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12 *Attorneys for Plaintiffs-Petitioners*

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14
15 **IN THE SECOND JUDICIAL DISTRICT COURT OF**
16
17 **THE STATE OF NEVADA IN AND FOR THE**
18
19 **COUNTY OF WASHOE**

20 AMETHYST PAYNE, *et al*, on behalf of
21 themselves and all others similarly situated,

22 *Plaintiffs-Petitioners,*

23 v.

Case No.: CV20-00755

24 **DECLARATION OF**

25 **ISAIAH PAVIA-CRUZ**

26 STATE OF NEVADA ex rel NEVADA
27 DEPARTMENT OF EMPLOYMENT,
28 TRAINING AND REHABILITATION
(DETR); HEATHER KORBULIC in her
official capacity only as Nevada Director of
Employment, Training and Rehabilitation; and
KIMBERLY GAA in her official capacity
only as the Administrator for the Employment
Security Division (ESD); and DOES 1-100,
inclusive,

Defendants-Respondents

1 State of Nevada

2 County of Clark

3
4
5 I, Isaiah Pavia-Cruz, being duly sworn, upon my oath, hereby depose and say:

6 1. The following declaration is based upon my own personal observation and
7 knowledge, and if called upon to testify to the things contained herein, I could competently so
8 testify, except as to those matters stated to be based upon information and belief, and as to
9 those matters, I believe them true because I believe that the source of the information is
10 trustworthy and the statement is admissible in a court of law.

11 2. I work in the Las Vegas area as a contract driver for Lyft, Uber and Instacart. On
12 May 20, 2020, I filed for unemployment compensation on the DETR gig worker website. I
13 received a "PUA Monetary Determination" letter on May 22, 2020 and again on May 27, 2020.
14 I filed weekly certification reports as required by DETR. For weeks after I filed, DETR showed
15 various unresolved issues on my personal DETR status webpage. One issue stated "PUA –
16 Other Program Eligibility" and another stated "DUA- Unemployment not due to disaster." This
17 last issue, DUA, made no sense since there is no work for drivers or contract Lyft, Uber and
18 InstaCart when all the potential customers are aware that all the places that they potentially
19 would want to be driving to are now closed by the March 15, 2020 executive order of Nevada
20 Governor Sisolak.

21 3. About one week before the filing of this amended complaint, this issue
22 disappeared from my personal DETR progress report webpage. Another issue, "DUA-
23 Employment ended" did not make sense either but it went away also. The PUA issue was gone
24 from my webpage as of the Tuesday, one week before the filing of this amended complaint. My
25 webpage now says "No Outstanding Issues" but in the Summary, unresolved issues are "Yes".
26 When I was finally was able to speak to a DETR representative by phone, the Representative
27 told me to wait and a decision would be made within 21 days of the initial application date. So
28 far, this has not happened even though 21 days has long past. In addition, the personal DETR
progress report webpage for states "In Progress" but DETR has not made any payments to me


1 yet. DETR has not provided me with notice of an appeal process that he could use to object to
2 this lack of payment.

3 4. I have read the forgoing declaration consisting of this page and 2 others and
4 declare under penalty of perjury that it is true and correct, except as to matters stated upon
5 information and belief, and as to those, I believe them true. I have attached true and correct
6 copies of the exhibits, if any, listed herein after.

7
8 **AFFIRMATION**

9 *The undersigned does hereby affirm that the preceding document to be filed in the Second*
10 *Judicial District Court of the State of Nevada, Country of Washoe, does not contain the social*
11 *security number of any person.*

12 Executed June 21 of 2020 in City of Las Vegas, Nevada.

13 
14 DocuSigned by
15 D1894A00690E44E0
16 Isaiah Pavia-Cruz

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Exhibits Attached (if Any)

Attached hereto are true and correct copies of the following documents:

Exhibit (letter)	Source	Title	Intended to show
1	E-mail from Plaintiff-Petitioner PAVIA CRUZ	e-mail correspondence	Plaintiff's DETR Story
2	Screen shots from plaintiff's PUA account	Claim status'	Issues listed for payment
3	Screen shots from plaintiff's PUA account	Outstanding claim issues	Status designations

EXHIBIT 1

E-mail to Thierman Buck Law Firm

EXHIBIT 1

From: [Isaiah Pavia-Cruz](#)
To: [info](#)
Subject: PUA Help
Date: Wednesday, June 17, 2020 9:15:35 AM

Hello,

I found this link through a PUA Facebook Group for the state of Nevada. I filed on 05/20, and received two Monetary Determination letters stating that I was eligible. The first one was on 05/22 and then on 05/27.

For weeks after I filed I've had various issues on the account. One listed as PUA- Other Program Eligibility. Others were DUA- Unemployment Ended and DUA- Unemployment not due to disaster.

