

Snell & Wilmer

LLP
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702)784-5200

1 D. NEAL TOMLINSON, ESQ.
Nevada Bar No. 6851
2 WAYNE GROSS, ESQ. (*admitted pro hac vice*)
California Bar No. 138828
3 MICHAEL D. STEIN, ESQ.
Nevada Bar No. 4760
4 BRIAN R. REEVE, ESQ.
Nevada Bar No. 10197
5 SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
6 Las Vegas, Nevada 89169
Telephone (702) 784-5200
7 Facsimile (702) 784-5252

8 WILL KEMP, ESQ.
Nevada Bar No. 1205
9 KEMP, JONES & COULTHARD LLP
3800 Howard Hughes Parkway, 17th floor
10 Las Vegas, Nevada 89169
Telephone (702) 385-6000
11 Facsimile (702) 385-6001

12 *Attorneys for Defendant Frias Management, LLC*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 THEODORE TRAPP, on his own behalf and
16 on behalf of all others similarly situated.

17 Plaintiff,

18 vs.

19 BIG POPPA'S, LLC, a Nevada limited
liability company d/b/a BADDA BING
20 MEN'S CLUB; SKY TOP VENDING,
INC., a Nevada corporation d/b/a CAN
21 CAN ROOM; LA FUENTE, INC., a
Nevada corporation d/b/a CHEETAH'S;
22 C.P. FOOD AND BEVERAGE, INC., a
Nevada corporation d/b/a CLUB
23 PARADISE; DÉJÀ VU SHOWGIRLS OF
LAS VEGAS, LLC, a Nevada limited
24 liability company d/b/a DÉJÀ VU
SHOWGIRLS; PALOMINO CLUB, INC.,
25 a Nevada corporation d/b/a PALOMINO
CLUB; SHAC, LLC, a Nevada corporation
26 d/b/a SAPPHIRE; K-KEL, INC., a Nevada
corporation d/b/a SPEARMINT RHINO;
27 D.2801 WESTWOOD, INC., a Nevada
corporation d/b/a TREASURES; LITTLE
28 DARLINGS OF LAS VEGAS, LLC, a

CASE NO. 2:09-CV-00995-LDG-PAL

**DEFENDANT FRIAS MANAGEMENT,
LLC'S JOINDER TO WESTERN CAB
COMPANY, LUCKY CAB COMPANY
OF NEVADA, ON DEMAND SEDAN
SERVICES, LLC, BLS LIMOUSINE
SERVICES OF LAS VEGAS, INC.,
DESERT CAB, INC. AND SUN CAB,
INC.'S OPPOSITION TO PLAINTIFF'S
MOTION FOR AN ENLARGEMENT OF
TIME TO RESPOND TO THE MOTION
OF DEFENDANTS DEJA VU
SHOWGIRLS OF LAS VEGAS, LLC,
LITTLE DARLINGS OF LAS VEGAS,
LLC AND LAS VEGAS
ENTERTAINMENT, LLC FOR
DISMISSAL OF THE COMPLAINT
AND FOR LEAVE TO FILE A
CONSOLIDATED RESPONSE IN
OPPOSITION TO ANY CURRENT AND
FUTURE MOTIONS TO DISMISS THE
COMPLAINT**

1 Nevada limited liability company d/b/a
2 LITTLE DARLINGS; O.G. ELIADES,
3 A.D., LLC, a Nevada limited liability
4 company d/b/a OLYMPIC GARDENS ;
5 LAS VEGAS ENTERTAINMENT, LLC, a
6 Nevada limited liability company d/b/a
7 LARRY FLYNT’S HUSTLER CLUB;
8 MICHAEL A. SALTMAN d/b/a MINXX;
9 RICK’S LAS VEGAS; FRIAS
10 MANAGEMENT, LLC, a Nevada limited
11 liability company d/b/a ACE CAB
12 COMPANY and A-NORTH LAS VEGAS
13 CAB; WESTERN CAB COMPANY, a
14 Nevada corporation d/b/a WESTERN CAB
15 COMPANY and WESTERN LIMOUSINE;
16 NEVADA CHECKER CAB
17 CORPORATION, a Nevada corporation
18 d/b/a NEVADA CHECKER CAB
19 COMPANY; NEVADA STAR CAB
20 CORPORATION, a Nevada corporation
21 d/b/a STAR CAB COMPANY; NEVADA
22 YELLOW CAB CORPORATION, a
23 Nevada corporation d/b/a YELLOW CAB
24 COMPANY; LUCKY CAB COMPANY
25 OF NEVADA, a Nevada corporation d/b/a
26 LUCKY TRANS; SUN CAB, INC., a
27 Nevada corporation d/b/a NELLIS CAB
28 COMPANY; CLS NEVADA, LLC, a
Nevada limited liability company d/b/a
CLS TRANSPORTATION LAS VEGAS;
ON DEMAND SEDAN SERVICES, LLC,
a Nevada limited liability company d/b/a
ODS LIMOUSINES and ODS
CHAUFFEURED TRANSPORTATION;
BLS LIMOUSINE SERVICE OF LAS
VEGAS INC.; DESERT CAB, INC., a
Nevada corporation d/b/a DESERT CAB
COMPANY and ODYSSEY LIMOUSINE;
BELL TRANS A NEVADA
CORPORATION, a Nevada corporation
d/b/a BELL TRANS; TONY CHONG, an
individual; and DOE EMPLOYEES 1-
1000;

Defendants.

