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Attorneys for Plaintiffs-Petitioners

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

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

Plaintiffs-Petitioners,

v.

STATE OF NEVADA ex rel NEVADA
DEPARTMENT OF EMPLOYMENT,
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

Case No.: CV20-00755

DECLARATION OF

DARIUSH NAIMI

THERMAN BUCK LLP

7287 Lakeside Drive

Reno, NV 89511

(775) 284-1500 Fax (775) 703-5027

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1 State of Nevada

2 County of Clark

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4
5 I, Dariush Naimi, 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 am independent contractor with Uber in Las Vegas. When the order for closures
12 due to COVID came from Governor Sisolak I feared to work. However, I had a family to feed. I
13 continued to work, taking locals to the grocery store, whatever I could get. My revenue dropped
14 as a result of the lack of tourists and mass business closures. My income went down 60%, but I
15 worked even more hours overtime to earn just 40% of what I did before.

16 3. On 5/16/2020 I applied for unemployment on the DETR PUA page. On 5/22/2020
17 I received a letter stating, "Notice of PUA Monetary Determination," this letter stated I was
18 eligible for \$181 weekly but it did not reflect the \$600 FPUC listed on DETR's website from the
19 Federal government. My DETR PUA account, under "Claimant Details" began stating
20 "Unresolved Issues: Yes." I continued to file weekly certifications, honestly reporting my
21 earnings.

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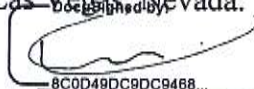
4. My PUA account then began stating 5/31/2020 DUA, "Unemployment not result of disaster." Again, this label under "Issues Description" was put on my account by DETR on 6/8/2020. I have e-mailed and called DETR numerous times and cannot reach them or get response. All my certifications read "In progress." As of 6/6/2020 my certifications read "excessive earning." The change in my income met criteria and I was never paid for any week. Even though the DOL memos state quite clearly that earning a reduced income, or partial income, does not count against receiving the full \$600 per week FPUC money. This monetary set back was no fault of my own, I am trying to provide for my family, my children; what DETR has done with my PUA claim has further set us back – not helped us out of a hole.

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

AFFIRMATION

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

Executed June 22 of 2020 in City of Las Vegas, Nevada.



8C0D48DC8DC9468

Dariush Naimi

Exhibits Attached (if Any)

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

Exhibit (letter)	Source	Title	Intended to show
1	DETR PUA personal account	Notice of PUA Determination	Approval of claim
2	DETR PUA personal account	1. Claimant Details / Certifications	Account Issues

EXHIBIT 1

Notice of PUA Determination

EXHIBIT 1



Notice of PUA Monetary Determination

Claimant ID:

Claim Effective Date (BYB):

03/15/2020

Benefit Year Ending (BYE):

12/26/2020

Agreement Number:

Section 2102 of the CARES Act of 2020

Dariush Naimi

This determination notifies you, that you are financially eligible for Pandemic Unemployment Assistance (PUA) benefits pursuant to Section 2102 of the CARES Act of 2020 and the applicable federal regulations at 20 CFR, Part 625. Provided you meet all program deadlines and eligibility requirements during the week(s) claimed, you are eligible for a weekly benefit amount (WBA) of \$181.00.

Your WBA is based on your highest quarterly wages paid and/or net income earned from self-employment as compared to the total of all wages paid and/or net income earned during your most recent federal tax year that ended prior to the beginning of the pandemic. Your WBA should equal at least 50% of the average weekly wage benefit amount in Nevada, as provided by the United States Department of Labor in UIPL 03-20. The maximum allowable WBA in Nevada is \$[REDACTED]

Our records and/or the records you provided show, that during your base period wages and/or self-employment net income reported were;

Employment Income:

Name	January- March 2019	April-June 2019	July- September 2019	October- December 2019
Dariush Naimi	\$[REDACTED]	\$[REDACTED]	\$[REDACTED]	\$[REDACTED]
[REDACTED]	\$[REDACTED]	\$[REDACTED]	\$[REDACTED]	\$[REDACTED]

Self-Employment Income: \$9,638.00

Insufficient or No Employment/Self-Employment Income:

If you had insufficient or no employment/self-employment income and you meet all program deadlines and eligibility requirements during the week(s) claimed, you are eligible for the Minimum WBA of \$181.00. **See "Other Important Information" on Page 2.**



APPEAL RIGHTS

If you disagree with this determination, you have the right to file an appeal and your appeal must be received by 07/25/2020. Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with the decision you have the right to file an appeal. **The appeal can only be submitted on-line through the EmployNV.gov portal.** Log in to your account, click the Unemployment Services link and select "File an Appeal". You may request an appeal after the finality date indicated above, however, you must show good cause for the delay in filing. If an interpreter is needed, please include this information in the appeal request. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. Once your appeal has been received and reviewed, you will receive additional information regarding the appeal in your EmployNV mail box.

