

SUPREME COURT OF NEVADA

Murray v. A Cab Taxi Service LLC

No. 82539 (Nev. Feb. 17, 2022) · No. 82539 · Decided February 17, 2022

SUMMARY

The Supreme Court of Nevada reversed and remanded a district court order denying taxi drivers' renewed motion to appoint a post-judgment receiver in a minimum-wage class action. The court held that the request for a receiver remained pending because earlier proceedings had not resulted in a final denial, and therefore the district court abused its discretion by declining to consider the motion on its merits. The court declined to address the factual merits of the receivership request in the first instance.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Parraguirre; Justice Hardesty; Senior Justice Mark Gibbons
JURISDICTION	Nevada
DECIDED	February 17, 2022
DOCKET	82539
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a district court post-judgment order denying a motion to appoint a receiver in a class action.
STANDARD OF REVIEW	The appointment of a receiver is reviewed for abuse of discretion. The district court's factual findings are upheld unless clearly erroneous or unsupported by substantial evidence.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion
PARTIES	Michael Murray, Michael Reno, individually and on behalf of others similarly situated v. A Cab Taxi Service LLC, A Cab, LLC, Creighton J. Nady

TOPICS

[appellate jurisdiction](#) [motion for reconsideration](#) [civil procedure](#) [appellate procedure](#) [remedies](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [judgment enforcement](#) [receivership](#)

QUESTIONS PRESENTED

1. Whether the Nevada Supreme Court had appellate jurisdiction over an order that construed the appellants' motion as one for reconsideration but also expressly denied appointment of a receiver.
2. Whether the district court abused its discretion by treating the appellants' renewed receiver request as previously decided and refusing to consider it on the merits.
3. Whether the district court's prior orders had finally denied the request to appoint a receiver.

HOLDINGS

1. The Supreme Court of Nevada had jurisdiction under NRAP 3A(b)(4) because the district court's order expressly denied the request to appoint a receiver, even though the district court also construed the motion as one for reconsideration.
2. The district court abused its discretion by finding that the receiver request had already been brought and denied several times and by declining to consider the renewed motion on its merits.

KEY QUOTATIONS

“Thus appellants' request remained pending at the time they brought the motion underlying this appeal.” (at 3)

“Because appellants' request for a receiver was still pending, we conclude that the district court abused its discretion when it declined to consider the merits of appellants' motion.” (at 3)

FACTUAL BACKGROUND

The appellants were taxi drivers who secured a judgment against their former employer for failure to pay minimum wage. After encountering difficulties satisfying the judgment, they sought appointment of a post-judgment receiver. The district court denied the first request without prejudice and sought guidance from a special master, but the special master died before completing a later report. The appellants renewed the request, and the district court denied it without reaching the merits.

PROCEDURAL HISTORY

The appellants, taxi drivers who had obtained a minimum-wage judgment against A Cab, sought appointment of a post-judgment receiver to aid collection. The district court initially denied the request without prejudice and referred the issue to a special master; after a second special-master assignment was not completed, appellants renewed their request. The district court treated the renewed motion as an improper and untimely motion for reconsideration and denied it. The Nevada Supreme Court reversed and remanded for consideration of the receiver request on its merits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must consider the appellants' request to appoint a receiver on the merits.

CASES CITED

- A Cab, LLC v. Murray, 137 Nev., Adv. Op. 84, P.3d (2021)
- Bowler v. Leonard, 70 Nev. 370, 383, 269 P.2d 833, 839 (1954)
- Weddell v. H2O, Inc., 128 Nev. 94, 101, 271 P.3d 743, 748 (2012)
- Murray v. A Cab Taxi Service LLC, No. 81641, 2020 WL 6585946, at *2 (Nev. Nov. 9, 2020) (Order Dismissing Appeal)
- Sicor, Inc. v. Sacks, 127 Nev. 896, 903, 266 P.3d 618, 623 (2011)
- Stoecklein v. Johnson Elec., Inc., 109 Nev. 268, 271, 849 P.2d 305, 308 (1993)
- Ryan's Express Transp. Servs., Inc. v. Amador Stage Lines, Inc., 128 Nev. 289, 299, 279 P.3d 166, 172 (2012)