

THIERMAN BUCK LLP  
7287 Lakeside Drive  
Reno, NV 89511  
(775) 284-1500 Fax (775) 703-5027  
Email info@thiermanbuck.com www.thiermanbuck.com

1 Mark R. Thierman (Bar No. 8285)  
2 mark@thiermanbuck.com  
3 Joshua D. Buck (Bar No. 12187)  
4 josh@thiermanbuck.com  
5 Leah L. Jones (Bar No. 13161)  
6 leah@thiermanbuck.com  
7 THIERMAN BUCK, LLP  
8 7287 Lakeside Drive  
9 Reno, Nevada 89511  
10 Tel.: (775) 284-1500  
11 Fax.: (775) 703-5027

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.

24 STATE OF NEVADA ex rel NEVADA  
25 DEPARTMENT OF EMPLOYMENT,  
26 TRAINING AND REHABILITATION  
27 (DETR); HEATHER KORBULIC in her  
28 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**

**VICTORIA WAKED**

1 State of Nevada

2 County of Clark

3  
4  
5 I, Victoria Waked, 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 a single mother of a child with special needs living in Southern Nevada.  
12 Until the pandemic and quarantine shut Las Vegas down, I worked as a 1099 independent  
13 contractor (or freelancer) skin care specialist and makeup artist. I haven't worked or made any  
14 money since March 13, 2020, when I was mandated to cease work by Governor Sisolak's  
15 emergency directive.

16 3. On May 16, the first day that the gig worker website from DETR site became  
17 available, I applied for unemployment compensation. Initially my personal progress report  
18 webpage form DETR said "unresolved issues: NO" and nothing appeared under outstanding  
19 issues column heading. On May 22, 2020, on my personal progress report on my DETR account  
20 it read, "PUA-Other program eligibility" under outstanding claim issues. However,  
21 "Unresolved issues" remained "NO" on my DETR account.

22 4. On May 23, 2020, DETR did a "system update" which allowed me to go back and  
23 do weekly certifications from beginning date to current. FOUR NEW Codes appeared at that  
24 time (in addition to PUA other program eligibility) under outstanding claim issues: Lack of  
25 work, Working full time, DUA-unemployment not result of disaster, and DUA-unemployment  
26 ended. But "unresolved issues" changes to "YES." Despite repeated attempts, I was not able to  
27 get through via telephone to DETR representatives. On June 2, 2020 all of the FOUR new  
28 issues drop off automatically from the account; however, "PUA other program eligibility"  
remained. "unresolved issues" remained a "YES." I was never able to get through the DETR



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1 phone lines to speak to anyone. Then on June 9, 2020, the “ PUA other program eligibility”  
2 remark dropped off my personal progress report on my DETR account, but “ unresolved issues”  
3 remained as a “YES.” Currently, there are no outstanding issues reported on my personal  
4 progress report on my DETR account, but unresolved issues remain a YES, and payment type  
5 says “active issues.” I cannot get through to talk to anyone by telephone. There are no relevant  
6 email addresses listed online. I have relayed frustration stating, “I have no idea what to do while  
7 other people who applied later (after glitches were worked out) are getting money.” I have not  
8 been paid, and there is no notice of any appeal process applicable to my situation.

9 5. I have waited for DETR to pay unemployment compensation from the time I first  
10 was able to apply until now. This means I have gone almost three months with no income. This  
11 has created desperation for me and my son. My credit card is maxed out and my savings is gone.  
12 I am the sole caregiver for my son who is disabled. I am in extreme mental anguish knowing  
13 there is money granted by the federal government to provide for myself and my son but I can’t  
14 get to it because DETR won’t pay me. I cannot get through the DETR phone lines to seek  
15 further information as to how to get paid.

16 //

17 //

18 //

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20 //

21 //

22 //

23 //

24 //

7. I have read the forgoing declaration consisting of this page and 3 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.

*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.*

2852825D8C5E44B

## Victoria Waked

**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 WAKED	e-mail correspondence	Plaintiff's DETR PUA Story
2	Screen shots from plaintiff's PUA account	Claim status' and Notice of PUA Eligibility	PUA Eligibility determination
3	Screen shots from plaintiff's PUA account	Payment Summary and Outstanding Claim Issues	Showing no outstanding claim issues
4	Screen shot from plaintiff's PUA account	Weekly Benefit Certifications	Payment "in progress" benefit date – continued non payment

## **EXHIBIT 1**

E-mail to Thierman Buck Law Firm

## **EXHIBIT 1**



## Law Clerk

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**From:** victoria waked <[REDACTED]>  
**Sent:** Thursday, June 11, 2020 4:18 PM  
**To:** info  
**Subject:** PUA PROBLEMS

Hello I am a single mother of a child with special needs and was working as a 1099 independent contractor (or freelancer) skin care specialist and makeup artist until pandemic and quarantine shut the city down. I stayed home for Nevada and so far have only suffered for my obedience. I haven't worked or made any money since March 13, 2020. Today is June 11, 2020.

