

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2           MDC RESTAURANTS, LLC, a  
3           Nevada limited liability company,  
4           LAGUNA RESTAURANTS LLC, a  
5           Nevada limited liability company, and  
6           INKA LLC, a Nevada limited liability  
7           company,

8                                   Petitioners,

9                                   vs.

10          THE EIGHTH JUDICIAL DISTRICT  
11          COURT OF THE STATE OF  
12          NEVADA in and for the County of  
13          Clark and THE HONORABLE  
14          TIMOTHY WILLIAMS, District Judge,

15                                   Respondents,

16                                   and

17          PAULETTE DIAZ, an individual;  
18          LAWANDA GAIL WILBANKS, an  
19          individual; SHANNON OLSZYNSKI,  
20          an individual; and CHARITY  
21          FITZLAFF, an individual, all on behalf  
22          of themselves and all similarly-situated  
23          individuals

24                                   Real-Parties-in-Interest.

Electronically Filed  
Sep 14 2015 09:09 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**Case No.: 67631**

Eighth Judicial District Court  
Case No.: A701633  
Department No.: XVI

**REAL PARTIES IN INTEREST'S  
RESPONSE TO WESTERN CAB  
COMPANY'S MOTION TO  
CONSOLIDATE**

25           Real Parties in Interest Paulette Diaz, *et al.*, by and through their attorneys of  
26           record, here respond the motion by Petitioner in Case No. 68796, Western Cab  
27           Company, to consolidate that matter with the present one, and with Case No. 66629,  
28           *Lisa Williams et al. v. District Court (Claim Jumper Acquisition, LLC)*.

29           As Petitioners in *Williams* describe, it is not efficient to consolidate Western  
30           Cab's petition proceeding with that in *Williams*, given the differences in procedural  
31           posture and timing between those actions. It may be useful, however, for the Court to  
32           consider consolidating Western Cab's proceeding only with the *MDC Restaurants*  
33           proceeding. The present action, like Western Cab's case, involves a submitted writ  
34           petition for which an answer has yet been required by the Court, and factually both

1 writs are brought by petitioners who oppose a district court's determination that  
2 claims brought pursuant to Nev. Const. art. XV, sec. 16 are subject to a four year  
3 statute of limitations. These two actions, therefore—Cases 67631 and 68796—are  
4 similar factually, and are similarly-situated procedurally, in ways neither share with  
5 *Williams*, Case No. 66629.

6 Real Parties in Interest oppose consolidation of the present proceeding and  
7 Western Cab's with Case No. 66629, but do not necessarily oppose consolidation  
8 between *MDC Restaurants* and Petitioner Western Cab's proceeding.

9 Respectfully submitted, this 14th day of September, 2015.

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11 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2015, a true and correct copy of the foregoing **REAL PARTIES IN INTEREST’S RESPONSE TO WESTERN CAB COMPANY’S MOTION TO CONSOLIDATE** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court’s electronic filing system.

By: /s/ Dannielle Fresquez  
Dannielle Fresquez, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN  
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