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7 **UNITED STATES DISTRICT COURT**
 8 **CLARK COUNTY, NEVADA**

10 ROBERT GREENE, on behalf of himself and)
 all others similarly situated,)
 11 Plaintiffs,)
 12 v.)
 13 ALAN WAXLER GROUP CHARTER)
 14 SERVICES, LLC dba AWG CHARTER)
 15 SERVICES, a Nevada Limited Liability)
 Company, Does 1-50, inclusive,)
 16 Defendants)

) Greene v. Alan Waxler Charter Services
) Case No.: 2:09-CV-00748-JCM-RJJ
) Consolidated with:
) Baum, et. al. v. Alan Waxler, et. al.
) Case No.: 2:09-CV-0914-LDG-PAL

**ORDER DENYING
 MOTIONS FOR SUMMARY
 JUDGEMENT and MOTION TO
 CERTIFY CLASS WITHOUT
 PREJUDICE**

17 SAM BAUM, et al.,)
 18 Plaintiffs,)
 19 v.)
 20 ALAN WAXLER, et al.,)
 21 Defendants.)

24 Before the Court is Plaintiffs' Joint Motion for Class Certification (Doc. #73),
 25 Defendant AWG's Motion for Summary Adjudication (Doc. #70), and Plaintiffs' Cross-
 26 Motion for Summary Adjudication (Doc.#82), with Plaintiffs represented by Jason Kuller,
 27 Esq. and Kyle Smith, Esq., and Norman Kirshman appearing on behalf of Defendant
 28

1 AWG. The Court having considered the pleadings, evidence, and arguments of counsel
2 presented at hearing on these matters on November 30, 2011, and good cause appearing,

3 THE COURT HEREBY ORDERS THAT:

- 4 1. Plaintiffs' Joint Motion to Certify Class (Doc. #73) is DENIED without
5 prejudice. The Court finds that Plaintiffs have failed to demonstrate numerosity
6 of class members at this stage.
- 7
- 8 2. Defendant AWG's Motion for Summary Judgment (Doc. #70) is DENIED
9 without prejudice. The Court finds that Defendant has not demonstrated
10 entitlement to the Motor Carrier Act exemption in light of the Safe,
11 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
12 ("SAFETY-LU") and the SAFETY-LU Technical Corrections Act of 2008.
13 The Court further finds that Plaintiffs' state-law causes of action under NRS §§
14 608.016, 608.040, and the Nevada State Constitution art. 15, § 16(B), are viable
15 as a matter of law. Otherwise, the Court finds fact issues remain precluding
16 summary adjudication.
- 17
- 18 3. Plaintiffs' Cross-Motion for Summary Adjudication (Doc. #82) is DENIED
19 without prejudice. Although the Court finds that Plaintiffs' state-law claims are
20 legally viable, Plaintiffs have not demonstrated their entitlement to summary
21 adjudication on these claims.
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24 DATED this 20 day of December, 2011.

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27 U.S. DISTRICT COURT JUDGE
28 JAMES C. MAHAN

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Respectfully submitted & reviewed by:

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