May 16 I applied the first day the site was ready. Initially I had unresolved issues NO and nothing under outstanding issues.

On May 22 PUA-Other program eligibility appeared under outstanding claim issues. Unresolved issues remain NO. May 23 "system update" occurs and we are allowed to go back and do weekly certifications from beginning date to current. FOUR NEW Codes appear (in addition to PUA other program eligibility) under outstanding claim issues- Lack of work, Working full time, DUA-unemployment not result of disaster, and DUA-unemployment ended. Unresolved issues changes to YES.

I have been unable to get through on the 81 number and on June 1st when we are told to call the 82 number. I have called many times since then never to get through. My email has been bounced back to me as well. No instructions no info no changes on my account since May 23.

June 2- all of the FOUR new issues drop off automatically from the account. I never to speak to anyone. But PUA other program eligibility remains. Unresolved issues remain a YES.

All attempts to reach a representative on 82 number are unsuccessful.

June 9- PUA other program eligibility drops off. Unresolved issues remain YES.

This is were I am currently- no outstanding issues, unresolved issues are a YES, and payment type says active issues. I can not get through to talk to anyone. I can not get through to email anyone. I have no idea what to do while other people who applied later (after glitches were worked out) are getting money. I have pictures documenting the journey with dates and changes to my account. I HAVE NOT RECEIVED A CENT ALTHOUGH I WAS DEEMED ELIGIBLE.

I have not been able to work since March 13, 2020. Almost three months with no income and times are DESPERATE for my son and I. My credit card is maxed out and my savings gone. I am the lone care giver for my disabled child. I am in mental anguish knowing there is money granted to me to provide for my son but I can't get to it or to talk to anyone who can help me get to it. Federal funds granted to provide for us during the pandemic and shutdown are being withheld to our detriment. I have spent the entire shutdown worried about my son, myself, our health, how we would eat, how to pay bills and it's been UNNECESSARY! The money has been there since the end of March and they withheld through the worst times and continue to do so now.

Please call me with any questions I'd be happy to assist in anyway [REDACTED].

Thank you.

## **EXHIBIT 2**



PUA Notice of Eligibility and  
Determination

## **EXHIBIT 2**




**From:** victoria.waked  
**To:** Law Clerk  
**Subject:** Re: PUA PROBLEMS  
**Date:** Thursday, June 18, 2020 12:53:01 PM  
**Attachments:** image001.png

These are screenshots as of today June 18th at 12:40pm. My claim looks the same no change no movement no updates. Outstanding issues no, unresolved issues yes and payment type active issues. The one and only letter I received was on May 22 for my PUA Monetary Eligibility. I filed the first day the website launched on MAY 16th. Please let me know if you have any further questions. I'm more than happy to provide all details of my experience for the court. Thank you for your help!

 Sprint 

12:40 PM

81% 

 employnv.gov

\*DO NOT FILE A PUA CLAIM if you have an unemployment (UI) claim pending in Ulnv.gov. If you do this, it may DELAY the processing of your PUA claim. If you are new to the EmployNV system and want to file for PUA: click on the 'File a PUA Claim' button below. If you are a registered/returning EmployNV user: sign-in, click on 'Unemployment Services' from the menu on the left, and then click 'File a Claim'.



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Services for Individuals



Services for Employers

**Date:**

**Benefit**

**Claim**

New

**Type:**

**Year End**

12/26/2020

**Date:**

**Claim**

Regular

**Payment**

Direct

**Status:**

Active

**Type:**

Deposit

**Available**

**Weekly**

**Credits:**

\$

[REDACTED]

**Benefit**

\$

[REDACTED]

**Amount:**

**Claim**

**Claim**

**Benefit**

\$

[REDACTED]

**Under**

No

**Balance:**

**Review:**

Payment Type:

Active Issues

Waiting Week:

No

Sprint

12:45 PM

81%

employnv.gov



Employment Security Division  
PUA Claim Center: (800)-603-9581  
PUA Adjudication Office: (800)-603-9582



**Notice of PUA Monetary Determination**

Claimant ID:

Claim Effective Date (BYB):

03/08/2020

Benefit Year Ending (BYE):

12/26/2020

Agreement Number:

Section 2102 of the CARES Act of 2020

Victoria F Waked

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 \$[REDACTED].

