

Original

1 BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY

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3 IN RE: APPLICATION BY PETEGLO, LLC-
4 TPM, LLC; GEORGE BALABAN (AGTB LLC)
5 MANANGER/ MEMBER OF PETEGLO, LLC,
6 AND BRAD BALABAN (BJ) AND DANA
7 BALABAN, BOTH MEMBERS OF PETEGLO
8 LLC-TPM LLC, FOR AUTHORITY TO
9 ACQUIRE THE ASSETS INCLUDING THE
10 CERTIFICATE OF PUBLIC CONVENIENCE
11 AND NECESSITY ("CPCN")

**REPLY IN SUPPORT OF THE
PETITION FOR LEAVE TO
INTERVENE OF JULIE CHENOWETH
AND LISA CHENOWETH**

DEC 16 '25 FILED

8 Petitioners Julie Chenoweth and Lisa Chenoweth (collectively, the "Chenoweths"), by and
9 through their counsel of record, Marquis Aurbach Chtd., submit this Response In Support of the
10 Petition for Leave to Intervene in the Application filed by Peteglo, LLC-TPM, LLC ("Applicant").

11 All notices, pleading documents and correspondence pertaining to this proceeding should
12 be directed to the following:

13 Brian R. Hardy, Esq.
14 Nevada Bar No. 10068
15 Sarah C. Ethington, Esq.
16 Nevada Bar No. 16530
17 Hannah D. Gagow, Esq.
18 Nevada Bar No. 17195
19 10001 Park Run Drive
20 Las Vegas, Nevada 89145

A. THE CHENOWETHS' DIRECT AND SUBSTANTIAL INTEREST

21 The Chenoweths, daughters of the founders of Sun Cab, Inc., collectively hold a fifty
22 percent (50%) equity ownership in the corporation. This is not a tangential or speculative claim; it
23 is a controlling-level stake that inherently satisfies the "direct and substantial interest" standard
24 under NAC 706.894. Any action affecting the company's assets, control, or value directly and
25 profoundly impacts their interest.

26 Applicant's attempt to label the Chenoweths as mere "minority owners" is a
27 mischaracterization and a disputed fact in the pending litigation. What is undisputed is that a fifty
28 percent (50%) stake is not a minority position; it represents half of the entire corporate ownership.
This proceeding will directly affect the value of their holdings and the control of the corporation.

1 Their interest is not in seeking corporate-law remedies, but in ensuring the legality of a transfer
2 that directly impacts their substantial ownership, a matter squarely within this Authority's purview.

3 **B. THE AUTOMATIC STAY IS DISPOSITIVE AND PRECLUDES
4 AUTHORITY ACTION**

5 Applicants concede Nellis Cab filed Chapter 11 on December 5, 2025, staying the district
6 court action, yet urge the Authority to approve now and let bankruptcy "effectuate the transfer"
7 later. " This argument fundamentally misinterprets bankruptcy law. The moment Nellis Cab filed
8 for Chapter 11 protection, the automatic stay under 11 U.S.C. § 362(a) was triggered. This stay is
9 not a suggestion; it is a statutory injunction that halts all actions to obtain or exercise control over
10 property of the bankruptcy estate, including administrative proceedings such as the instant matter.
11 Upon filing, all debtor property becomes estate property under 11 U.S.C. § 541, and § 362(a) stays
12 any act to obtain possession of or exercise control over estate property.

13 Nevada law is unequivocal: "a sale conducted during an automatic stay in bankruptcy
14 proceedings is invalid." *LN Management LLC Series 5105 Portraits Place v. Green Tree Loan*
15 *Servicing LLC*, 133 Nev. 394, 399 P.3d 359, 359 (2017); *see also SFR Investments Pool 1, LLC v.*
16 *U.S. Bank, N.A.*, 135 Nev. Adv. Op. 45, 449 P.3d 461, 464 (2019). This principle extends to any
17 administrative action that purports to authorize such a sale. Because the automatic stay bars any
18 act to "exercise control over property of the estate," this Authority is legally precluded from
19 approving the transfer of the CPCN, which is estate property, until the bankruptcy court grants
20 relief from the stay. Under 11 U.S.C. § 362(a), no entity, including administrative bodies, may
21 take actions that obtain possession of or exercise control over estate property. Therefore, this
22 Authority cannot authorize a transfer of estate assets absent stay relief.

23 Applicant's admission that the transfer requires authorization from the bankruptcy trustee
24 underscores the prematurity of this proceeding. The bankruptcy court has exclusive jurisdiction
25 over the disposition of estate assets. This Authority's approval is not a prerequisite to, nor a
26 substitute for, the bankruptcy court's explicit authorization. Any action by this Authority before
27 the bankruptcy court acts is without legal effect.

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1 **C. THE AUTHORITY'S PROCEEDING IS NOT A VEHICLE TO**
2 **CIRCUMVENT THE BANKRUPTCY CODE**

3 Applicant's reliance on NRS 706.8819's "exclusive jurisdiction" is misplaced. While the
4 Authority regulates public convenience and suitability, its jurisdiction does not supersede federal
5 bankruptcy law. The Bankruptcy Code preempts state law regarding the control and disposition of
6 estate property. Any attempt to use this proceeding to secure pre-approval of a sale is an improper
7 attempt to circumvent the automatic stay and the trustee's exclusive authority. The stay renders
8 any such approval void. *See SFR Investments Pool 1, LLC v. U.S. Bank*, N.A., 135 Nev. Adv. Op.
9 45, 449 P.3d 461, 464 (2019). *LN Management's* rule that sales during a stay are invalid confirms
10 that regulatory action cannot effectuate or ratify a transfer the Code commits to the trustee and
11 court. Thus, the Authority may consider suitability and public convenience but may not authorize
12 a sale that contravenes § 362 or bypasses the trustee's exclusive authority. *FR Investments Pool 1*,
13 449 P.3d at 464; *LN Management*, 399 P.3d at 359.

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1 **D. CONCLUSION**

2 For the foregoing reasons, the Chenoweth's have a direct and substantial interest in this
3 matter, and the automatic stay bars this Authority from taking any action to approve the transfer
4 of estate property. Intervention is necessary to protect their interests and ensure compliance with
5 federal bankruptcy law. GIVEN THE FOREGOING, Petitioners Julie Chenoweth and Lisa
6 Chenoweth respectfully request that the Authority grant the following relief:

7 1. Permission to intervene and participate fully with respect to this matter;
8 2. That this matter be continued until approval of the sale has been authorized by the
9 bankruptcy court; and
10 3. For such other relief as appears just and proper in the premises.

11 Dated this 16th day of December, 2025.

12 MARQUIS AURBACH

13 By: 

14 Brian R. Hardy, Esq.
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21 Las Vegas, Nevada 89145
22 Attorneys for Petitioners Julie
23 Chenoweth and Lisa Chenoweth

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF THE PETITION FOR
LEAVE TO INTERVENE OF JULIE CHENOWETH AND LISA CHENOWETH** was submitted for filing with the State of Nevada Taxicab Authority on the 16th day of December, 2025:

State of Nevada Taxicab Authority
2090 E. Flamingo Road, Suite 200
Las Vegas, NV 89119

I hereby further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to the following recipients:

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