Defendant FRIAS MANAGEMENT, LLC (“Frias”), by and through its counsel, SNELL & WILMER LLP and KEMP, JONES & COULTHARD LLP, hereby joins in Western Cab Company, Lucky Cab Company Of Nevada, On Demand Sedan Services, LLC, BLS Limousine Services Of Las Vegas, Inc., Desert Cab, Inc. And Sun Cab, Inc.’s (collectively “Western”)

1 Opposition to Plaintiff’s Motion For An Enlargement Of Time To Respond To The Motion Of
2 Defendants Deja Vu Showgirls Of Las Vegas, LLC, Little Darlings Of Las Vegas, LLC And Las
3 Vegas Entertainment, LLC For Dismissal Of The Complaint And For Leave To File A
4 Consolidated Response In Opposition To Any Current And Future Motions To Dismiss The
5 Complaint filed on August 5, 2009 (“Plaintiff’s Motion”). In addition to joining Western’s
6 Opposition, Frias sets forth its own opposition to Plaintiff’s Motion in the following
7 Memorandum of Points and Authorities.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 In addition to Plaintiff’s failure to demonstrate good cause justifying such an
10 extraordinary delay¹ in these proceedings as set forth in Western’s Opposition, the Court should
11 deny Plaintiff’s Motion because the Defendants in this action are not similarly situated, such that
12 permitting Plaintiff to file a consolidated opposition does not make sense. The regulations
13 governing the Club Defendants are different from the regulations governing taxicab drivers and
14 companies, which are different from the regulations governing limousine drivers and companies.
15 Further, the allegations in Plaintiff’s Complaint regarding the Club Defendants are different from
16 the allegations governing the Driver Defendants. Because the Defendants in this matter are
17 situated differently and regulated separately, each moving Defendant is entitled to an opposition
18 to its respective motion to dismiss. Accordingly, Plaintiff’s request to file a “one-size-fits-all”
19 opposition should be denied.

20 In addition, the Court should require Plaintiff to file a *timely* opposition to each moving
21 Defendant’s motion to dismiss. Plaintiff’s attempt to hold Frias, Western and all other moving
22 Defendants hostage in this case while he attempts to effectuate service on the remaining
23 Defendants is not equitable. Plaintiff’s allegations of criminal conduct are extremely serious and
24 stigmatizing. No Defendant should have to wait months and months to be dismissed from a
25 baseless suit. Consequently, the Court should require Plaintiff to follow the briefing schedule set
26 forth in Local Rule 7-2 and should rule on each motion once the briefing has been completed.

27 _____
28 ¹ Plaintiff’s request contravenes Fed. R. Civ. P. 1, which states that the rules of civil procedure should be construed
and administered to secure the just, speedy and inexpensive determination of every action and proceeding.
(emphasis added).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based on the arguments set forth in Western’s Opposition and the foregoing, the Court should deny Plaintiff’s Motion.

DATED this 13th day of August, 2009.

SNELL & WILMER L.L.P.

/S/ D. Neal Tomlinson, Esq.

D. NEAL TOMLINSON, ESQ.

WAYNE GROSS, ESQ.

MICHAEL D. STEIN, ESQ.

BRIAN R. REEVE, ESQ.

SNELL & WILMER L.L.P.

3883 Howard Hughes Parkway, Ste. 1100

Las Vegas, Nevada 89169

WILL KEMP, ESQ.

KEMP, JONES & COULTHARD LLP

3800 Howard Hughes Parkway, 17th floor

Las Vegas, Nevada 89169

Attorneys for Defendant Frias Management, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of Snell & Wilmer, L.L.P., and that on the 13th day of August, 2009, I electronically transmitted the **DEFENDANT FRIAS MANAGEMENT, LLC’S JOINER TO WESTERN CAB COMPANY, LUCKY CAB COMPANY OF NEVADA, ON DEMAND SEDAN SERVICES, LLC, BLS LIMOUSINE SERVICES OF LAS VEGAS, INC., DESERT CAB, INC. AND SUN CAB, INC.’S OPPOSITION TO PLAINTIFF’S MOTION FOR AN ENLARGEMENT OF TIME TO RESPOND TO THE MOTION OF DEFENDANTS DEJA VU SHOWGIRLS OF LAS VEGAS, LLC, LITTLE DARLINGS OF LAS VEGAS, LLC AND LAS VEGAS ENTERTAINMENT, LLC FOR DISMISSAL OF THE COMPLAINT AND FOR LEAVE TO FILE A CONSOLIDATED RESPONSE IN OPPOSITION TO ANY CURRENT AND FUTURE MOTIONS TO DISMISS THE COMPLAINT** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all attorneys of record in this matter.

 /S/ Brandy L. Miller
An employee of Snell & Wilmer L.L.P.

Snell & Wilmer
L.L.P.
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702)784-5200