    | 30.30  | 6:50    | 7:20     | 4         |
| 6      | R                      | CAB 1361 ACE | FLOR. FI. DRP      |        | 7:20    | 8:00     |           |
| 7      | R                      | SIERA GOLD   | STRAT              | 30.40  | 8:40    | 9:00     | 4         |
| 8      |                        | 12           | DIBLOS             | 13.70  | 9:15    | 9:25     | 2         |
| 9      | R                      | ORA          | MIRAGE             | 19.70  | 10:00   | 10:20    | 4         |
| 10     |                        | 12 1/2       | T.I.               | 6.70   | 10:45   | 10:50    | 1         |
| 11     |                        | 12 1/2       | IN + OUT           | 10.10  | 11:10   | 11:20    | 3         |
| 12     |                        | 11 11 11     | T.I.               | 8.10   | 11:25   | 11:35    | 3         |
| 13     |                        | 12 1/2       | 8                  | 7.50   | 11:40   | 11:50    | 2         |
| 14     |                        | 12 1/2       | COMMERCIAL CTR     | 13.30  | 12:30   | 12:40    | 1         |
| 15     |                        | COM. CENT.   | FLAM               | 15.90  | 12:45   | 1:00     | 1         |
| 16     |                        | 12 1/2       | ALEXIS             | 11.50  | 2:10    | 2:20     | 2         |
| 17     |                        |              |                    |        |         |          |           |
| 18     |                        |              |                    |        |         |          |           |
| 19     |                        |              |                    |        |         |          |           |
| 20     |                        |              |                    |        |         |          |           |

|  |                          |               |      |      |
|--|--------------------------|---------------|------|------|
| SNACK  | (12hr Shift = 30min X 2) | Initial Here: | 3:00 | 4:00 |
| MEAL   | (12hr Shift = 1 hour)    | Initial Here: |      |      |
| Requirements to be included in a break are:            |                          |               |      |      |
| 1. Outside the control of management.                  |                          |               |      |      |
| 2. Not performing duties associated with taxi driving. |                          |               |      |      |

A Cab 00530

RA0099

Time End  
(stamp here)

Mike Murray

RA0100

Murray, Michael P. 1329 23 3/12/2011

Name 24453 Cab# Mad# Date 89-01

TA#

Total Fares 159.00

Not on meter + 0

VIP/CPO 0

Charges 31.00

Coupons 0

Turn-in = 128.00

SET CLOCKS AHEAD FOR AT 2:00AM

After meeting with UNITED STATES DEPARTMENT OF LABOR: All drivers who work a 12-hour shift must take two 30-minute snack breaks and a 1-hour meal break. Your snack breaks and meal break must be documented on your trip sheet with a Time In and a Time Out. Space at the bottom of this page has been provided for this information. You must initial next to the "Time In" for all breaks and a meal. Anyone who doesn't adhere to this rule will be disciplined.

Declared Tips

Shift 3/12/2011

Time Start 2:58:34 PM

Radio Calls 10

\$ Per Gallon 3.539

# of Gallons 4.408

Total Gas Cost 15.60

Write corrections in the space provided above.

|       | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |
|-------|----------------|-----------------|----------------|-----------|-------------|----------|
| End   | 361.67         | 885             | 763            | 95        | 231.76      | 209831   |
| Start | 202.87         | 975             | 723            | 85        | 200.76      | 209723   |
| Diff  | 158.80         | 110             | 42             | 10        | 31.00       | 108      |


You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From              | Drop Off At    | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|---------------------------|----------------|--------|---------|----------|-----------|
| 1      | R                      | BAERS BEST                | SIGNATURE      | 36.90  | 4:05    | 4:55     | 2         |
| 2      |                        | THOM SIG                  | MADRID         | 6.70   | 4:55    | 5:30     | 2         |
| 3      | R                      | EAGLE RIDER               | FLAMINGO       | 14.90  | 5:30    | 5:30     | 5         |
| 4      | R                      | WEATHERNECK               | GLORIA PK      | 6.50   | 7:30    | 7:28     | 1         |
| 5      | R                      | SEDONA                    | BALLY'S        | 27.70  | 7:40    | 8:00     | 2         |
| 6      |                        | 12                        | 2900 EL CAMINO | 5.50   | 8:55    | 9:00     | 2         |
| 7      |                        | 42                        | OSAKA          | 7.50   | 9:05    | 9:10     | 4         |
| 8      | R =                    | VICTORIAS                 | BOY            | 15.50  | 9:05    | 9:25     | 2         |
| 9      |                        | 4 1/2                     | BELLAGO        | 11.90  | 10:30   | 10:40    | 3         |
| 10     | R                      | CAB 1310 AT FAIR          | LUXOR / FRAS   |        | 10:50   | 11:50    | 1         |
| 11     | R TP 22095             | NEW SEAWALL               | SO. POINT      | 25.70  | 12:40   | 1:00     | 2         |
| 12     |                        | AT DUMPS DAYLIGHT SAVINGS |                |        | 1:30    |          |           |
| 13     |                        |                           |                |        |         |          |           |
| 14     |                        |                           |                |        |         |          |           |
| 15     |                        |                           |                |        |         |          |           |
| 16     |                        |                           |                |        |         |          |           |
| 17     |                        |                           |                |        |         |          |           |
| 18     |                        |                           |                |        |         |          |           |
| 19     |                        |                           |                |        |         |          |           |
| 20     |                        |                           |                |        |         |          |           |

|  |                          |       |                         |      |      |  |
|--|--------------------------|-------|-------------------------|------|------|--|
| SNACK  | (12hr Shift = 30min X 2) | SNACK | Initial Here: <i>MM</i> | 3:00 | 4:00 |  |
| MEAL   | (12hr Shift = 1 hour)    | MEAL  | Initial Here: <i>MM</i> | 8:10 | 9:00 |  |
| Requirements to be included in a break are:            |                          | SNACK | Initial Here:           |      |      |  |
| 1. Outside the control of management.                  |                          | BREAK | Initial Here:           |      |      |  |
| 2. Not performing duties associated with taxi driving. |                          | BREAK | Initial Here:           |      |      |  |

