

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Taber v. Exemplar Holdings, LLC

Taber · No. 2:23-cv-00670-APG-BNW · Decided December 2, 2025

SUMMARY

This order certifies questions to the Supreme Court of Nevada concerning where a cause of action against a limited liability company arises under Nevada's borrowing statute, NRS § 11.020. The questions focus on whether an LLC resides in its state of formation or its principal place of business for statute-of-limitations purposes. The order arose from a breach-of-contract action involving unpaid compensation and designates the plaintiff as appellant and the defendant as respondent.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Andrew P. Gordon
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 2, 2025
DOCKET	2:23-cv-00670-APG-BNW
DISPOSITION	other
PROCEDURAL POSTURE	Federal diversity action for breach of contract in which the defendant and plaintiff filed competing summary-judgment motions concerning application of Nevada's borrowing statute. The district court certified questions concerning the residence of a limited liability company under that statute to the Supreme Court of Nevada.
STANDARD OF REVIEW	Summary judgment is considered under the applicable no-genuine-dispute-of-material-fact standard, but the order does not decide the merits of the limitations issue. Certification is appropriate where a determinative question of state law lacks clearly controlling precedent.
PRECEDENTIAL VALUE	Unpublished district-court order certifying questions; no reporter citation or precedential designation appears in the source.
PARTIES	Daniel P. Taber v. Exemplar Holdings, LLC

TOPICS

- statute of limitations
- statutory interpretation
- civil procedure
- appellate procedure

PRACTICE AREAS

civil procedure

appellate procedure

contracts

commercial litigation

QUESTIONS PRESENTED

1. Where does a cause of action on an obligation against a limited liability company arise under Nevada's borrowing statute, NRS § 11.020?
2. For purposes of Nevada's borrowing statute, does a limited liability company reside in its state of formation or its principal place of business?
3. Whether the unresolved LLC-residence question should be certified to the Supreme Court of Nevada.

HOLDINGS

1. The court certified to the Supreme Court of Nevada the questions of where a cause of action on an obligation against an LLC arises under NRS § 11.020 and whether an LLC resides in its place of formation or principal place of business.

KEY QUOTATIONS

“Under the Nevada borrowing statute, Nevada Revised Statutes (NRS) § 11.020, where does a cause of action on an obligation against a limited liability company (LLC) arise?” (at 1)

“More specifically, does an LLC reside in its place of incorporation or principal place of business under the Nevada borrowing statute?” (at 1)

“I could not find, nor did the parties cite to, any Nevada law that determined where an LLC resides for purposes of the Nevada borrowing statute.” (at 8)

FACTUAL BACKGROUND

Daniel P. Taber, a California citizen, was hired by Exemplar Holdings, a Nevada LLC whose principal place of business was found to be in Kansas, to produce generic pedicle screws. The parties orally modified Taber's monthly compensation, and Taber alleged that Exemplar failed to pay nearly \$250,000 for work performed from 2013 through April 2017. Taber filed the action in April 2023, nearly six years after the alleged end of his employment.

PROCEDURAL HISTORY

Taber filed suit on April 28, 2023, alleging that Exemplar Holdings failed to pay him compensation for work on a medical-device project. Exemplar moved for summary judgment on statute-of-limitations grounds, including application of Kansas or California limitations periods under Nevada's borrowing statute; Taber moved for partial summary judgment seeking application of Nevada's six-year limitations period. The court denied summary judgment on the written-agreement issue, denied both parties' motions without prejudice on the borrowing-statute issue, declined to decide the installment-contract issue as potentially advisory, and certified questions to the Supreme Court of Nevada.

DISPOSITION

other

CASES CITED

- Flowers v. Carville, 310 F.3d 1118 (9th Cir. 2002)
- Lewis v. Hyams, 63 P. 126 (Nev. 1900)
- Wing v. Wiltsee, 223 P. 334 (Nev. 1924)
- Alberding v. Brunzell, 601 F.2d 474 (9th Cir. 1979)
- Daimler AG v. Bauman, 571 U.S. 117 (2014)
- Impossible Foods Inc. v. Impossible X LLC, 80 F.4th 1079 (9th Cir. 2023)
- Flournoy v. McKinnon Ford Sales, 520 P.2d 600 (Nev. 1974)
- Liberty Mutual v. Thomasson, 317 P.3d 831 (Nev. 2014)

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