Last week the two DUA issues went away but the PUA issue remained.

The PUA issue automatically went off last Tuesday and now my account has been in a holding pattern. It shows No Outstanding Issues but in the summary, Unresolved Issues are still Yes.

Calls to the number ending in "81" yielded reps telling me just to wait and a decision will be made 21 days after the initial issue was created. Issue was on 05/22, so 21 days was last Friday on 06/12.

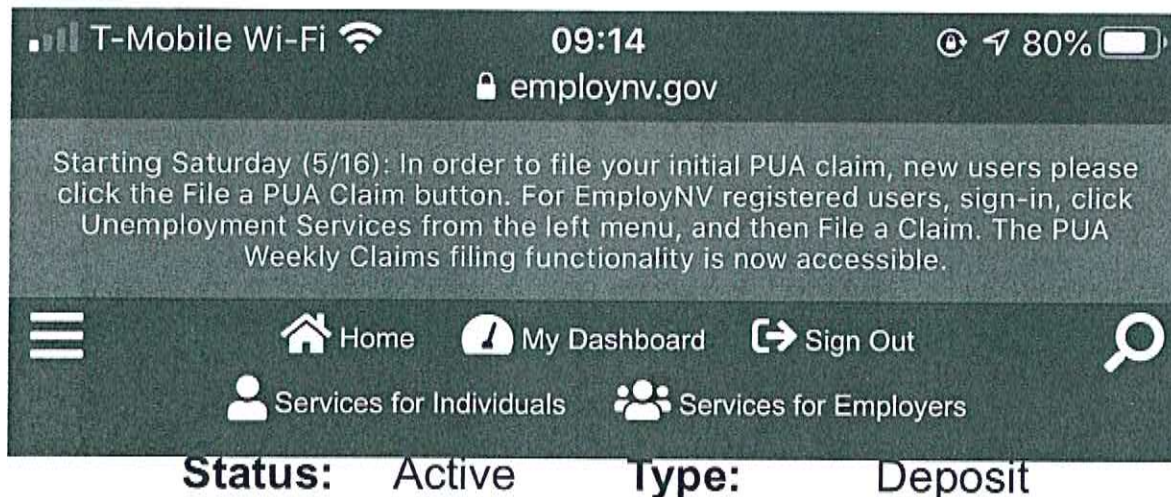
Currently all payments are still "In Progress" with no date.

Yet, I've known of a number of new filers (as in those who just newly filed this week) show payment dates of today 06/11, while there has been no change to mine.

It's incredibly frustrating and I'm hoping for some more information.

Sincerely,

Isaiah Pavia-Cruz



Law Clerk

From: Isaiah Pavia-Cruz <[REDACTED]>
Sent: Thursday, June 18, 2020 4:58 PM
To: Law Clerk
Subject: Isaiah Pavia Cruz Claimant No

My PUA claim number is [REDACTED]

Law Clerk

From: Isaiah Pavia-Cruz <[REDACTED]>
Sent: Friday, June 19, 2020 11:03 AM
To: Law Clerk
Subject: Re: Isaiah Pavia Cruz Claimant No

Hello,

I'm a contractor to Uber/Lyft/Instacart.

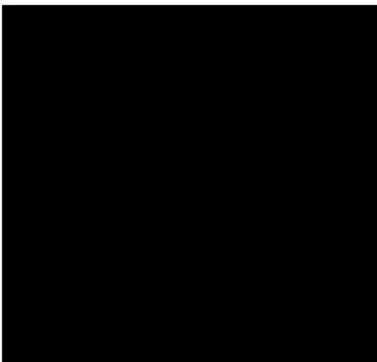
On Fri, Jun 19, 2020 at 11:02 Law Clerk <Lawclerk@thiermanbuck.com> wrote:

Hey Isaiah,

I think I forgot to ask you – what is your profession that makes you a 1099/gig worker/independent contractor? Just wanted to add this so the court and DETR cannot dispute PUA eligibility. Sorry if I already asked you this.

Thank you,

Mihal Freitas, Legal Secretary



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LAW FIRM

The information contained in this electronic message may be attorney-client privileged and confidential information and is intended only for the use of the individual(s) to whom this electronic message is addressed. If the reader of this message is

Available		Weekly	
Credits:	\$ [REDACTED]	Benefit	\$ [REDACTED]
		Amount:	
Claim		Claim	
Benefit	\$ [REDACTED]	Under	No
Balance:		Review:	
Claim		Unresolved	
Benefit	\$0.00	Issues:	Yes
Paid			
Federal		State Tax	
Tax	Yes	Withheld:	No
Withheld:			

[[More Information](#)]

Outstanding Claim Issues

No Outstanding Issues have been found for this claim.