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
Self Employed	\$[REDACTED]	\$[REDACTED]	\$[REDACTED]	\$[REDACTED]

**Self-Employment Income:** \$[REDACTED]

**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.

Report suspected UI Fraud online at <https://uifraud.nvdetr.org>



1 of 3

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#### **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**



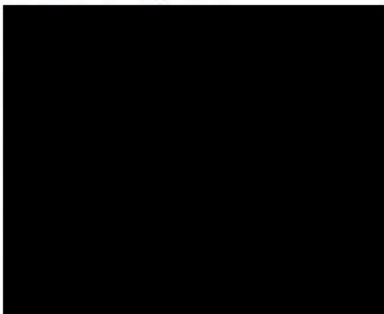
On Thu, Jun 18, 2020 at 11:19 AM Law Clerk <[REDACTED]> wrote:

Hello Victoria,

We truly sympathize with your situation and appreciate you reaching out. We would like to use your story as an example to the court of how DETR is affecting people lives with their lack of payment run around. Can you take a picture or send screen of 1. your current claim status 2. any letters you received from DETR regarding your PUA claim 3. the weekly payment page pending / in process weekly page that shows you have received no payment. We want to show evidence of what we know is happening.

Thank you for working with us,

Mihal Freitas, Legal Secretary





# **EXHIBIT 3**

PUA Summary and Outstanding  
Claim Issues

# **EXHIBIT 3**

\*DO NOT FILE A PUA CLAIM if you have an unemployment (UI) claim pending in Unv.gov. If you do this, it may DELAY the processing of your PUA claim. If you are new to the EmployNV system and want to file for PUA: click on the 'File a PUA Claim' button below. If you are a registered/returning EmployNV user: sign-in, click on 'Unemployment Services' from the menu on the left, and then click 'File a Claim'.



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Services for Employers

## Payment Summary

**Week End Date:** 06/13/2020

**Claim Filed Date:** 06/14/2020

**Payment Issue Date:**

**Maximum Benefit Amount:** \$ [REDACTED]

**Weekly Benefit Amount:** \$ [REDACTED]

**Earnings Claimed:** \$0.00

**Adjusted Base Pay Amount:** \$0.00

**Total Deductions:** \$0.00

**Payment Amount:** \$0.00

**Prevent Payment:** No

Claim			
Benefit	\$0.00	Unresolved	Yes
Paid		Issues:	
Federal			
Tax	Yes	State Tax	No
Withheld:		Withheld:	


[ [More Information](#) ]

## Outstanding Claim Issues

 Sprint 

12:40 PM

81% 

 employnv.gov

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Services for Individuals



Services for Employers

## Outstanding Claim Issues

No Outstanding Issues have been found for this claim.



# **EXHIBIT 4**

Weekly Benefit Calculation

**EXHIBIT 4**

## 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
14	<u>06/13/2020</u>	6/14/2020 4:37:04 PM	In Progress	
13	<u>06/06/2020</u>	6/7/2020 8:38:41 PM	In Progress	
12	<u>05/30/2020</u>	5/31/2020	In	

\*DO NOT FILE A PUA CLAIM if you have an unemployment (UI) claim pending in Unv.gov. If you do this, it may DELAY the processing of your PUA claim. If you are new to the EmployNV system and want to file for PUA: click on the 'File a PUA Claim' button below. If you are a registered/returning EmployNV user: sign-in, click on 'Unemployment Services' from the menu on the left, and then click 'File a Claim'.

Week Ending	WBA	Earnings Claimed	Total Deductions	Payment Amount	Pay Type	Trans Number
<u>06/13/2020</u>	\$ [REDACTED]	\$0.00	\$0.00	\$0.00	In Progress	
<u>06/06/2020</u>	\$ [REDACTED]	\$0.00	\$0.00	\$0.00	In Progress	
<u>05/30/2020</u>	\$ [REDACTED]	\$0.00	\$0.00	\$0.00	In Progress	
<u>05/23/2020</u>	\$ [REDACTED]	\$0.00	\$0.00	\$0.00	In Progress	