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9 *Attorneys for Plaintiff*
 THEODORE TRAPP and the putative class

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 THEODORE TRAPP, on his own behalf and
 on behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 BIG POPPA'S, LLC, a Nevada limited
 16 liability company d/b/a BADDA BING
 MEN'S CLUB, *et al.*,

17 Defendants.

Case No. 2:09-cv-00995

**PLAINTIFF'S MOTION AND
 MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF HIS
 MOTION TO VOLUNTARILY DISMISS
 DEFENDANTS MICHAEL SALTMAN
 d/b/a MINXX, FRIAS MANAGEMENT,
 LLC, WESTERN CAB COMPANY,
 LUCKY CAB COMPANY OF NEVADA,
 ON DEMAND SEDAN SERVICES, LLC,
 BLS LIMOUSINE SERVICES OF LAS
 VEGAS, INC., DESERT CAB, INC., SUN
 CAB, INC., BELL TRANS, NEVADA
 CHECKER CAB CORPORATION,
 NEVADA STAR CAB CORPORATION,
 AND NEVADA YELLOW CAB
 CORPORATION**

Honorable Lloyd D. George

Magistrate Judge Peggy A. Leen

1 Plaintiff Theodore Trapp, pursuant to Fed. R. Civ. P. 41(a)(2), respectfully moves the
2 Court for the entry of an Order dismissing the Complaint without prejudice with respect to
3 Defendants Michael Saltman d/b/a Minxx, Frias Management, LLC, Western Cab Company, a
4 Nevada corporation d/b/a Western Cab Company and Western Limousine, Lucky Cab Company
5 of Nevada, a Nevada corporation d/b/a Lucky Trans, On Demand Sedan Services, LLC, a
6 Nevada limited liability company d/b/a ODS Limousine and ODS Chauffeured Transportation,
7 BLS Limousine Services of Las Vegas, Desert Cab, Inc., a Nevada corporation d/b/a Desert Cab
8 Company, and Sun Cab, Inc., a Nevada corporation d/b/a Nellis Cab Company, Bell Trans a
9 Nevada Corporation d/b/a Bell Trans, Nevada Checker Cab Corporation, Nevada Star Cab
10 Corporation, and Nevada Yellow Cab Corporation. This motion is not intended to affect the
11 status of the remaining Defendants in this case.

12 Fed. R. Civ. P. 41(a)(2) provides, in relevant part, that “an action shall not be dismissed
13 at the plaintiff’s instance save upon order of the court and upon such terms and conditions as the
14 court deems proper.” In this case, Plaintiff no longer seeks to continue the litigation against
15 Defendants Western Cab Company, a Nevada corporation d/b/a Western Cab Company and
16 Western Limousine, Lucky Cab Company of Nevada, a Nevada corporation d/b/a Lucky Trans,
17 On Demand Sedan Services, LLC, a Nevada limited liability company d/b/a ODS Limousine and
18 ODS Chauffeured Transportation, BLS Limousine Services of Las Vegas, Desert Cab, Inc., a
19 Nevada corporation d/b/a Desert Cab Company, and Sun Cab, Inc., a Nevada corporation d/b/a
20 Nellis Cab Company, Bell Trans a Nevada Corporation d/b/a Bell Trans, Nevada Checker Cab
21 Corporation, Nevada Star Cab Corporation, and Nevada Yellow Cab Corporation and therefore,
22 moves to voluntarily dismiss those Defendants without prejudice. With respect to Defendant
23 Michael Saltman d/b/a Minxx, Plaintiff has been advised that Defendant Saltman was improperly
24 named as a party-defendant and therefore, Plaintiff also seeks to voluntarily dismiss Defendant

1 Saltman without prejudice. Dismissal without prejudice is appropriate because it preserves the
2 rights of absent class members. Plaintiff has conferred with counsel for the above-referenced
3 Defendants and is authorize to state that defendants have no objection, and indeed support, the
4 relief requested herein as evidenced by the stipulations collectively attached hereto as Exhibit A.

5 **WHEREFORE**, Plaintiff Theodore Trapp, respectfully requests that the Court (a) grant
6 this motion, (b) dismiss the Complaint without prejudice and with each Party to bear their own
7 costs as to Defendants (1) Michael Saltman d/b/a Minxx, (2) Frias Management, LLC, (3)
8 Western Cab Company, a Nevada corporation d/b/a Western Cab Company and Western
9 Limousine, (4) Lucky Cab Company of Nevada, a Nevada corporation d/b/a Lucky Trans, (5) On
10 Demand Sedan Services, LLC, a Nevada limited liability company d/b/a ODS Limousine and
11 ODS Chauffeured Transportation, (6) BLS Limousine Services of Las Vegas, (7) Desert Cab,
12 Inc., a Nevada corporation d/b/a Desert Cab Company, (8) Sun Cab, Inc., a Nevada corporation
13 d/b/a Nellis Cab Company, (9) Bell Trans a Nevada Corporation d/b/a Bell Trans, (10) Nevada
14 Checker Cab Corporation, (11) Nevada Star Cab Corporation, and (12) Nevada Yellow Cab
15 Corporation, and (c) award such other and further relief as the Court deems equitable and just.