A Cab 00532

RA0101

Resp Code: 000  
 Stan#: 06471328544  
 Trace #: 00000000  
  
 SITE ID: 8295313  
 A-CAB 1329  
 A-CAB 1329 Exp. #2  
 Mike Murray  
  
 CO am/pm 82874  
 0 W Lake Mead  
 s Vegas  
 89030  
 1 : 7026337300  
 te Number 11909107  
  
 \* Car Wash Slip \*\*\* 1303781  
  
 CAR WASH 1  
 CODE # 77590 2.50

44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 106

RA0102



Name Murray, Michael P. Cab# 1352 Mod# 12 Date 3/15/2011

Taxi # 24453

Total Fares 195

Not on meter + 0

VIP/CPO 0

Charges 39.30

Coupons 0

Turn-in = 155.00

Decleared Tips \_\_\_\_\_

After meeting with UNITED STATES DEPARTMENT OF LABOR: All drivers who work a 12-hour shift must take two 30-minute snack breaks and a 1-hour meal break. Your snack breaks and meal break must be documented on your trip sheet with a Time In and a Time Out. Space at the bottom of this page has been provided for this information. You must initial next to the "Time In" for all breaks and a meal. Anyone who doesn't adhere to this rule will be disciplined.

Shift 15-01

Time Start 3/15/2011 2:48:05 PM

Radio Calls 5

S Per Gallon 3.599

# of Gallons 7.434

Total Gas Cost 26.75

| Write corrections in the space provided above. |                 |                |           |               |              |  |
|--|-----------------|----------------|-----------|---------------|--------------|--|
| Total Fare (1)                                 | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu. T. Pass | Odometer     |  |
| End <u>406.39</u>                              | <u>955</u>      | <u>056</u>     | <u>95</u> | <u>512.37</u> | <u>97595</u> |  |
| Start <u>211.79</u>                            | <u>802</u>      | <u>002</u>     | <u>83</u> | <u>473.07</u> | <u>97445</u> |  |
| Diff <u>194.60</u>                             | <u>153</u>      | <u>54</u>      | <u>12</u> | <u>39.30</u>  | <u>150</u>   |  |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| S = Stand F = Flag R = Radio Call Voucher # = Taxi Pass |                        |                  |                   |        |         |          |           |
|---|------------------------|------------------|-------------------|--------|---------|----------|-----------|
| Ride #  | Ride Type or Voucher # | Pick Up From     | Drop Off At       | Amount | Time In | Time Out | # of Pass |
| 1   | RTP 1284               | 6848 SHERWOOD    | KARVED DESERT     | 17.50  | 7:30    | 8:40     | 1         |
| 2   | R                      | 15 1/2           | CHARTER           | 30.30  | 7:00    | 7:35     | 1         |
| 3   |                        | 17               | NUGGET            | 29.90  | 4:45    | 5:00     | 3         |
| 4   |                        | 15               | 17                | 16.70  | 5:40    | 5:55     | 1         |
| 5   | R                      | SMITH'S ELK HORN | 9418 BLOOMING BRO | 8.70   | 6:15    | 6:25     | 2         |
| 6   | RTP 1289               | 8425 PICKET ROAD | 013220            | 20.30  | 6:45    | 7:05     | 1         |
| 7   |                        | 12               | 8                 | 12.50  | 9:10    | 9:20     | 1         |
| 8   | R                      | ALOHA BAR        | NO GO             |        | 10:25   | 10:30    | 1         |
| 9   |                        | 12               | BELLAGIO          | 12.10  | 10:35   | 10:45    | 2         |
| 10  |                        | 12               | GOLDEN NUGGET     | 11.90  | 12:00   | 12:10    | 1         |
| 11  |                        | 12               | MARGARITAVILLE    | 12.10  | 12:40   | 12:50    | 4         |
| 12  |                        | 12 1/2           | LUXOR             | 13.30  | 1:00    | 1:15     | 4         |
| 13  |                        | 12 1/2           | BAY               | 11.90  | 1:50    | 2:00     | 4         |
| 14  |                        |                  |                   |        |         |          |           |
| 15  |                        |                  |                   |        |         |          |           |
| 16  |                        |                  |                   |        |         |          |           |
| 17  |                        |                  |                   |        |         |          |           |
| 18  |                        |                  |                   |        |         |          |           |
| 19  |                        |                  |                   |        |         |          |           |
| 20  |                        |                  |                   |        |         |          |           |

|                                |                          |              |              |
|--------------------------------|--------------------------|--------------|--------------|
| SNACK (12hr Shift = 30min X 2) | Initial Here: <u>MPM</u> | <u>7:00</u>  | <u>8:00</u>  |
| MEAL (12hr Shift = 1 hour)     | Initial Here: <u>MPM</u> | <u>5:05</u>  | <u>5:40</u>  |
| SNACK                          | Initial Here: <u>MPM</u> | <u>8:00</u>  | <u>9:00</u>  |
| BREAK                          | Initial Here: <u>MPM</u> | <u>10:45</u> | <u>11:45</u> |
| BREAK                          | Initial Here:            |              |              |

Requirements to be included in a break are:

- Outside the control of management.
- Not performing duties associated with taxi driving.

