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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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7 ROBERT GREENE,

2:09-CV-748 JCM (RJJ)

8 Plaintiff,

9 v.

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11 ALAN WAXLER GROUP CHARTER
12 SERVICES, LLC dba AWG CHARTER
13 SERVICES, et al.,

14 Defendants.

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ORDER

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Presently before the court are defendants AWG Corporate Events, LLC, Alan Waxler Group, Inc., Alan Waxler Group Charter Services, LLC, and Alan Waxler's (hereinafter collectively referred to as "AWG") motion for judgment on the pleadings. (Doc #31). Plaintiffs filed an opposition to defendants' motion (doc. #37), and defendants AWG filed a reply. (Doc. # 38).

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In this consolidated case filed by limousine, shuttle bus, and motor coach drivers, plaintiffs' complaint stems from allegations that they were not paid minimum wages and overtime wages under federal and state law, by their employer AWG and affiliated entities.

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Defendants AWG now request that this court grant judgment on the pleadings based on their assertion that the plaintiffs, as limousine drivers, are exempt from the overtime and minimum wages requirements, pursuant to Nev. Rev. Stat. 609.018(c). Therefore, defendants assert that plaintiffs do not have a cause of action, and request that this court grant the motion for judgment on the pleadings under Fed. R. Civ. P. 12(c).

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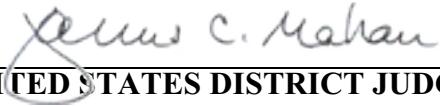
1 In support of their motion, defendants request that this court take judicial notice of an order
2 issued in a separate case, *Luca v. Bell Trans, et al*, 2:08-CV-01792-RCJ-RJJ. Under Federal Rule
3 of Evidence 201(b), this court may take judicial notice of either (1) a fact generally known within
4 the territorial jurisdiction of the trial court, or (2) capable of accurate and ready determination by
5 resort to sources whose accuracy cannot reasonably be questioned.

6 This court declines to take judicial notice of an order in an unpublished and separate United
7 States district court case. Additionally, this court finds that there are disputed facts regarding the
8 categorization of drivers and whether they fall under the statutory exemption.

9 According,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants AWG's motion
11 for judgment on the pleadings (doc. #31) be, and the same hereby is, DENIED.

12 DATED August 18, 2010.

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16 **UNITED STATES DISTRICT JUDGE**
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