Weekly Benefit Certifications

T-Mobile Wi-Fi 09:14 80%
employnv.gov

Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click

EXHIBIT 2

Claim Status

EXHIBIT 2

From: [Isaiah Pavia-Cruz](#)
To: [Law Clerk](#)
Subject: Re: PUA information
Date: Thursday, June 18, 2020 11:03:34 AM
Attachments: [image001.png](#)

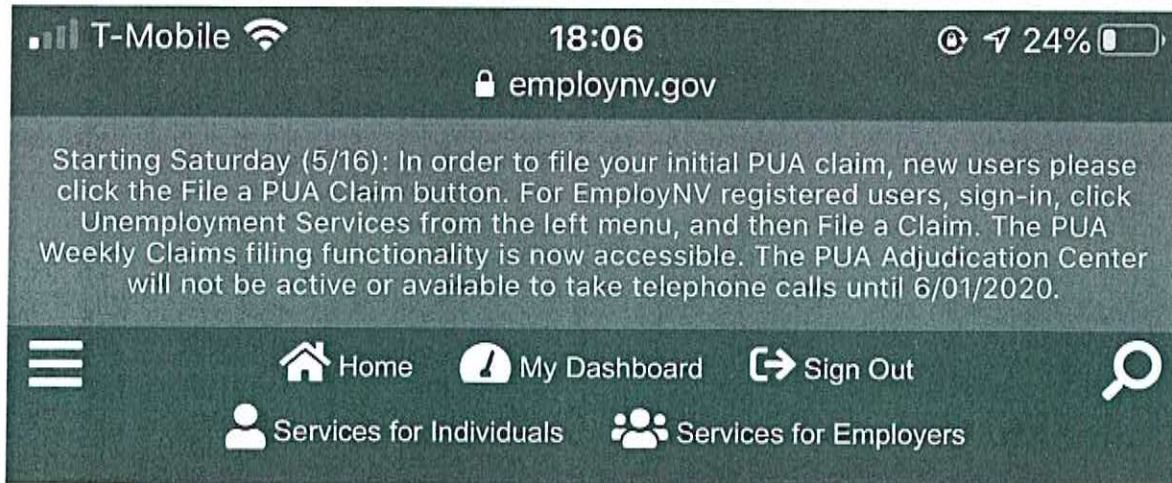
Certainly. And it's not only me that's experiencing this. A lot of claimants are in this limbo.

So in the screenshots, first it shows when I had all my DUA and PUA issues listed. Eventually, the DUA issues went away, and only the PUA was left until it went away as well. Then now my claim shows No Outstanding Issues, but in the summary it still says I have Unresolved Issues.

Calls to the number ending in "81" just tells me I have to wait, with no specific timeline given. I'm already also past the 21 days they're supposed to take to make a final decision on my claim.

Please let me know if you have received them and if the images are clear. Thanks.

Isaiah








Create Date	Issue Description	Employer	Sta
05/23/2020	DUA - Unemployment not result of disaster	N/A	Ne
05/23/2020	DUA -	N/A	Ne



	Unemployment Ended		
05/23/2020	DUA - Unemployment not result of disaster	N/A	Ne
05/23/2020	DUA - Unemployment Ended	N/A	Ne
05/23/2020	DUA - Unemployment not result of disaster	N/A	Ne

T-Mobile Wi-Fi 00:43 48%

employnv.gov

Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible. The PUA Adjudication Center will not be active or available to take telephone calls until 6/01/2020.


 Home
  My Dashboard
  Sign Out
 

 Services for Individuals
  Services for Employers

	Unemployment Ended		
05/23/2020	DUA - Unemployment	N/A	Ne

	not result of disaster		
05/23/2020	DUA - Unemployment Ended	N/A	Ne
05/23/2020	DUA - Unemployment not result of disaster	N/A	Ne
05/23/2020	DUA - Unemployment Ended	N/A	Ne
05/22/2020	PUA - Other program eligibility	N/A	Ne

T-Mobile Wi-Fi

18:23

56%

employnv.gov

Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.

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 Sign Out

Services for Individuals
 Services for Employers

EXHIBIT 3

Outstanding Claim Issues

EXHIBIT 3

Outstanding Claim Issues

Below are the active issue(s) on your claim, which could affect future benefits. You will be notified by mail when the decision is made. As long as you remain unemployed, continue to file your weekly claim as instructed. Claim decisions may take up to 21 days.

Create Date	Issue Description	Employer	Status
05/22/2020	PUA - Other program eligibility	N/A	New

Weekly Benefit Certifications

Below are the weeks for which you have

Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.

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Outstanding Claim Issues

No Outstanding Issues have been found for this claim.

