

1 COMP  
2 Randell S. Hynes  
3 Plaintiff in Proper Person  
4

5 District Court  
6 Clark County, Nevada  
7

8 Randell S. Hynes, )  
9 Plaintiff, )  
10 vs. ) Case No. A558892  
11 Harrah's Entertainment, Inc. ) Dept. No. IX  
12 Defendant )  
13

14 **COMPLAINT FOR DECLARATIVE RELIEF, TEMPORARY INJUNCTIVE**  
15 **RELIEF AND INJUNCTIVE RELIEF**

16 COMES NOW Plaintiff, Randell S. Hynes, Clark County resident and professional  
17 taxicab driver, hereby complains as follows:

18 ¶1. Plaintiff is now, and at all times mentioned in this complaint has been, in the  
19 performance of duties as a taxicab driver burdened by unfair conditions from unlawful  
20 practices at hotel designated taxi stands on the Las Vegas strip.

21 ¶2. This court has jurisdiction over this action pursuant to NRS 706 and NAC 706.

22 ¶3. Defendant is a corporation that owns and operates nine (9) hotels in Las Vegas,  
23 Nevada, six (6) hotels with designated taxi stands.

24 **I. ALLEGATIONS**

25 ¶1. Plaintiff complains that all hotels with designated taxi stands in the Las Vegas  
26 resort corridor violate numerous Motor Carrier laws in collusion with limousine drivers and  
27 limousine companies. Defendant and Defendant's employees make agreements with  
28 limousine companies and limousine drivers allowing them to park close to designated taxi

1 stands and wait while Defendant's employees solicit taxicab passengers to take limousines.  
2 Limousine companies pay hotels for exclusive position at the hotel front door. Limousine  
3 drivers pay Defendant's employees to solicit for passengers. Parking next to a designated taxi  
4 stand and doing anything to attract passengers is a violation of NAC 706.228.

5 ¶2. Specifically, Defendant knowingly engages in an unlawful agreement with James  
6 J. Jimmerson owner of Jacob Transportation Services, LLC dba Executive Las Vegas, CPCN  
7 1062 and Bentley Transportation Services, LLC dba Executive Limousine, CPCN 1072. Mr.  
8 Jimmerson pays Defendant for exclusive position at Caesars Palace, which is unlawfully close  
9 to the designated taxi stand. Mr. Jimmerson dispatches limousine drivers without charter  
10 orders to Caesars Palace to wait for Defendant's employees to attract passengers. Executive  
11 limousine drivers pay Defendant's employees to attract passengers.

12 ¶3. Defendant knowingly engages in an unlawful agreement with Brent J. Bell, owner  
13 of Bell Trans, LLC dba Bell Trans, CPCN 1023. Bell Trans limousines are marked with hotel  
14 stickers and vanity license plates to give the appearance that Bell Trans limousines are owned  
15 or operated by one of Defendant's hotels. Charter limousines must operate with charter  
16 orders. The agreement between the Defendant and Bell Trans is unlawful attempt to  
17 circumvent NRS 706.741, "Exemption of certain vehicles and transportation from provisions  
18 regulating certain motor carriers". The limousines are owned and operated by Bell Trans,  
19 therefore, the exemption to operate outside the lawful provisions regulating a charter  
20 limousine service is not applicable.

21 ¶4. At each of the Defendant's other hotels with designated taxi stands, Defendant's  
22 employees make arrangements directly with limousine drivers to divert taxicab rides to limos  
23 at designated taxi stands.

24 ¶5. The unlawful conditions exist because Defendant allows it. The unlawful acts at  
25 designated taxi stands of each of Defendant's hotels occur because Defendant's employees  
26 encourage and permit exclusive access to selected limousine drivers, forbids other limousine  
27 drivers from staging or loading on-demand and keeps taxicabs at a distance by splitting the  
28 taxi stand into a staging and loading area. These conditions, screening of passengers and

1 difficulty in driving from the staging area to the loading area results in a slow down of taxicab  
2 loading. A long line of taxicabs wait to load, while a long line of passengers waits for taxicabs,  
3 which creates an ideal condition for Defendant's employees to solicit taxicab passengers to  
4 hire a limo.

## 5 **II. DESIGNATED TAXI STANDS**

6 ¶1. Each of the allegations made by Plaintiff takes place at a taxi stand designated  
7 by the hotel. However, there is no relevant definition of a designated taxi stand. Municipal taxi  
8 stands no longer exist in the unincorporated areas of Clark County, including the Las Vegas  
9 Strip. Taxi stands designated by hotels are accepted by local government and law  
10 enforcement as the only place for taxicab drivers to load passengers.