A Cab 00534

RA0103

ARCO am/pm 82874  
300 W Lake Mead  
Las Vegas  
NV 89030  
Tel: 7026337300  
Fax: 7026335600

Site Number 11909107

Trans# 002659  
03/16/11 02:05

PIC# 4

Pump Gallons Price  
12 7.434 \$ 3.599

Product Amount  
UNLEADED REGU\$ 26.75

Total Sale \$ 26.75

GASPRO DEBIT  
XXXXXXXXXXXX4738  
Auth #: 937022  
Ref: 22422038  
Resp Code: 000  
Stan: 06501335775  
Trace #: 00000000

A-CAB 1352  
E.M.P.# 2018

**am/pm**

*Mike Murray*

ARCO am/pm 82874  
300 W Lake Mead  
Las Vegas  
NV 89030  
Tel : 7026337300  
Site Number 11909107

\*\*\* Car Wash Slip \*\*\* 1305845

1 CAR WASH 1 2.50  
CODE # 39770  
Receipt 1305845 ORIGINAL  
1 ISRAEL 03/16/2011 02:11  
Thank you for choosing AMPH

| Up From | Drop Off At | Amount | Time In | Time Out | # of Pass |
|---------|-------------|--------|---------|----------|-----------|
|         |             |        |         |          |           |
|         |             |        |         |          |           |
|         |             |        |         |          |           |
|         |             |        |         |          |           |

A Cab  
1444 S. Valley View Bl  
Las Vegas, NV

VALIDATED DROP

Drop # : 00032635  
Trans # : 00240325  
Date-Time: 03/16/11 03:05:26  
POS  
Remote ID: FK  
Oper # : 00011  
Oper Name: MURRAY, MICHAEL  
Cash : Cash Val  
Rejected : 2

Val 2

Currency: USD

| Qty          | Value | Subtotal |
|--------------|-------|----------|
| 0001         | 5.00  | 5.00     |
| 0003         | 10.00 | 30.00    |
| 0006         | 20.00 | 120.00   |
| 0010 Tot USD |       | 155.00   |

\*\*\*\*\* TOTAL \*\*\*\*\*  
TOTAL USD 155.00

TAXIPASS VOUCHER(S) AND TOTALS

CAB#: 1352  
TIME: 1:22  
DATE: 3/16/2011  
DATE: 3/15/2011  
VOUCH#: 1284  
Amount: \$ 19.00  
DATE: 3/15/2011  
VOUCH#: 1289  
Amount: \$ 20.30  
T.Pass TOT.: \$ 39.30  
Accu. T.Pass: \$19512.37

METER DETAILS

Tot.FARE: \$18406.39  
Tot.EXTRAS: \$21474836.47  
Accu.Trips: 1295  
Tot.DIST.: 11955.38  
PAID DIST.: 5056.15  
1-800-222-TAXI

Time End  
(stamp here)

11 MAR 16 2:35

Driver  
Signature

*Mike Murray*

A Cab 00535

RA0104

Name: Murray, Michael P. 1308 1 3/16/2011

TA# 24453 Cab# Med#

Total Fares 232.00

Not on meter + ☒

VIPOPO - ☒

Charges - 28.60

Coupons - ☒

Turn-in = 203.00

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Declared Tips

Date 15-01

Shift 3/16/2011

Time Start 3:06:15 PM

Radio Calls 35

\$ Per Gallon 3.599

# of Gallons 4.181

Total Gas Cost 22.25

Write corrections in the space provided above.

|       | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu. T. Pass | Odometer |
|-------|----------------|-----------------|----------------|-----------|---------------|----------|
| End   | 499.80         | 212             | 296            | 60        | 194.13        | 78654    |
| Start | 262.80         | 065             | 220            | 48        | 165.53        | 78521    |
| Diff  | 232.00         | 147             | 7077           | 12        | 28.60         | 133      |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From  | Drop Off At  | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|---------------|--------------|--------|---------|----------|-----------|
| 1      | R                      | BEST WESTERN  | 20 + CHARTER | 32.90  | 4:00    | 4:50     | 1         |
| 2      | R                      | PROYO-MCDUGAL | HARRIS       | 47.40  | 5:25    | 6:00     | 2         |
| 3      | R                      | HABIBS        | CHARTER      | 24.50  | 7:40    | 8:10     | 2         |
| 4      |                        | 12            | VAMPS        | 12.90  | 8:45    | 9:15     | 4         |
| 5      | TH 5353                | 12            | MUGG         | 11.50  | 9:20    | 9:30     | 2         |
| 6      |                        | 12            | STRAT        | 8.10   | 10:05   | 10:15    | 4         |
| 7      |                        | 12            | LUXOR        | 13.70  | 10:30   | 10:30    | 2         |
| 8      |                        | 8             | VEN          | 11.30  | 10:45   | 11:00    | 2         |
| 9      |                        | 8             | PALAZZO      | 10.90  | 11:55   | 12:05    | 3         |
| 10     |                        | 12 1/2        | H. ROCK      | 11.30  | 12:50   | 1:00     | 1         |
| 11     |                        | 12 1/2        | BAY          | 12.10  | 1:30    | 1:40     | 1         |
| 12     | TH 5360                | 4 1/2         | CIRCUS       | 15.10  | 2:05    | 2:15     | 2         |
| 13     |                        |               |              |        |         |          |           |
| 14     |                        |               |              |        |         |          |           |
| 15     |                        |               |              |        |         |          |           |
| 16     |                        |               |              |        |         |          |           |
| 17     |                        |               |              |        |         |          |           |
| 18     |                        |               |              |        |         |          |           |
| 19     |                        |               |              |        |         |          |           |
| 20     |                        |               |              |        |         |          |           |

|       |                          |               |         |       |       |
|-------|--------------------------|---------------|---------|-------|-------|
| SNACK | (12hr Shift = 30min X 2) | Initial Here: | TH 5361 | 3:00  | 4:00  |
| MEAL  | (12hr Shift = 1 hour)    | Initial Here: | TH 5361 | 4:30  | 7:30  |
| SNACK |                          | Initial Here: | TH 5361 | 8:55  | 9:20  |
| BREAK |                          | Initial Here: | TH 5361 | 12:03 | 12:50 |
| BREAK |                          | Initial Here: |         |       |       |

Requirements to be included in a break are:

- Outside the control of management.
- Not performing duties associated with taxi driving.