OTHER IMPORTANT INFORMATION

WEEKLY FILING INSTRUCTIONS- Online (fastest option) -- Go to EmployNV.gov, select **File Your PUA Weekly Certification** from the welcome page. Log into your claim and follow the prompts. If you are already logged into EmployNV, navigate to Unemployment Services, click **Weekly Claim Certification**.

PUA Claim Center - (800)-603-9681

PANDEMIC ASSISTANCE PERIOD – PUA benefits are payable for the weeks beginning February 2, 2020 and the week ending December 26, 2020. The number of PUA weeks payable is 39, less any week(s) regular of UC paid. A shorter or abbreviated disaster assistance period may be provided if it is determined that unemployment due to the pandemic is of a short duration or is no longer attributable to the pandemic.

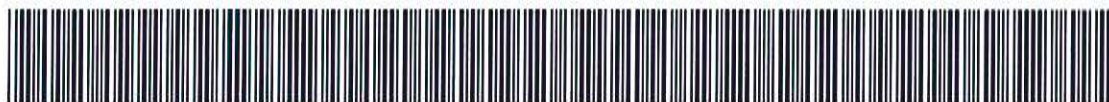
MINIMUM WEEKLY AMOUNT – If you have insufficient wages from employment or insufficient or no net income from self-employment in the applicable tax year base period, your WBA is equal to 50 percent of the average weekly benefit amount in Nevada, as provided by the United States Department of Labor in UIPL 03-20. This is known as the Minimum PUA WBA.

OTHER TYPES OF APPLICANTS – Refer to the PUA pamphlet for information on head of household/ breadwinner, incapacitated or deceased applicants and family business.

PERMITS FUTURE REDETERMINATION DURING DISASTER PERIOD – If you filed your PUA claim based only on your certification of credit weeks and/or wage documentation, you must submit sufficient documentation of employment/self-employment within 21 days of your initial application. If sufficient documentation is not received within 21 calendar days, your PUA WBA will be redetermined. If the redetermined amount is less than the original PUA WBA and you received payments of PUA for any weeks of unemployment prior to the date of the redetermination, a determination will be issued establishing an overpayment.

If the PUA WBA was redetermined because the required wage documentation was not submitted within 21 calendar days, you may have your WBA redetermined upon submittal of the documentation prior to the end of the pandemic assistance period. Any higher weekly amount determined will be applied to all weeks for which you filed and for which you were eligible for the payment of PUA.

Documentation may include but is not limited to:



- IRS form 1040 (schedule CE, or F)
- Business records (bank statements, financial statements)
- Statements signed by an employer
- Paycheck



Please submit your documentation by:

Online – Please submit this proof by uploading your document(s) to your claimant portal at EmployNV.gov. Failure to follow these instructions may result in a delay in the processing of benefits.

Pandemic Unemployment Assistance PUA HANDBOOK - Further information about your rights and responsibilities is available in the PUA handbook. A link to the handbook can be found within the EmployNV PUA weekly claim filing application. The information provided above is intended as a brief description of the requirements under applicable state and federal laws. This information does not have the force of law or regulation.

IMPORTANT NOTICE ABOUT FRAUD

The United States Department of Labor, in UIPL 16-20, provides that the requirements of 20 CFR 625.14 shall apply with respect to PUA overpayments as fraud to the same extent and in the same manner as in the case of DUA. Pursuant to 20 CFR §625.14(i), if a person was overpaid because the person (1) knowingly made, or caused another to make a false statement or misrepresentation of a material fact, or (2) knowingly failed, or caused another to fail, to disclose a material fact, pertaining to an initial application for DUA, the person is disqualified from the receipt of any DUA with respect to that major disaster. If the false statement, misrepresentation, or nondisclosure pertains to a week for which application for payment of DUA is made, the individual shall be disqualified from the receipt of DUA for that week and the first two compensable weeks in the Disaster Assistance Period immediately following that week, with respect to which the individual is otherwise entitled to a payment of DUA.

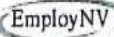


Starting Saturday (5/16): In order to file your initial PUA claim, new users please click the File a PUA Claim button. For EmployNV registered users, sign-in, click Unemployment Services from the left menu, and then File a Claim. The PUA Weekly Claims filing functionality is now accessible.

Menu

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Quick Search 



Below are the details for the email you selected.

Message Details

Date: 05/22/2020 10:54 AM
Status: Success
From: 'EmployNV'
To: [REDACTED]
CC:
BCC:
Attachments:
Subject: Notice of PUA Monetary Determination
Body: There is an important document attached. Please review and take the appropriate action needed.