11 ¶2. A taxicab stand is defined by the State of Nevada in *NRS 484.193 "Taxicab*  
12 *stand" defined. "Taxicab stand" means a fixed area in a highway parallel and adjacent to the*  
13 *curb or edge of the highway and set aside for taxicabs to stand for passengers.* This definition  
14 is no longer relevant in Clark County.

15 ¶3. A taxi stand is defined by Clark County, in Chapter 15.04.290 *"Taxicab stands". It*  
16 *shall be unlawful for any person to park a taxicab for the purpose of seeking employment or*  
17 *passengers in any place upon the streets and highways of Clark County, or in any municipality*  
18 *within the county, other than at stands or locations designated and authorized therefor by the*  
19 *governmental authority having territorial jurisdiction thereover, and as marked by appropriate*  
20 *signs and curb painting, or otherwise. Such stands shall be established in such places on the*  
21 *streets and in such number as the proper and concerned governmental authority may*  
22 *determine to be of the greatest benefit and convenience to the public;* This definition restricts  
23 taxicabs from picking in municipal streets.

24 ¶4. Clark County no longer regulates the taxicab industry in Clark County and  
25 doesn't address taxi industry issues, or the needs of the riding public even though taxi  
26 chapters remain in Title 15 of the Clark County Code. Clark County Commission Chairman  
27 Rory Reid believes the code should remain and currently supports taxicab loading at taxi  
28 stands. (Exhibit 1).

1 ¶5. After 1969 the State of Nevada’s Taxicab Authority assumed exclusive regulatory  
2 and enforcement responsibilities for the taxicab industry in Clark County, Nevada, following  
3 years of taxicab strikes. As traffic on the Strip increased, hotels were built larger and it  
4 became increasing difficult for hotel employees to hail taxicabs from the street, so hotels  
5 began to designate their own taxi stands. The Taxicab Authority has no authority to designate  
6 municipal taxi stands and accepts the designated taxi stands at the hotels.

7 ¶6. The Las Vegas Metropolitan Police Department continues to enforce Clark  
8 County Code Chapter 15.04.290, “Taxi stands”. Taxicab drivers are cited for picking up  
9 anywhere in the Strip area that is not a hotel designated taxi stand, regardless of whether the  
10 pick up point is in a municipal street or on private property. (Exhibit 2)

11 ¶7. Plaintiff believes the requirement for taxicab drivers to use hotel designated taxi  
12 stands is in itself burdensome and does not serve the riding public. It compounds unlawful  
13 conditions supported by Defendant. Allowing employees to collude with limousine drivers to  
14 unlawfully divert taxicab rides to limos at the designated taxi stands adds unfair competition  
15 for rides that are meant for to taxicab drivers. Great financial harm has resulted from decades  
16 of collusion. It is currently and will continue to be financially damaging to taxicab drivers, who  
17 have no other remedy.

### 18 III. MOTOR CARRIER LAW

19 ¶1. Defendant’s employees violate Motor Carrier laws by acting as agents for the  
20 limousine drivers. NAC 706.329 “Prohibited Acts” states, [ Any person, whether a carrier who  
21 is subject to the provisions of NAC 706.302 to 706.335, inclusive, or a broker, shipper or  
22 consignee, or any officer, employee, agent or representative thereof...]. Pursuant to NAC  
23 706.329 doormen violate NAC 706.311 “Uniform rates; authorization of commission or referral  
24 fee...” by offering limo rides for non-tariff rates (discounted or free when the ride is to a paying  
25 strip club) and receiving a fee other than 10%.

26 ¶2. The State of Nevada definition of Charter Limousine service is in:  
27 *NAC 706.036: “Charter service by limousine” defined. “Charter service by limousine” means*  
28 *the exclusive use of a traditional limousine or livery limousine for the prearranged*

1 transportation of passengers and their baggage under a charter order at an hourly rate for a  
2 minimum of 1 hour. The term does not include: Scenic tours; Special services; Airport transfer  
3 services; Service which will be resold by the broker for scenic tours or airport transfer  
4 services; or The carriage of property or cargo not belonging to a group of passengers being  
5 transported. Prearranged transportation for a minimum of 1 hour is what clearly distinguishes  
6 limousine service from on-demand point to point taxicab service. NAC 706.1015  
7 "Prearranged" defined. "**Prearranged**" means transportation that is scheduled through or  
8 reported to the central dispatch of a carrier before the provision of service.

