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4 Attorney for Defendant,  
 5 BELL TRANS

7 U.S. DISTRICT COURT  
 8 DISTRICT OF NEVADA

9 THEODORE TRAPP, on his own behalf and on  
 10 behalf of all others similarly situated.  
 11 Plaintiff,

CASE NO. 2:09-CV-00995-KJD-GWF

12 vs.

**DEFENDANT, BELL TRANS',  
 SUPPLEMENT TO MOTION  
 TO DISMISS AND/OR  
 JOINDER TO FRIAS  
 MANAGEMENT, LLC'S MOTION  
 TO DISMISS**

13 BIG POPPA'S, LLC, a Nevada limited liability  
 company d/b/a BADDA BING MEN'S CLUB;  
 14 SKY TOP VENDING, INC., a Nevada corporation  
 d/b/a CAN CAN ROOM; LA FUENTE, INC., a  
 15 Nevada corporation d/b/a CHEETAH'S; C.P.  
 FOOD AND BEVERAGE, INC., a Nevada  
 16 corporation d/b/a CLUB PARADISE; DÉJÀ VU  
 SHOWGIRLS; PALOMINO CLUB, INC., a  
 17 Nevada corporation d/b/a PALOMINO CLUB;  
 SHAC, LLC, a Nevada corporation d/b/a  
 18 SAPPHIRE; K-KEL, INC., a Nevada corporation  
 d/b/a SPEARMINT RHINO; D.2801 WESTWOOD  
 19 INC., a Nevada corporation d/b/a TREASURES;  
 LITTLE DARLINGS OF LAS VEGAS, LLC, a  
 20 Nevada limited liability company d/b/a LITTLE  
 DARLINGS; O.G. ELIADES, A.D., LLC, a  
 21 Nevada limited liability company d/b/a OLYMPIC  
 GARDENS; LAS VEGAS ENTERTAINMENT,  
 22 LLC, a Nevada limited liability company d/b/a  
 LARRY FLYNT'S HUSTLER CLUB; MICHAEL  
 23 A. SALTMAN d/b/a MINXX; RICK'S LAS  
 VEGAS; FRIAS MANAGEMENT, LLC, a  
 24 Nevada limited liability company d/b/a ACE CAB  
 COMPANY and A-NORTH LAS VEGAS  
 25 CAB; WESTERN CAB COMPANY, a Nevada  
 corporation d/b/a WESTERN CAB COMPANY  
 26 and WESTERN LIMOUSINE; NEVADA  
 CHECKER CAB CORPORATION, a Nevada  
 27 corporation d/b/a NEVADA CHECKER CAB  
 COMPANY; NEVADA STAR CAB  
 28 CORPORATION, a Nevada corporation d/b/a  
 STAR CAB COMPANY; NEVADA YELLOW  
 CAB CORPORATION, a Nevada corporation

1 d/b/a YELLOW CAB COMPANY; LUCKY CAB )  
COMPANY OF NEVADA, a Nevada corporation )  
2 d/b/a LUCKY TRANS; SUN CAB, INC., a Nevada )  
corporation d/b/a NELLIS CAB COMPANY; CLS )  
3 NEVADA, LLC, a Nevada limited liability )  
company d/b/a CLS TRANSPORTATION )  
4 LAS VEGAS; ON DEMAND SEDAN )  
SERVICES, LLC, a Nevada limited liability )  
5 company d/b/a ODS LIMOUSINES and ODS )  
CHAUFFEURED TRANSPORTATION; BLS )  
6 LIMOUSINE SERVICE OF LAS VEGAS, INC.; )  
DESERT CAB, INC., a Nevada corporation d/b/a )  
7 DESERT CAB COMPANY and ODYSSEY )  
LIMOUSINE; BELL TRANS A NEVADA )  
8 CORPORATION, a Nevada corporation d/b/a )  
BELL TRANS; TONY CHONG, an individual; )  
9 and DOE EMPLOYEES 1-1000; )

10 Defendants. )

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13 Defendant, Bell Trans, by and through its counsel, Mark E. Trafton, supplements their  
14 Motion to Dismiss and/or Joinder to Frias Management, LLC's Motion to Dismiss (Document 191),  
15 filed on August 24, 2009, by clarifying that Bell Trans requests that this Court grant their Motion  
16 to Dismiss, or in the alternative, Bell Trans joins in and adopts Defendant Frias Management, LLC's  
17 Motion to Dismiss (Document 159) filed July 31, 2009, as though fully set forth herein.

18 Finally, Bell Trans, in its moving papers, neglected to cite a recent Nevada Supreme Court  
19 case, *Baldonado v. Wynn Las Vegas, LLC*, 194 P.3d 96 (2008). *Baldonado* stands for the  
20 proposition that no private right of action stands unless there is express mention of such within the  
21 relevant statutory scheme, or unless a private right of action may be implied from legislative intent.  
22 In the present case, as in *Baldonado* (referring to NRS 608), there is no express private right of  
23 action conferred within either NRS 706 or NAC 706. Furthermore, as in *Baldonado*, since the  
24 administrative procedure is thorough, and it addresses the very behavior Bell Trans is accused of,  
25 a private right of action against Bell Trans cannot be implied. The *Baldonado* case buttresses Bell  
26 Trans' argument that Trapp must first proceed against Bell Trans before the Nevada Transportation

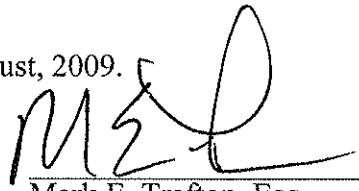
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Authority.

Dated this 25 day of August, 2009.



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BELL TRANS

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 25 day of August, 2009, I electronically transmitted the  
3 **“DEFENDANT, BELL TRANS’, SUPPLEMENT TO MOTION TO DISMISS AND/OR**  
4 **JOINDER TO FRIAS MANAGEMENT, LLC’S MOTION TO DISMISS”** to the Clerk’s Office  
5 using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the counsel  
6 listed below, who have registered to receive Electronic Filing:

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21 of Las Vegas, LLC

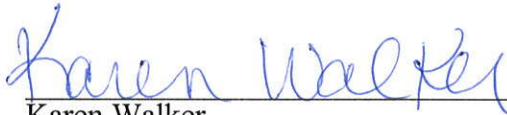
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