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Display Emails: Sent ▼

Recipient	Subject	Date	Status	Action
	Notice of PUA Monetary Determination	5/22/2020	Success	View
DETRPUASupport@detr.nv.gov	Individual Unemployment Benefits Assistance	5/27/2020	Success	View
DETRPUASupport@detr.nv.gov	Individual General Assistance	5/27/2020	Success	View
DETRPUASupport@detr.nv.gov	Individual Unemployment Benefits Assistance	5/27/2020	Success	View

[[Individual Portfolio](#)]

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☐ [My Individual Plans](#)

End of Folder Tree View Navigation

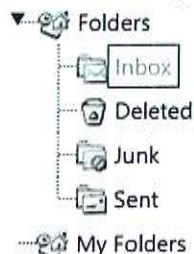
Messages [Correspondence](#) [Communication Templates](#) [Career Network](#) [Subscriptions](#) [Email Log](#) [Chat Log](#)

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Shortcut Keys: Access Message Folders with Alt and/or Shift + O then arrow up or down.
Access Messages with Alt and/or Shift + M.



Viewed Status	Attachments	From	Subject	Msg Date	Select <input type="checkbox"/>
		POSTMASTER	Notice of PUA Monetary Determination	05/22/2020 10:55 AM	row 1 Notice of PUA Monetary Determinatic <input type="checkbox"/>
		POSTMASTER	Profile Updated	05/16/2020 12:36 PM	row 2 Profile Updated <input type="checkbox"/>
		POSTMASTER	Profile Updated	05/16/2020 09:11 AM	row 3 Profile Updated <input type="checkbox"/>



1

Page size:

10



4 items in 1 pages

6/10/2020

EmployNV - Message Center

 Viewed Status	 Attachments	From	Subject	Msg Date	Select <input type="checkbox"/>
		POSTMASTER	Welcome to EmployNV	05/16/2020 08:27 AM	row 4 Welcome to EmployNV <input type="checkbox"/>



1

Page size: 10 ▼

4 items in 1 pages

[[Mark As Read](#) | [Delete Selected Item\(s\)](#) | [Mark As Unread](#) | [Move To Folder](#)]

IP: 24.176.187.110

[[Contact Us](#)]

EXHIBIT 2

Claimant Account Issues

EXHIBIT 2

Unemployment Benefits

Trade Adjustment Assistance (TAA)

Unemployment Insurance Claim Information

Unemployment Insurance Claim Information

Claimant Details

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: Dariush Naimi**Claimant User Name** [REDACTED]**Address:** [REDACTED]**City:** [REDACTED]**State:** [REDACTED]**Zip:** [REDACTED][\[Edit Information \]](#)

Claim Details

Claim Details

Below are the details of your current benefit claim. You may find more information by clicking the *More Information* link.

Claim #: [REDACTED]**Claim Effective Date:** 3/15/2020**Claim Type:** New**Benefit Year End Date:** 12/26/2020**Claim Status:** Regular Active**Payment Type:** Direct Deposit**Available Credits:**

\$ [REDACTED]

Weekly Benefit Amount:

\$ [REDACTED]

Claim Benefit Balance:

\$ [REDACTED]

Claim Under Review: No**Claim Benefit Paid** \$0.00**Unresolved Issues:** Yes**Federal Tax Withheld:**

No

State Tax Withheld: No[\[More Information \]](#)

Outstanding Claim Issues

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
06/08/2020	DUA - Unemployment not result of disaster	N/A	New
05/31/2020	DUA - Unemployment not result of disaster	N/A	New

Weekly Benefit Certifications

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	Payment Number	Benefit Amount	Federal Withholding	Payment Amount
12	<u>06/06/2020</u>	6/8/2020 11:49:41 AM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
11	<u>05/30/2020</u>	5/31/2020 1:15:46 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
10	<u>05/23/2020</u>	5/24/2020 11:24:35 AM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
9	<u>05/16/2020</u>	5/23/2020 1:09:53 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
8	<u>05/09/2020</u>	5/23/2020 1:02:28 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
7	<u>05/02/2020</u>	5/23/2020 12:56:53 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
6	<u>04/25/2020</u>	5/23/2020 12:50:47 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
5	<u>04/18/2020</u>	5/23/2020 12:44:16 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
4	<u>04/11/2020</u>	5/23/2020 12:37:47 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
3	<u>04/04/2020</u>	5/23/2020 12:31:45 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
2	<u>03/28/2020</u>	5/23/2020 12:26:09 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>
1	<u>03/21/2020</u>	5/23/2020 12:16:17 PM	In Progress	N/A	\$181.00	\$0.00	<u>\$0.00</u>

[[File Benefit Certification](#)]

Payment Summary

Payment Summary

Below are the details on how each weekly payment was determined.

#	Week Ending	WBA	Earnings Claimed	Total Deductions	Payment Amount	Pay Type	Trans Number
12	06/06/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
11	05/30/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
10	05/23/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	In Progress	
9	05/16/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
8	05/09/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
7	05/02/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
6	04/25/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
5	04/18/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
4	04/11/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
3	04/04/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
2	03/28/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
1	03/21/2020	\$181.00	Claimant: \$ [REDACTED]	\$0.00	\$0.00	Excessive Earnings	
<div>   Page 1  of 1   </div> <div>Rows: 100 </div>							

Based on the policy of your financial institution it may take up to three days for funds to appear in your account.

For more information on unemployment benefits click [here](#) to access Unemployment Services.

Transaction Record

Refund Policy: All payments are final and non-refundable.