16 Dated: September 18, 2009

THEODORE TRAPP, individually and on behalf
of all others similarly situated

17
18 By: /s/ Rafey S. Balabanian
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1 **PLAINTIFF’S MEMORANDUM OF POINTS IN SUPPORT OF HIS**
2 **MOTION TO VOLUNTARILY DISMISS**

3 1. This class action seeks redress for the Defendants’ alleged involvement in the
4 practice of making illegal cash payments or “kickbacks” to drivers of taxi cabs, limousines,
5 and other car services, for delivering customers to certain adult entertainment clubs
6 (hereinafter referred to as the “Clubs”) located in the vicinity of Las Vegas Boulevard, more
7 commonly known as the “Strip.”

8 2. The lawsuit names 27 separate defendants who are alleged to have been
9 involved in the foregoing practice.

10 3. Plaintiff no longer seeks to continue the litigation against Defendants (1) Frias
11 Management, LLC, (2) Western Cab Company, a Nevada corporation d/b/a Western Cab
12 Company and Western Limousine, (3) Lucky Cab Company of Nevada, a Nevada corporation
13 d/b/a Lucky Trans, (4) On Demand Sedan Services, LLC, a Nevada limited liability company
14 d/b/a ODS Limousine and ODS Chauffeured Transportation, (5) BLS Limousine Services of
15 Las Vegas, (6) Desert Cab, Inc., a Nevada corporation d/b/a Desert Cab Company, (7) Sun
16 Cab, Inc., a Nevada corporation d/b/a Nellis Cab Company, (8) Bell Trans a Nevada
17 Corporation d/b/a Bell Trans, (9) Nevada Checker Cab Corporation, (10) Nevada Star Cab
18 Corporation, and (11) Nevada Yellow Cab Corporation. As a result, Plaintiff hereby moves to
19 voluntarily dismiss those Defendants without prejudice.

20 4. With respect to Defendant Michael Saltman d/b/a Minxx, Plaintiff has been
21 advised that Defendant Saltman was improperly named as a party-defendant and therefore,
22 Plaintiff also seeks to voluntarily dismiss Defendant Saltman without prejudice.

23 5. Dismissal without prejudice is appropriate because it comports with Fed. R. Civ.
24 P. 41(a)(2) and serves to preserve the rights of absent class members.

 6. Plaintiff has conferred with counsel for the above-referenced Defendants and is
authorize to state that Defendants have no objection, and indeed support, the relief requested
herein as evidenced by the stipulations collectively attached hereto as Exhibit A.

 7. Fed. R. Civ. P. 41(a)(2) provides, in relevant part, that “an action shall not be

1 dismissed at the plaintiff's instance save upon order of the court and upon such terms and
2 conditions as the court deems proper.”

3 **WHEREFORE**, Plaintiff Theodore Trapp, respectfully requests that the Court (a) grant
4 this motion, (b) dismiss the Complaint without prejudice and with each Party to bear their own
5 costs as to Defendants (1) Michael Saltman d/b/a Minxx, (2) Frias Management, LLC, (3)
6 Western Cab Company, a Nevada corporation d/b/a Western Cab Company and Western
7 Limousine, (4) Lucky Cab Company of Nevada, a Nevada corporation d/b/a Lucky Trans, (5)
8 On Demand Sedan Services, LLC, a Nevada limited liability company d/b/a ODS Limousine
9 and ODS Chauffeured Transportation, (6) BLS Limousine Services of Las Vegas, (7) Desert
10 Cab, Inc., a Nevada corporation d/b/a Desert Cab Company, (8) Sun Cab, Inc., a Nevada
11 corporation d/b/a Nellis Cab Company, (9) Bell Trans a Nevada Corporation d/b/a Bell Trans,
12 (10) Nevada Checker Cab Corporation, (11) Nevada Star Cab Corporation, and (12) Nevada
13 Yellow Cab Corporation, and (c) award such other and further relief as the Court deems
14 equitable and just.

15 Dated: September 18, 2009

THEODORE TRAPP, individually and on behalf
of all others similarly situated

By: /s/ Rafey S. Balabanian
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CERTIFICATE OF SERVICE

I, Rafey S. Balabanian, an attorney, certify that on September 18, 2009, I served the above and foregoing, ***Plaintiff’s Motion and Memorandum of Points and Authorities in Support of His Motion to Voluntarily Dismiss Defendants Michael Saltman d/b/a Minxx, Frias Management, LLC, Western Cab Company, a Nevada corporation d/b/a Western Cab Company and Western Limousine, Lucky Cab Company of Nevada, a Nevada corporation d/b/a Lucky Trans, On Demand Sedan Services, LLC, a Nevada limited liability company d/b/a ODS Limousine and ODS Chauffeured Transportation, BLS Limousine Services of Las Vegas, Desert Cab, Inc., a Nevada corporation d/b/a Desert Cab Company, and Sun Cab, Inc., a Nevada corporation d/b/a Nellis Cab Company, Bell Trans a Nevada Corporation d/b/a Bell Trans, Nevada Checker Cab Corporation, Nevada Star Cab Corporation, and Nevada Yellow Cab Corporation***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record, via the Court’s CM/ECF electronic filing system, on this the 18th day of September, 2009.

/s/ Rafey S. Balabanian