9 ¶3. Limousine companies dispatch limousine drivers without Charter Orders and,  
10 knowingly require their drivers to cruise and stage unlawfully to seek on-demand rides . NAC  
11 706.228 states in paragraph 1. "A certificate holder who is a fully regulated carrier or his  
12 employee shall not solicit passengers." Dispatching limousine drivers without Charter Orders  
13 in order to attract passengers is the primary violation of NAC 706.228 that supplies the unfair  
14 conditions and unlawful activity at designated taxi stands. Limousine drivers cannot succeed  
15 without breaking the law when limousine companies provide no orders, or just a few orders for  
16 them to service during their shift.

17 ¶4. Limousine companies have lawful means available to attract passengers. NAC  
18 706.228 states that certificate holders may, 2(b) Advertise on the side of a vehicle or on  
19 permanently located signs; 2(c) Provide brochures in permanently mounted racks or stands;  
20 2(d) Establish booths in airports, hotels or other locations; (e) Advertise in the media or  
21 through direct mailing. Besides a Yellow Page ad, an exclusive airport booth, and an  
22 occasional ad in hotel magazines, limousine companies only use unlawful marketing to attract  
23 passengers.

24 ¶5. The Nevada Transportation Authority is the State of Nevada regulatory agency  
25 required to enforce the Motor Carrier laws, NAC 706 and NRS 706 pertinent to regulating  
26 charter limousine companies. Plaintiff has been in contact with the NTA, in order to resolve  
27 this complaint. Inspector Ruben Aquino admitted to Plaintiff in a lengthy telephone  
28 conversation there is a problem, but claimed manpower and the overwhelming burden of proof

1 for each individual violation has left NTA inspectors unable to stop the unlawful activities. It's  
2 the financial relationship between the drivers and doormen, the leverage of doormen, as well  
3 as unlawful contracts between limousine companies and hotels that has created a pervasive  
4 and hard to enforce racket. Normal law enforcement efforts are ineffective. During January  
5 2008 just 20 citations were written by NTA inspectors for NAC 706.228. (Exhibit 3). Plaintiff  
6 made public comments at the February 28, 2008 NTA Agenda meeting. (Exhibit 4). Chairman  
7 Andrew McKay admitted that the problem was large and that written citations were just the tip  
8 of a very big iceberg. Mr. McKay's only other comment in response to Plaintiff's public  
9 comment was in defense of Brent J. Bell owner of Bell Trans, the largest limousine company  
10 in Nevada. He stated that he spoke with Mr. Bell the week before and Mr. Bell had some of  
11 the same concerns that I had about the limousine industry. Minutes for the February 28, 2008  
12 NTA Agenda meeting have not yet been approved and published. On March 6, 2008 NTA  
13 Chief of Enforcement, Michael Bradford published a FAX to whom it may concern and sent to  
14 limousine companies as an advisory notice. (Exhibit 5) On March 10, 2008 Inspector Aquino  
15 replied to my email from March 5, 2008 with his cell number. He told me by phone about the  
16 FAX and that there was a special campaign starting to ticket individual limousine drivers for  
17 "Solicitation of passengers".

#### 18 **IV. OBSERVATIONS**

19 ¶1. Plaintiff observations are offered in this section as a more insightful view of  
20 previously discussed topics. Redundancy occurs while recounting the issues and presenting  
21 further exhibits of evidence.

22 ¶2. Plaintiff has observed, since January 10, 2002, during the performance of taxicab  
23 driving duties that Defendant and Defendant's employees, continuously and as a daily routine,  
24 engage in unlawful activities in collusion with limousine drivers to circumvent NAC 706.228,  
25 "Solicitation of passengers" at designated taxi stands. This code states these key points in  
26 regard to limousine operations, "A certificate holder who is a fully regulated carrier or his  
27 employee shall not solicit passengers.", "shall not stand within 50 feet of a designated taxicab  
28 stand to solicit transportation services" or "any other activity designed to attract passengers".

1 Plaintiff sees limousine drivers violating these key points continuously, every day.

2 ¶3. Defendant has an agreement with James J. Jimmerson that allows him to park  
3 limousines from his two limousine companies in a position parallel to the designated taxi stand  
4 at Defendant's Caesars Palace Hotel waiting for Defendant's employee's to sell limousine  
5 rides to guests who are near the taxi stand seeking taxicab service. Plaintiff has observed as  
6 many as thirty limos from Executive at peak times lining the Caesar's Palace drive. At  
7 Defendant's other hotels with designated taxi stands the agreements are made and  
8 maintained directly between the taxi stand doorman and selected limousine drivers from  
9 various companies.

10 ¶4. At each of Defendant's designated taxi stands the goal of Defendant's  
11 employees is to divert taxicab rides to limousines. Limousine drivers position limousines next  
12 to designated taxi stands and violate NAC 706.228 "Solicitation of Passengers." It's clear the  
13 drivers are not executing Charter Orders and with the leverage of the hotel's taxi stand  
14 doormen they are often allowed to engage passengers who are approaching the taxi stand.

