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Tracie K. Lindeman
Clerk of Supreme Court

7
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 MDC RESTAURANTS, LLC, a Nevada
limited liability company; LAGUNA
10 RESTAURANTS, LLC, a Nevada
limited liability company; INKA, LLC, a
11 Nevada limited liability company,

12 Plaintiffs,

13 vs.

14 THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA
15 in and for the County of Clark and THE
HONORABLE TIMOTHY C.
16 WILLIAMS, District Judge,

17 Respondents,

18 and,

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

22 Real Parties In Interest

23 COLLINS KWAYISI, an individual,

24 Appellant,

25 vs.

26 WENDY'S OF LAS VEGAS, INC., an
Ohio corporation; and CEDAR
27 ENTERPRISES, INC., an Ohio
corporation.

28 Respondents

Supreme Court Case No. 68523

**NOTICE OF CONSENT TO
PARTICIPATE AS AMICI
CURIAE IN CASE NO. 68770,
STATE OF NEVADA v.
HANCOCK**

Case No. 68754

1 THE STATE OF NEVADA, OFFICE OF
2 THE LABOR COMMISSIONER; and
3 SHANNON CHAMBERS, Nevada Labor
4 Commissioner in her official capacity,

5 Appellants,

6 vs.

7 CODY C. HANCOCK, an individual,

8 Respondent

9 ERIN HANKS,

10 Appellant,

11 vs.

12 BRIAD RESTAURANT GROUP, LLC,
13 a New Jersey limited liability company,

14 Respondent

Case No. 68770

Case No. 68845

15 Amici Curiae Landry's, Inc., Claim Jumper Acquisition Company, LLC,
16 Landry's Seafood House – Nevada, Inc., Landry's Seafood House – Arlington, Inc.,
17 Bubba Gump Shrimp Co. Restaurants, LLC, Bertolini's of Las Vegas, Inc., dba
18 Trevi, Morton's of Chicago/Flamingo Road Corp., dba Morton's The Steakhouse,
19 and Nevada Restaurant Services, Inc., dba Dotty's, submit this Notice to Consent to
20 Participate as Amici Curiae in Supreme Court Case No. 68770, *The State of*
21 *Nevada, Office of the Labor Commissioner, and Shannon Chambers, Nevada Labor*
22 *Commissioner v. Cody C. Hancock* ("Hancock Appeal"), which has been
23 consolidated with Case Nos. 68523, 68845, and 68754.

24 The attached Consent to Participate is submitted pursuant to NEV. R. APP. P.
25 29(a), which provides amicus curiae may file a brief without leave of the Court if
26 the brief is "accompanied by written consent of all parties."
27
28

1 Amici Curiae's interest in the proceeding and statement as to why the amicus
2 brief will contribute to the resolution of the issue presented in Appellants Opening
3 Brief are detailed in Amici Curiae's Brief in Support of Appellants Office of the
4 Labor Commissioner and Shannon Chambers in the *Hancock* Appeal.

5 Dated this 23rd day of December, 2015.

6 JACKSON LEWIS P.C.

7
8 /s/ Elayna J. Youchah

9 Elayna J. Youchah, Bar #5837

10 Steven C. Anderson, Bar #11901

11 3800 Howard Hughes Parkway, Suite 600
12 Las Vegas, Nevada 89169

13 *Attorneys for Amici Curiae*
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EXHIBIT A

1 **CONSENT TO PARTICIPATION OF PROPOSED AMICI CURIAE**

2 Pursuant to Nev. R. App. Proc. 29(a), Amici Curiae may file a brief “if
3 accompanied by written consent of all parties.” The parties stated below consent to
4 the participation of Amici Curiae Landry’s, Inc., Claim Jumper Acquisition
5 Company, LLC, Landry’s Seafood House – Nevada, Inc., Landry’s Seafood House
6 – Arlington, Inc., Bubba Gump Shrimp Co. Restaurants, LLC, Bertolini’s of Las
7 Vegas, Inc., dba Trevi, Morton’s of Chicago/Flamingo Road Corp., dba Morton’s
8 The Steakhouse, and Nevada Restaurant Services, Inc., dba Dotty’s:
9

- 10
- 11 • APPELLANTS: THE STATE OF NEVADA, OFFICE OF THE LABOR
12 COMMISSIONER; and SHANNON CHAMBERS, Nevada Labor
13 Commissioner in her official capacity.
 - 14 • RESPONDENT: CODY C. HANCOCK, an individual
- 15

16 /s/ Bradley Schrager
17 Don Springmeyer
18 Bradley Schrager
19 Daniel Bravo
20 Wolf Rifkin Shapiro Shulman & Rabkin LLP
21 3556 East Russell Road, 2nd Floor
22 Las Vegas, Nevada 89120

23 *Attorneys for Respondent*

Dated: December 1, 2015.

24 /s/ Scott R. Davis
25 Scott R. Davis, Bar # 10019
26 Deputy Attorney General
27 555 E. Washington Ave., Ste. 3900
28 Las Vegas, Nevada 89101

Attorneys for Appellants

Dated: December 1, 2015.