A Cab 00536

RA0105

| Ride # | Ride Type or          | Pick Up From | Drop Off At | Amount | Time In | Time Out | # of Pass |
|--------|-----------------------|--------------|-------------|--------|---------|----------|-----------|
| 21     |                       |              |             |        |         |          |           |
| 22     |                       |              |             |        |         |          |           |
| 23     | ARCO am/pm 82874      |              |             |        |         |          |           |
| 24     | 300 W Lake Mead       |              |             |        |         |          |           |
| 25     | Las Vegas             |              |             |        |         |          |           |
| 26     | NV 89030              |              |             |        |         |          |           |
| 27     | Tel: 7026337300       |              |             |        |         |          |           |
| 28     | Fax: 7026335600       |              |             |        |         |          |           |
| 29     | Site Number 11909107  |              |             |        |         |          |           |
| 30     | Trans# 003104         |              |             |        |         |          |           |
| 31     | 03/17/11 02:25        |              |             |        |         |          |           |
| 32     | PIC# 4                |              |             |        |         |          |           |
| 33     | Pump Gallons Price    |              |             |        |         |          |           |
| 34     | 11 6.181 \$ 3.599     |              |             |        |         |          |           |
| 35     | Product Amount        |              |             |        |         |          |           |
| 36     | UNLEADED REGU\$ 22.25 |              |             |        |         |          |           |
| 37     | Total Sale \$ 22.25   |              |             |        |         |          |           |
| 38     | GASPRO DEBIT          |              |             |        |         |          |           |
| 39     | XXXXXXXXXXXX5967      |              |             |        |         |          |           |
| 40     | Auth #: 125383        |              |             |        |         |          |           |
| 41     | Ref: 83431048         |              |             |        |         |          |           |
| 42     | Resp Code: 000        |              |             |        |         |          |           |

Printed by 2010 MURRAY, MICHAEL  
Time: 03/17/11 03:20:05

A Cab2  
4444 S. Valley View St  
Las Vegas, NV

TAXIPASS VOUCHER(S) AND TOTALS

VALIDATED DROP

Drop # : 00024613  
Trans # : 00190027  
Date-Time: 03/17/11 03:20:04  
POS :  
Remote ID: FK  
Oper # : 00179  
Oper Name: MURRAY, MICHAEL  
Cash : Cash Val  
Rejected : 3

Cash 2

Currency: USD

| Qty          | Value | Subtotal |
|--------------|-------|----------|
| 0003         | 1.00  | 3.00     |
| 0002         | 10.00 | 20.00    |
| 0009         | 20.00 | 180.00   |
| 0014 Tot USD |       | 203.00   |

METER DETAILS

Tot.FARE: \$86494.80  
Tot.EXTRAS: \$ 0.00  
Accu.Trips: 5360  
Tot.DIST.: 67212.49  
PAID DIST.: 27296.13  
1-800-222-TAXI

A-CAB 1308  
E-APR # 2019



ARCO am/pm 82874  
300 W Lake Mead  
Las Vegas  
NV 89030  
Tel : 7026337300  
Site Number 11909107

\*\*\* Car Wash Slip \*\*\* 1314210

1 CAR WASH 1 2.50  
CODE # 97450  
Receipt 1314210  
2 NARANJO  
Thank you for choosing AMPM

A Cab 00537

Driver Signature *Mike Murray*

Time End (stamp here) 11 MAR 17 2:47:48

RA0106

Name **Murray, Michael P.** Cab# **1329** Med# **23** Date **3/17/2011**

TA# **24453**

Total Fares **312.70**

Not on meter + **0**

VIP/CPO **0**

Charges **85.90**

Coupons **0**

Turn-In **= 227.00**

Barcode: [Barcode]

Shift **89-01**

Time Start **3:11:24 PM**

Radio Calls **9**

\$ Per Gallon **3.599**

# of Gallons **6.197**

Total Gas Cost **22.30**

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Declared Tips

| Write corrections in the space provided above. |                 |                |           |               |               |  |
|--|-----------------|----------------|-----------|---------------|---------------|--|
| Total Fare (1)                                 | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass   | Odometer      |  |
| End <b>661.87</b>                              | <b>851</b>      | <b>467</b>     | <b>23</b> |               | <b>211570</b> |  |
| Start <b>349.17</b>                            | <b>691</b>      | <b>382</b>     | <b>06</b> | <b>535.66</b> | <b>211413</b> |  |
| Diff <b>312.70</b>                             | <b>160</b>      | <b>85.90</b>   | <b>17</b> | <b>85.90</b>  | <b>158</b>    |  |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher # | Pick Up From                     | Drop Off At    | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|----------------------------------|----------------|--------|---------|----------|-----------|
| 1      | R                      | 16 ARNOLD                        | NO CO          |        | 3:15    | 3:20     | 1         |
| 2      | R                      | 1309 STAR BLVD                   | CHARTER        | 51.40  | 3:45    | 5:00     | 1         |
| 3      | R                      | 23 MAIN                          | ENCORE/H. ROCK | 32.90  | 5:50    | 6:00     | 4         |
| 4      | R                      | CAR 1334 ARNOLD/FLAM BROKE WIPER |                |        | 6:20    | 6:45     | 30        |
| 5      | R                      | ROCHELLE/FLAM                    | EXEC. LIMOS    | 7.70   | 6:50    | 7:00     | 1         |
| 6      | R                      | FRANKOT MED                      | KALAZZO        | 13.30  | 7:25    | 7:45     | 2         |
| 7      |                        | 12                               | 9              | 10.30  | 7:50    | 8:00     | 1         |
| 8      | R                      | 3AMMIES WOOD PIZZA               | ENCORE         | 14.70  | 8:35    | 9:05     | 2         |
| 9      |                        | 12                               | STONEY'S       | 32.30  | 9:20    | 9:40     | 3         |
| 10     | R                      | 10927 Hawthorne                  | 4 1/2          | 23.30  | 10:10   | 10:30    | 1         |
| 11     |                        | 4 1/2                            | FOXOR          | 8.70   | 10:30   | 10:50    | 2         |
| 12     |                        | 12 1/2                           | W400           | 8.10   | 11:25   | 11:35    | 1         |
| 13     |                        | 12 1/2                           | 05HARS         | 10.30  | 12:00   | 12:05    | 4         |
| 14     |                        | 12 1/2                           | VED            | 8.10   | 12:25   | 12:30    | 3         |
| 15     |                        | 12 1/2                           | CAP CAN        | 7.70   | 12:55   | 1:00     | 2         |
| 16     |                        | 12 1/2                           | FLAM           | 10.10  | 1:10    | 1:20     | 2         |
| 17     |                        | 11 11 11                         | VED            | 7.70   | 1:25    | 1:35     | 2         |
| 18     | JP 21222               | 11 11 11                         | 21 SPA         | 28.10  | 1:50    | 2:10     | 1         |
| 19     | R/C                    | 20                               | BELLACIO       | 37.50  | 2:15    | 2:35     | 1         |
| 20     |                        |                                  |                |        |         |          |           |