15 ¶5. Plaintiff maintains limousine drivers and taxi stand doormen work together to  
16 form a difficult to enforce racket. Doormen have a continuous supply of empty limousines, and  
17 capitalize on the opportunity by organizing the taxi stand and taxi loading area to maximize  
18 the number of taxi rides they can be divert to limo rides. As paid representatives of the  
19 limousine drivers, doormen screen guests while, a) approaching the taxi stand, b) in the taxi  
20 line, and c) when the guest reaches the front of the line, in order to divert taxi cab passengers  
21 to limos. Taxicabs are kept at a distance, usually with an obscured vision of the taxi loading  
22 area. Limousine drivers are allowed to park and/or stand next to the taxi stand, often engaged  
23 in conversation with the doorman. (Exhibit 6)

24 ¶6. Limousine company owners are public about what is occurring. Brent Bell, owner  
25 of the largest limousine company in the State of Nevada was quoted by In Business Las  
26 Vegas Magazine, September 10, 2004, (Exhibit 7) in response to allegations that limousine  
27 drivers pay doormen. He said, "That's not alleged. That happens every day -- day in and day  
28 out." Owner of Ambassador Limo, Ray Chenoweth, went on record ( 8) at the June 26, 2007

1 Taxicab Authority monthly meeting with evidence that several of his competitors were paying  
2 up to \$25,000 per month to position their limousines adjacent to taxi stands to attract  
3 passengers.

4 ¶7. Plaintiff has sustained loss of income increasing over the six years of service as  
5 a result of Defendant's continuing support of unlawful activities, and exponential growth of  
6 limousine companies. Plaintiff suffered a substantial loss of take home income in 2006 and  
7 2007 due to illegal competition and unlawful diversion of taxicab rides to limousine rides. The  
8 loss of take home income continues for plaintiff and the approximately 7000 other taxicab  
9 drivers that currently work in Clark County.

10 ¶8. Even so, taxicab drivers must work with hotels to provide better service for our  
11 mutual customers. Plaintiff seeks such relief as is necessary to make the designated taxi  
12 stands at Defendant's hotels lawful and efficient.

13 **WHEREFORE, PLAINTIFF PRAYS FOR DECLARATORY RELIEF AS FOLLOWS:**

14 ¶1. Declare that a designated taxi stand as stated in NAC 706.228 to be an area  
15 established by a municipality or business to expedite the safe and efficient loading of persons  
16 desiring taxicab rides exclusively into taxicabs queued to provide such service. The  
17 designated taxi stand shall consist of: a) the linear area where taxicab passengers are  
18 queued; b) the linear area where taxicabs are queued, c) the place or places where  
19 passengers enter the taxicab, and d) the approach area between the taxicab passenger  
20 queue and the taxicab queue if the two queuing areas are separated.

21 **PLAINTIFF FURTHER PRAYS THAT THIS COURT:**

22 ¶1. Issue a temporary injunction ordering Defendant to require charter limousines  
23 and charter buses to maintain a distance 50 feet from designated taxi stands, and otherwise  
24 adhere to all parts of NAC 706.228;

25 ¶2. Issue a temporary injunction ordering Defendant to maintain the current  
26 configuration of designated taxi stands, except to expedite loading of passengers into  
27 taxicabs. Defendant is ordered not to move or reconfigure designated taxi stands in order to  
28 circumvent the Motor Carrier laws of the State of Nevada or avoid orders herein;

1 ¶3. Issue an injunction ordering Defendant to organize the hotel designated taxi  
2 stand in accordance with State of Nevada Motor Carrier laws, NRS 706, NAC 706 and  
3 declarative orders herein;

4 ¶4. Issue an injunction ordering Defendant's employees or any person representing  
5 limousine drivers within 50 feet of a designated taxi stand from making direct communications  
6 with limousine companies or limousine drivers, by sight, sound, telephone or any other means  
7 of communication to arrange on-demand transportation service for any person at a designated  
8 taxi stand;

9 ¶5. Issue an injunction ordering Defendant to discontinue agreements with any  
10 limousine company desiring to pose as a hotel limousine;

11 ¶6. Issue an injunction ordering Defendant to organize designated taxi stands for  
12 safe multiple loading in order to expedite taxicab loading and improve service to the riding  
13 public;

14 ¶7. Order Defendant to reimburse Plaintiff for court costs;

15 ¶8. Otherwise grant Plaintiff such further and other relief as is just and appropriate  
16 under the circumstances.

17 DATED this 12th day of March 2008.

18 By: \_\_\_\_\_  
19 Randell S. Hynes  
20  
21  
22  
23  
24  
25  
26  
27  
28