

IN THE SUPREME COURT OF THE STATE OF NEVADA

COLLINS KWAYISI, AN INDIVIDUAL,
Appellant,
vs.
WENDY'S OF LAS VEGAS, INC., AN
OHIO CORPORATION; AND CEDAR
ENTERPRISES, INC., AN OHIO
CORPORATION,
Respondents.

No. 68754

FILED

OCT 09 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

***ORDER ACCEPTING CERTIFIED QUESTION, DIRECTING
BRIEFING, AND DIRECTING SUBMISSION OF FILING FEE***

This matter involves a legal question certified to this court, under NRAP 5, by the United States District Court, District of Nevada. Specifically, the District Court has certified the following question of law to this court:

Whether an employee must actually enroll in health benefits offered by an employer before the employer may pay that employee at the lower-tier wage under the Minimum Wage Amendment, Nev. Const. art. XV, § 16.

As no clearly controlling Nevada precedent exists with respect to this important legal question and its answer may determine part of the federal case, we accept the certified question. *See* NRAP 5(a); *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 137 P.3d 1161 (2006).

Accordingly, appellant shall have 30 days from the date of this order to file and serve an opening brief and appendix. Respondents shall have 30 days from the date the opening brief is served to file and serve an answering brief. Appellant shall then have 20 days from the date the answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. *See* NRAP 5(g)(2).

Lastly, in any proceeding under NRAP 5, fees "shall be the same as in civil appeals . . . and shall be equally divided between the parties unless otherwise ordered by the certifying court." NRAP 5(e). The District Court's order does not address the payment of this court's fees. Accordingly, appellant and respondents shall each tender to the clerk of this court, within 11 days from the date of this order, the sum of \$125, representing half of the filing fee. See NRAP 3(e); NRAP 5(e).

It is so ORDERED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
Littler Mendelson/Las Vegas