|  |                          |               |     |       |       |
|--|--------------------------|---------------|-----|-------|-------|
| SNACK  | (12hr Shift = 30min X 2) | Initial Here: | MPM | 5:00  | 5:50  |
| MEAL   | (12hr Shift = 1 hour)    | Initial Here: | MPM | 10:50 | 11:25 |
| Requirements to be included in a break are:            |                          | Initial Here: |     |       |       |
| 1. Outside the control of management.                  |                          | Initial Here: |     |       |       |
| 2. Not performing duties associated with taxi driving. |                          | Initial Here: |     |       |       |

A Cab 00538

| Ride # | Ride Type or Voucher # | Pick Up From | Drop Off At | Amount | Time In | Time Out | # of Pass |
|--------|------------------------|--------------|-------------|--------|---------|----------|-----------|
| 21     |                        |              |             |        |         |          |           |
| 22     |                        |              |             |        |         |          |           |
| 23     |                        |              |             |        |         |          |           |
| 24     |                        |              |             |        |         |          |           |

A-CAB 1329  
EMP. # 2018



ARCO am/pm 82674  
300 W Lake Mead  
Las Vegas  
NV 89090  
Tel : 7026337300  
Site Number 11909107

| Qty Name             | Price          | Total |
|----------------------|----------------|-------|
| 1 Unleaded Regular   |                | 22.30 |
| Pump: 5 6.197 Gallon | \$3.599/Gallon |       |
| SubTotal             |                | 22.30 |
| Total                |                | 22.30 |

Gaspro Debit 22.30

FINAL SALE Receipt  
GASPRO DEBIT \$22.30  
Acct/Card #: XXXXXXXXXXXXX4157  
Auth #: 316487  
Ref: 87340045  
Resp Code: 000  
Stan: 06521340709  
Trace #: 00000000

SITE ID: 8295313  
CUSTOMER COPY

Receipt 1309675 ORIGINAL  
1 ISRAEL 03/18/2011 02:52  
\*PREPAY RECALLED\*  
Thank you for choosing AMPM

Printed by: 2018 MURRAY, MICHAEL  
Time: 03/18/11 03:53:50

A Cab2  
4444 S. Valley View Bl  
Las Vegas, NV

#### VALIDATED DROP

Drop # : 00024652  
Trans # : 00190335  
Date-Time: 03/18/11 03:53:50  
POS :  
Remote ID: FK  
Oper # : 00179  
Oper Name: MURRAY, MICHAEL  
Cash : Cash Val  
Rejected : 0

Val 2

Currency: USD

| Qty          | Value | Subtotal |
|--------------|-------|----------|
| 0002         | 1.00  | 2.00     |
| 0001         | 5.00  | 5.00     |
| 0011         | 20.00 | 220.00   |
| 0014 Tot USD |       | 227.00   |

TOTAL USD 227.00

Printed by: 2018 MURRAY, MICHAEL  
Time: 03/18/11 03:53:50

END TIME: 02:03  
VOUCH#: 22222

B-TAXIPASS VOUCHER(S) AND TOTALS

CAB#: 1329  
TIME: 3:8  
DATE: 3/18/2011

DATE: 3/17/2011  
VOUCH#: 22267  
Amount: \$ 51.90

DATE: 3/18/2011  
VOUCH#: 22222  
Amount: \$ 34.00

T. Pass TOT. : \$ 85.90

Accu. T. Pass: \$10621.56

METER DETAILS  
Tot. FARE: \$334661.87  
Tot. EXTRAS: \$691.19  
Accu. Trips: 22223  
Tot. DIST.: 70851.43  
PAID DIST.: 110466.62  
1-800-222-TAXI

Time End  
(stamp here)

11 MAR 18 3:11 PM

A Cab 00539

Driver  
Signature

*Mike Murray*

RA0108

Name: Murray, Michael P. Cab#: 1329 Med#: 23 Date: 3/18/2011

TA#: 24453

Total Fares: 197.00

Not on meter + ☒

VIP/CPO ☒

Charges ☒

Coupons ☒

Turn-in = 197.00

Declared Tips

Shift: 89-01

Time Start: 3/18/2011 3:02:20 PM

Radio Calls: 5 W

S Per Gallon: 3.599

# of Gallons: 62.40

Total Gas Cost: 22.135

After meeting with UNITED STATES DEPARTMENT OF LABOR: All drivers who work a 12-hour shift must take two 30-minute snack breaks and a 1-hour meal break. Your snack breaks and meal break must be documented on your trip sheet with a Time In and a Time Out. Space at the bottom of this page has been provided for this information. You must initial next to the "Time In" for all breaks and a meal. Anyone who doesn't adhere to this rule will be disciplined.

