

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN CAB COMPANY,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, in and for the COUNTY
OF CLARK; and THE HONORABLE
LINDA MARIE BELL, District Judge,

Respondents,

and

LAKSIRI PERERA, Individually and
on behalf of others similarly situated,

Real Party in Interest.

Case No.: 68796

District Court Case No. A-14-707425-C

Electronically Filed
Sep 11 2015 02:46 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

PETITIONER WESTERN CAB COMPANY'S
MOTION TO CONSOLIDATE

Malani L. Kotchka
Nevada Bar No. 283
HEJMANOWSKI & McCREA LLC
520 South Fourth Street, Suite 320
Las Vegas, NV 89101
Telephone: (702) 834-8777
Facsimile: (702) 834-5262
Email: mlk@hmlawlv.com

Attorneys for Petitioner
Western Cab Company

Petitioner Western Cab Company moves the Court to consolidate Docket No. 68796 (Western Cab Company v. Eighth Judicial District Court (Laksiri Perera, real party in interest)) with Docket Nos. 66629 (Williams v. Eighth Judicial District Court (Claim Jumper Acquisition Company, LLC, real party in interest)) and 67631 (MDC Restaurants, LLC v. Eighth Judicial District Court (Paulette Diaz, real party in interest)).

This Motion is made on the grounds that each of these cases presents petitions for writs for mandamus seeking the Court's clarification as to what statute of limitations applies to claims for back minimum wage under the Minimum Wage Amendment, Nevada Constitution, Art. XV, Sec. 16.

The legal issue in these three petitions is identical and interrelated and the parties' and Court's resources will be conserved by consolidation, with duplication of efforts and energies reduced. *See Scarbo v. Eighth Judicial District Court*, 125 Nev. 118, 121, 206 P.3d 975, 977 (2009) (granting mandamus relief on consolidated petitions in the interest of "judicial economy and sound judicial administration" to clarify a criminal defendant's right in a competency proceeding to a full and complete copy of his or her competency examination report); *Oxbow Construction, LLC v. Eighth Judicial District Court*, 130 Nev. Adv. Op. 86, 335 P.3d 1234, 1238 (2014) (exercising discretion to consider consolidated petitions to resolve statutory remedies for construction defects applicable to new residences where definition of "new residences" lacked clarity); *Williams v. Eighth Judicial District Court*, 127

Nev. Adv. Op. 45, 262 P.3d 360 (2011) (consolidating writ petitions in product liability cases to resolve novel issues regarding admissibility of expert testimony); *Levinson v. Second Judicial District Court*, 103 Nev. 404, 742 P.3d 1042 (1987) (consolidating petitions for writ relief to clarify issues concerning enforcement of service of process on non-residents); *Sims v. Eighth Judicial District Court*, 125 Nev. 126, 132, 206 P.3d 980, 984 (2009) (considering consolidated writ petitions resolving necessity of independent competency evaluations in criminal proceedings).

The petitions present for clarification important and frequently reoccurring issues of law which have been resolved inconsistently among the State's District Courts and federal courts. Resolution of the statute of limitations applicable to back minimum wage claims is best presented by consolidating the writ petitions in Cases Nos. 66629 and 67631 with this case.

HEJMANOWSKI & McCREA, LLC



MALANI L. KOTCHKA

Nevada Bar No. 283

520 South Fourth Street, Suite 320

Las Vegas, Nevada, 89101

Telephone: (702) 834-8777

Facsimile: (702) 834-5262

Email: mlk@hmlawlv.com

Attorneys for Petitioner

Western Cab Company

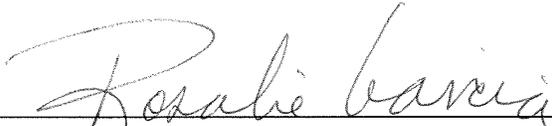
CERTIFICATE OF SERVICE

The undersigned does hereby certify that pursuant to NRAP 25(c) a true and correct copy of the foregoing **PETITIONER WESTERN CAB COMPANY'S MOTION TO CONSOLIDATE** was filed electronically with the Nevada Supreme Court Electronic Filing System, and a copy was served electronically on this 11th day of September, 2015, to the following:

Leon Greenberg, Esq.
GREENBERG, P.C.
2965 S. Jones Blvd., Suite E4
Las Vegas, NV 89146
Telephone: (702) 383-6085
Facsimile: (702) 385-1827
Email: leongreenberg@overtimelaw.com

And a true and correct copy of the foregoing **PETITIONER WESTERN CAB COMPANY'S MOTION TO CONSOLIDATE** was served via first class, postage-paid U.S. Mail on this 11th day of September, 2015, to the following:

The Honorable Linda Marie Bell
District Court Judge
Eighth Judicial District Court of Nevada
200 Lewis Avenue, #3B
Las Vegas, NV 89101



An Employee of Hejmanowski & McCrea LLC