

IN THE SUPREME COURT OF THE STATE OF NEVADA

MDC RESTAURANTS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY;  
LAGUNA RESTAURANTS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND INKA, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
TIMOTHY C. WILLIAMS, DISTRICT  
JUDGE,

Respondents,

and

PAULETTE DIAZ, AN INDIVIDUAL;  
LAWANDA GAIL WILBANKS, AN  
INDIVIDUAL; SHANNON OLSZYNSKI,  
AN INDIVIDUAL; AND CHARITY  
FITZLAFF, AN INDIVIDUAL, ON  
BEHALF OF THEMSELVES AND ALL  
SIMILARLY-SITUATED  
INDIVIDUALS,

Real Parties in Interest.

COLLINS KWAYISI, AN INDIVIDUAL,  
Appellant,

vs.

WENDY'S OF LAS VEGAS, INC., AN  
OHIO CORPORATION; AND CEDAR  
ENTERPRISES, INC., AN OHIO  
CORPORATION,

Respondents.

THE STATE OF NEVADA, OFFICE OF  
THE LABOR COMMISSIONER; AND  
SHANNON CHAMBERS, NEVADA  
LABOR COMMISSIONER IN HER

No. 68523

**FILED**

NOV 03 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

No. 68754

No. 68770

16-34373

OFFICIAL CAPACITY,  
Appellants,  
vs.  
CODY C. HANCOCK, AN INDIVIDUAL,  
Respondent.

ERIN HANKS,  
Appellant,  
vs.  
BRIAD RESTAURANT GROUP, LLC, A  
NEW JERSEY LIMITED LIABILITY  
COMPANY,  
Respondent.

No. 68845

WRIT OF MANDAMUS

TO: The Honorable Timothy C. Williams, Judge of the Eighth  
Judicial District Court:

WHEREAS, this Court having made and filed its written decision  
that a writ of mandamus issue,

NOW, THEREFORE, you are directed to vacate your partial  
summary judgment order and hold further proceedings in accordance with  
this opinion, in the case entitled Paulette Diaz; Lawanda Gail Wilbanks;  
Shannon Olszynski; and Charity Fitzlaff, all on behalf of themselves and  
all similarly-situated individuals vs. MDC Restaurants, LLC; Laguna  
Restaurants, LLC; Inka, LLC, case no. A701633.

WITNESS The Honorables Chief Justice Ron Parraguirre, Michael L. Douglas, James W. Hardesty, Michael A. Cherry, Mark Gibbons and Kristina Pickering, Associate Justices of the Supreme Court of the State of Nevada, and attested by my hand and seal this 27th day of October, 2016.

Elizabeth A Brown

Supreme Court Clerk



1 THE STATE OF NEVADA, OFFICE OF THE  
2 LABOR COMMISSIONER; AND SHANNON  
3 CHAMBERS, NEVADA LABOR  
4 COMMISSIONER IN HER OFFICIAL  
5 CAPACITY,

6 Appellants,

7 v.

8 CODY C. HANCOCK, AN INDIVIDUAL,

9 Respondent.

Case No. 68770

10 ERIN HANKS.

11 Appellant,

12 v.

13 BRIAD RESTAURANT GROUP, LLC, A NEW  
14 JERSEY LIMITED LIABILITY COMPANY,

15 Respondent.

Case No. 68845

16 **PROOF OF SERVICE**

17  
18 I am an employee of Morris Polich & Purdy LLP in Las Vegas, Nevada. I  
19 am over the age of 18 and not a party to this action. The business address is 3800  
20 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada 89169. On October 31,  
21 2016, I served the foregoing document described as:

22 **WRIT OF MANDAMUS and OPINION**

23 by placing a true copy thereof in separate sealed envelopes addressed as follows:

24 District Court of Clark County  
25 For Delivery to:  
26 **Honorable Timothy C. Williams**  
27 District Court of Clark County, Dept. 16  
28 200 Lewis Avenue  
Las Vegas, Nevada 89155

1 ☐ **BY U.S. MAIL** I deposited such envelope in the mail at Las Vegas, Nevada.  
2 The envelopes were mailed with postage thereon fully prepaid. I am readily familiar  
3 with Morris Polich & Purdy, LLP's practice of collection and processing  
4 correspondence for mailing. Under that practice, documents are deposited with the  
5 U.S. Postal Service on the same day that is stated in the proof of service, with  
6 postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am  
7 aware that on motion of party served, service is presumed invalid if the postal  
8 cancellation date or postage meter date is more than one day after the date stated in  
9 this proof of service.

10 ☐ **BY FEDERAL EXPRESS** I am familiar with the firm's practice of collecting  
11 and processing correspondence for delivery via Federal Express. Under that  
12 practice, it would be picked up by Federal Express on that same day at Las Vegas,  
13 Nevada and delivered to the parties as listed on this Proof of Service the following  
14 business morning.

15 ☒ **BY HAND DELIVERY** to the address listed above.

16 ☒ **STATE** I declare under penalty of perjury under the laws of the State of  
17 Nevada, that the above is true and correct.

18 Executed on October 31, 2016, at Las Vegas, Nevada.

19   
20 **An Employee of Morris Polich & Purdy LLP**