Write corrections in the space provided above.

| End    | Total Fare (1) | Total Miles (4) | Paid Miles (5) | Trips (6) | Accu.T.Pass | Odometer |
|--------|----------------|-----------------|----------------|-----------|-------------|----------|
| 069.87 |                | 172             | 577            | 55        | 621.56      | 211885   |
| 873.27 |                | 023             | 527            | 39        | 621.56      | 211739   |
| 197.00 |                | 149             | 50             | 10        | 0           | 144      |

You must include Accumulated Totals (Credit Card Totals), Gas Receipt, Senior Coupons, Credit Card Receipts, & Gift Certificates - ALL MUST BE SIGNED!

| Ride # | Ride Type or Voucher# | Pick Up From         | Drop Off At       | Amount | Time In | Time Out | # of Pass |
|--------|-----------------------|----------------------|-------------------|--------|---------|----------|-----------|
| 1      | R                     | 10657 PRIMOSE ARBOR  | CITY SEC TRANSIT  | 7.90   | 8:30    | 8:35     | 1         |
| 2      | R                     | CENOBENICS           | ENCORE            | 33.30  | 9:50    | 9:20     | 1         |
| 3      | R                     | CAB 1368 REAREDED    | - REPORT          |        | 5:05    | 5:05     | 1         |
| 4      |                       | 3 RAVE POLARIS       | MEET              | 9.30   | 6:00    | 6:10     | 1         |
| 5      |                       | F2                   | PLAM              | 14.70  | 7:00    | 9:05     | 1         |
| 6      |                       | 12                   | H. ROCK CAFE BLVD | 13.70  | 8:30    | 8:40     | 1         |
| 7      | R                     | REBEL CHARIST/SHADOW | MYER              | 5.50   | 8:55    | 9:00     | 1         |
| 8      | R                     | FRANKIES             | RALMS             | 15.50  | 9:05    | 9:20     | 1         |
| 9      |                       | 12 1/2               | HILTOO            | 11.90  | 9:35    | 9:45     | 2         |
| 10     |                       | 12 1/2               | 11 11 11          | 9.30   | 10:25   | 10:35    | 1         |
| 11     |                       | 8                    | RAIRO             | 10.50  | 11:10   | 11:20    | 3         |
| 12     |                       | 12 1/2               | PARIS             | 11.70  | 11:55   | 12:05    | 2         |
| 13     |                       | 8                    | COSMO             | 8.90   | 12:20   | 12:30    | 2         |
| 14     |                       | 4 1/2                | MGM               | 9.50   | 12:35   | 12:45    | 3         |
| 15     |                       | 4 1/2                | 7 1/2             | 11.10  | 1:00    | 1:05     | 2         |
| 16     |                       | 4 1/2                | PALAZZO           | 14.10  | 1:20    | 1:40     | 2         |
| 17     |                       | 12 1/2               | COSMO             | 13.30  | 1:1     | 1:55     | 4         |
| 18     |                       |                      |                   |        |         |          |           |
| 19     |                       |                      |                   |        |         |          |           |
| 20     |                       |                      |                   |        |         |          |           |

|       |  |               |      |      |  |
|-------|--|---------------|------|------|--|
| SNACK | (12hr Shift = 30min X 2)                               | Initial Here: | 4:20 | 5:05 |  |
| MEAL  | (12hr Shift = 1 hour)                                  | Initial Here: | 6:30 | 7:30 |  |
| SNACK | Requirements to be included in a break are:            | Initial Here: |      |      |  |
| BREAK | 1. Outside the control of management.                  | Initial Here: |      |      |  |
| BREAK | 2. Not performing duties associated with taxi driving. | Initial Here: |      |      |  |

A Cab 00540

Resp Code: 000  
 Stan: 06531343352  
 Trace #: 000000000  
 A-CAB 1329  
 EMP.# 2018

# СЕРПЕНТИНА

Mike Murray

RA0110



# EXHIBIT "N"

  
CLERK OF THE COURT

**ACOM**

LEON GREENBERG, ESQ., SBN 8094  
DANA SNIEGOCKI, ESQ., SBN 11715  
Leon Greenberg Professional Corporation  
2965 South Jones Blvd- Suite E4  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto:dana@overtimelaw.com)

Attorneys for Plaintiffs

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and  
A CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**FIRST AMENDED COMPLAINT**

**ARBITRATION EXEMPTION  
CLAIMED BECAUSE THIS IS  
A CLASS ACTION CASE**

MICHAEL MURRAY (previously named as "MICHAEL MURPHY")  
and MICHAEL RENO, Individually and on behalf of others  
similarly situated, by and through their attorney, Leon  
Greenberg Professional Corporation, as and for a Complaint  
against the defendants, state and allege, as follows:

**JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

1. The plaintiffs, MICHAEL MURRAY and MICHAEL RENO,  
(the "individual plaintiffs" or the "named plaintiffs")

1 are residents of the State of Nevada and during all  
2 relevant times were residents of Clark County, Nevada, and  
3 all plaintiffs are current employees of the defendants.

4 2. The defendants A CAB TAXI SERVICE LLC and A CAB,  
5 LLC, (hereinafter referred to as "A CAB" or "defendants")  
6 are limited liability companies or corporations existing  
7 and established pursuant to the laws of the State of  
8 Nevada with their principal place of business in the  
9 County of Clark, State of Nevada and conduct business in  
10 Nevada.

#### 11 **CLASS ACTION ALLEGATIONS**

12 3. The plaintiffs bring this action as a class  
13 action pursuant to Nev. R. Civ. P. §23 on behalf of  
14 themselves and a class of all similarly situated persons  
15 employed by the defendants in the State of Nevada.

16 4. The class of similarly situated persons consists  
17 of all persons employed by defendant in the State of  
18 Nevada during the applicable statute of limitations  
19 periods prior to the filing of this Complaint continuing  
20 until date of judgment, such persons being employed as  
21 Taxi Cab Drivers (hereinafter referred to as "cab drivers"  
22 or "drivers") such employment involving the driving of  
23 taxi cabs for the defendants in the State of Nevada.

24 5. The common circumstance of the cab drivers giving  
25 rise to this suit is that while they were employed by  
26 defendants they were not paid the minimum wage required by  
27 Nevada's Constitution, Article 15, Section 16 for many or  
28 most of the days that they worked in that their hourly

1 compensation, when calculated pursuant to the requirements  
2 of said Nevada Constitutional Provision, did not equal at  
3 least the minimum hourly wage provided for therein.