Weekly Benefit Certifications

Below are the weeks for which you have completed certifications to continue your unemployment benefits.

#	Week Ending	Certification Filing Date	Benefit Pay Date	P
13	<u>06/13/2020</u>	6/14/2020 7:52:25 AM	In Progress	
12	06/06/2020	6/7/2020	In	

12	<u>06/06/2020</u>	07/1/2020	III
		1:06:45 AM	Progress
11	<u>05/30/2020</u>	5/31/2020	In

T-Mobile

11:02 73%

employnv.gov

Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.

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Claimant Details

Below is the personal information items concerning your benefit claim. Clicking the *Edit Information* link will allow you to modify address and phone information.

Claimant Name:	Isaiah Pavia-Cruz	Claimant User Name:	ISAIAHPCRUIZ
-----------------------	-------------------	----------------------------	--------------

Address:

City:

State:



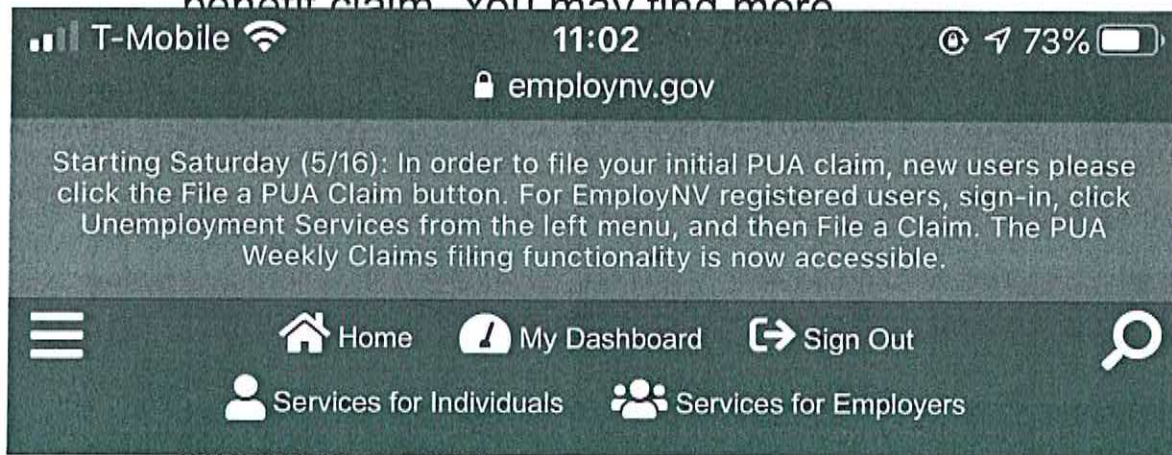
Zip:



[[Edit Information](#)]

Claim Details

Below are the details of your current benefit claim. You may find more



Claim		Claim	
Claim #:		Effective	3/15/2020
		Date:	
Claim		Benefit	
Type:	New	Year End	12/26/2020
		Date:	
Claim	Regular	Payment	Direct
Status:	Active	Type:	Deposit
Available		Weekly	
Credits:		Benefit	\$

Claim		Amount:	
Benefit	\$ [REDACTED]	Claim	
Balance:		Under	No
Claim		Review:	
Benefit	\$0.00	Unresolved	Yes
Paid		Issues:	
Federal		State Tax	No
Tax	Yes	Withheld:	
Withheld:			

[[More Information](#)]

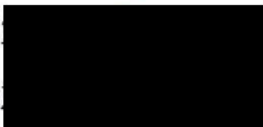
On Thu, Jun 18, 2020 at 10:53 Law Clerk <[REDACTED]> wrote:

Hello Isaiah,

Thank you for contacting us and sharing your story. By any chance do you have a screen shot or photo from when your claim stated "DUA" and "other program eligibility"? We are trying to illustrate the various problems people are facing. We will likely be using your story as an example of the run around people have got.

Thank you for working with us,

Mihal Freitas, Legal Secretary



Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.

[Home](#)[My Dashboard](#)[Sign Out](#)[Services for Individuals](#)[Services for Employers](#)

Weekly Benefit Certifications

Below are the weeks for which you have completed certifications to continue your unemployment benefits.

#	Week Ending	Certification Filing Date	Benefit Pay Date	P
13	<u>06/13/2020</u>	6/14/2020 7:52:25 AM	In Progress	
12	<u>06/06/2020</u>	6/7/2020 1:06:45 AM	In Progress	
11	<u>05/30/2020</u>	5/31/2020 2:05:47 PM	In Progress	
10	<u>05/23/2020</u>	5/24/2020 7:13:19 AM	In Progress	
9	<u>05/16/2020</u>	5/23/2020	In	

		2:10:04 PM	Progress
9	05/09/2020	5/22/2020	In