4 6. The named plaintiffs are informed and believe,  
5 and based thereon allege that there are at least 200  
6 putative class action members. The actual number of class  
7 members is readily ascertainable by a review of the  
8 defendants' records through appropriate discovery.

9 7. There is a well-defined community of interest in  
10 the questions of law and fact affecting the class as a  
11 whole.

12 8. Proof of a common or single set of facts will  
13 establish the right of each member of the class to  
14 recover. These common questions of law and fact  
15 predominate over questions that affect only individual  
16 class members. The individual plaintiffs' claims are  
17 typical of those of the class.

18 9. A class action is superior to other available  
19 methods for the fair and efficient adjudication of the  
20 controversy. Due to the typicality of the class members'  
21 claims, the interests of judicial economy will be best  
22 served by adjudication of this lawsuit as a class action.  
23 This type of case is uniquely well-suited for class  
24 treatment since the employers' practices were uniform and  
25 the burden is on the employer to establish that its method  
26 for compensating the class members complies with the  
27 requirements of Nevada law.

28 10. The individual plaintiffs will fairly and

1 adequately represent the interests of the class and have  
2 no interests that conflict with or are antagonistic to the  
3 interests of the class and have retained to represent them  
4 competent counsel experienced in the prosecution of class  
5 action cases and will thus be able to appropriately  
6 prosecute this case on behalf of the class.

7 11. The individual plaintiffs and their counsel are  
8 aware of their fiduciary responsibilities to the members  
9 of the proposed class and are determined to diligently  
10 discharge those duties by vigorously seeking the maximum  
11 possible recovery for all members of the proposed class.

12 12. There is no plain, speedy, or adequate remedy  
13 other than by maintenance of this class action. The  
14 prosecution of individual remedies by members of the class  
15 will tend to establish inconsistent standards of conduct  
16 for the defendants and result in the impairment of class  
17 members' rights and the disposition of their interests  
18 through actions to which they were not parties. In  
19 addition, the class members' individual claims are small  
20 in amount and they have no substantial ability to  
21 vindicate their rights, and secure the assistance of  
22 competent counsel to do so, except by the prosecution of a  
23 class action case.

24 **AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED**  
25 **PLAINTIFFS AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO**  
**NEVADA'S CONSTITUTION**

26 13. The named plaintiffs repeat all of the  
27 allegations previously made and bring this First Claim for  
28 Relief pursuant to Article 15, Section 16, of the Nevada

1 Constitution.

2 14. Pursuant to Article 15, Section 16, of the Nevada  
3 Constitution the named plaintiffs and the class members  
4 were entitled to an hourly minimum wage for every hour  
5 that they worked and the named plaintiffs and the class  
6 members were often not paid such required minimum wages.

7 15. The named plaintiffs seek all relief available to  
8 them and the alleged class under Nevada's Constitution,  
9 Article 15, Section 16 including appropriate injunctive  
10 and equitable relief to make the defendants cease their  
11 violations of Nevada's Constitution and a suitable award  
12 of punitive damages.

13 16. The named plaintiffs on behalf of themselves and  
14 the proposed plaintiff class members, seek, on this First  
15 Claim for Relief, a judgment against the defendants for  
16 minimum wages, such sums to be determined based upon an  
17 accounting of the hours worked by, and wages actually paid  
18 to, the plaintiffs and the class members, a suitable  
19 injunction and other equitable relief barring the  
20 defendants from continuing to violate Nevada's  
21 Constitution, a suitable award of punitive damages, and an  
22 award of attorney's fees, interest and costs, as provided  
23 for by Nevada's Constitution and other applicable laws.

24 **AS AND FOR A SECOND CLAIM FOR RELIEF PURSUANT TO NEVADA**  
25 **REVISED STATUTES § 608.040 ON BEHALF OF THE NAMED**  
26 **PLAINTIFFS**  
**AND THE PUTATIVE CLASS**

27 17. Plaintiffs repeat and reiterate each and every  
28 allegation previously made herein.

1        18.    The named plaintiffs bring this Second Claim for  
2 Relief against the defendants pursuant to Nevada Revised  
3 Statutes § 608.040 on behalf of themselves and those  
4 members of the alleged class of all similarly situated  
5 employees of the defendants who have terminated their  
6 employment with the defendants.

7        19.    The named plaintiffs have been separated from  
8 their employment with the defendants and at the time of  
9 such separation were owed unpaid wages by the defendants.

10       20.    The defendants have failed and refused to pay the  
11 named plaintiffs and numerous members of the putative  
12 plaintiff class who are the defendants' former employees  
13 their earned but unpaid wages, such conduct by such  
14 defendants constituting a violation of Nevada Revised  
15 Statutes § 608.020, or § 608.030 and giving such named  
16 plaintiffs and similarly situated members of the putative  
17 class of plaintiffs a claim against the defendants for a  
18 continuation after the termination of their employment  
19 with the defendants of the normal daily wages defendants  
20 would pay them, until such earned but unpaid wages are  
21 actually paid or for 30 days, whichever is less, pursuant  
22 to Nevada Revised Statutes § 608.040.

23       21.    As a result of the foregoing, the named  
24 plaintiffs seek on behalf of themselves and the similarly  
25 situated putative plaintiff class members a judgment  
26 against the defendants for the wages owed to them and such  
27 class members as prescribed by Nevada Revised Statutes §  
28 608.040, to wit, for a sum equal to up to thirty days

1 wages, along with interest, costs and attorneys' fees.

2 WHEREFORE, plaintiffs demand the relief on each cause  
3 of action as alleged aforesaid.

4 Plaintiffs demand a trial by jury on all issues so  
5 triable.

6 Dated this 30<sup>th</sup> day of January, 2013.

7

8 Leon Greenberg Professional Corporation

9

10

By: /s/ Leon Greenberg

11

LEON GREENBERG, Esq.

12

Nevada Bar No.: 8094

13

2965 South Jones Blvd- Suite E4

Las Vegas, Nevada 89146

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(702) 383-6085

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Attorney for Plaintiff

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# EXHIBIT "O"

1 LEON GREENBERG, ESQ., SBN 8094  
2 DANA SNIEGOCKI, ESQ., SBN 11715  
3 Leon Greenberg Professional Corporation  
4 2965 South Jones Blvd- Suite E3  
5 Las Vegas, Nevada 89146  
6 (702) 383-6085  
7 (702) 385-1827(fax)  
8 leongreenberg@overtimelaw.com  
9 dana@overtimelaw.com  
10 Attorneys for Plaintiffs

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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,

Defendants.

Case No.: A-12-669926-C

Dept.: I

DECLARATION OF MICHAEL  
BRAUCHLE

Michael Brauchle hereby affirms and declares under penalty of perjury the  
following:

1. I am a former taxi driver employee of the defendants A Cab in this case. I  
was employed by A Cab for approximately 12 years until September 2013. I  
understand that this lawsuit is seeking unpaid minimum wages from the defendants  
that are owed to its current and former taxi driver employees. I offer this declaration  
in support of the plaintiffs' attorneys' request to have this court certify this case as a  
class action.

2. While I was employed by defendants I was assigned to drive a taxi for a  
12 hour shift each day that I worked. On some days, I was allowed to drive for fewer  
than 12 hours, but I was always expected to drive my taxi, meaning be available to  
take passengers, for at least 10 hours during a shift (unless my cab was broken down).

1           3.     It was an understood policy at A Cab since at least 2010 that all drivers  
2 must write down at least two hours in breaks per shift, whether or not those breaks  
3 were actually taken by the drivers. This was made known to me and the other drivers  
4 ever since the United States Department of Labor ("U.S. DOL") audited A Cab's  
5 operations to see if A Cab was in violation of federal minimum wage laws. This  
6 policy was told to me and all other drivers verbally by A Cab managers, including but  
7 not limited to, Ed Berowski and Mike Malloy. I specifically remember having a  
8 conversation with defendants' manager, Mike Malloy, in which he told me that the  
9 U.S. DOL was requiring A Cab to make sure all of their taxicab drivers' time was  
10 recorded and documented. He told me that because the U.S. DOL was mandating that  
11 A Cab record all hours every driver worked drivers must now include break time on  
12 their trip sheets. The way he explained it to me, he made clear that A-Cab wanted that  
13 break time listed on the trip sheets whether or not the driver actually took those breaks.

14           4.     Because taxicab drivers were paid on a commission, and not on an hourly  
15 basis at A Cab, the other drivers and I rarely, if ever took anything other than a brief  
16 10 minute break to go to the bathroom or purchase a fast food meal or beverage. This  
17 is because drivers are only paid based upon the fares they collect, so the more time  
18 drivers spend taking breaks, the less money they are able to make. Additionally, A  
19 Cab had a strict policy against "low booking," and drivers found to have "low books"  
20 were subject to termination. To avoid having "low books" (meaning a low number of  
21 fares collected at the end of the shift), drivers had to take very minimal breaks during  
22 their shifts so that they could book enough fares to keep their jobs.

23           5.     It was told to me by Ed Berowski, one of A Cab's managers, that in order  
24 to avoid the appearance of having a "low book" I should add additional, falsified,  
25 break time on to my trip sheet so that it appeared as though I was "off duty" during  
26 periods of time when I was actually waiting for my next fare. Mr. Berowski would  
27 review my and other cab drivers' trip sheets after our shift was completed and we were  
28 back at defendants' office and direct that we add additional break time on to our trip

1 sheets. This would be for periods of time we were *not* on break but were with our  
2 taxis waiting to get a fare. For example, if my trip sheet showed I started a fare at  
3 12:00 p.m. and dropped that fare off at 12:15 p.m. and then my next fare was not  
4 picked up until 1:15 p.m., Mr. Berowski would direct me to write in that I was on a  
5 break from 12:15 p.m. until 1:15 p.m., *after the fact*, even though I had taken no such  
6 break. I have witnessed Mr. Berowski and other managers at A Cab direct me and  
7 other drivers to do this many times during the course of my employment.

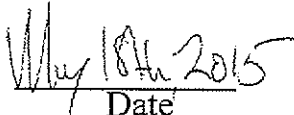
8 6. Because I wanted to keep my job at A-Cab, I followed A-Cab's  
9 supervisors' instructions and would list additional break time, for breaks that I did not  
10 actually take, on my trip sheets.

11 7. I understand that the plaintiffs' attorneys want to have this Court certify  
12 this case as a class action for the unpaid minimum wages A-Cab owes to its taxi  
13 drivers under Nevada law and to order A-Cab to stop forcing its taxi drivers to falsely  
14 record their hours of work or get fired. I, personally, am owed unpaid minimum wages  
15 by A-Cab because they forced me to falsely report my true hours of work.

16 8. If the Court desires, I am willing to give testimony to support this case  
17 and confirm the foregoing information. I am also willing to be appointed as a class  
18 representative and assume the responsibility of prosecuting this case on behalf of all of  
19 the A-Cab taxi drivers and not just myself. I understand that if I am appointed as a  
20 class representative I will not be able to settle any personal claim I have against A-Cab  
21 without approval by the Court and would have to act in the interests of all of the A-  
22 Cab taxi drivers and not just my individual interest. I am willing to assume that  
23 responsibility.

24 I have read the foregoing and affirm under penalty of perjury that the same is  
25 true and correct.

26  
27   
Michael Bräuchle

  
Date

**CERTIFICATE OF SERVICE**

I certify that on March 18, 2024, I served a copy of the foregoing  
RESPONDENTS' APPENDIX upon all counsel of record by the  
Court's ECF system which served all parties electronically.

Affirmed this 18th Day of March, 2024

/s/ Leon Greenberg

Leon Greenberg, Esq. (Bar # 8094)

Leon Greenberg A Professional Corporation

1811 S. Rainbow Blvd., Suite 210

Las Vegas, Nevada 89146

(702) 383-6085