

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

MDC RESTAURANTS, LLC;  
LAGUNA RESTAURANTS, LLC;  
AND INKA, LLC,

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

Real Party in Interest.

Electronically Filed  
Oct 24 2016 03:28 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court Case No. 71289  
District Court Case No. A-14-701633-C

**MOTION FOR EXTENSION OF  
TIME TO FILE AMICUS BRIEF**

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Vegas, Inc., Cedar Enterprises, Inc. and Terrible Herbst, Inc.*

## **MOTION FOR EXTENSION OF TIME TO FILE AMCUS BRIEF**

Amicus Curiae, BRIAD RESTAURANT GROUP, L.L.C., WENDY'S OF LAS VEGAS, INC., CEDAR ENTERPRISES, INC., and TERRIBLE HERBST, INC., by and through their undersigned attorneys, Littler Mendelson, P.C., hereby move this Court for an extension of time to file their Amicus Brief pursuant to NRAP 31(a) and (b). This Motion is based upon the Memorandum of Points and Authorities and the pleadings and papers on file herein.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. INTRODUCTION**

On September 20, 2016, Petitioners filed their Petition for Writ of Mandamus or Other Extraordinary Relief. On October 14, 2016, the Court issued an Order Directing Answer and allowed 30 days from the date of its Order for Real Parties in Interest to file their Answering Brief. Under this Order, any Amicus Brief would be due October 21, 2016. For good cause shown herein, and with the agreement of all parties to this matter, Amici Curiae request a 30 day extension of time to file their Amicus Brief, which would make November 14, 2016 the new due date.

### **II. LEGAL ARGUMENT**

Pursuant to NRAP 29(f), an amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the brief of the

party being supported is filed. NRAP 31(a) and (b) allows for an extension of time to file briefs and appendices for good cause shown. Amici Curiae request a 30-day extension of time to file their Amicus Brief based upon the following reasons:

1. This case consists of 1,251 pages of documents requiring a substantial amount of time to review in preparing the Amicus Brief;

2. NRAP 29 normally allows the amici curiae seven (7) days to prepare amicus briefs, but in the instant case, there are 1,251 pages of documents to carefully review and consider.

3. The parties agree that the issue before the Court is an important one. As such, all parties agree that the extension requested is acceptable.

4. Amici Curiae seek to add meaningful input into this important issue and strive to ensure that the brief submitted will be helpful to the Court when making its decision; and

5. The importance of the issue together with the workload of counsel for Amici Curiae, which has been extremely demanding, will not permit an adequate amount of time to prepare the Amicus Brief without the extension requested.

This Motion is submitted in good faith and for good cause showed in accordance with NRAP 31(a) and (b).

### **III. CONCLUSION**

Therefore, pursuant to NRAP 31(a) and (b), for good cause shown, and with

concurrence of the parties, Amici Curiae request that this Court issue an Order allowing it to file their Amicus Brief on or before Monday, November 14, 2016.

October 24, 2016

Respectfully submitted,

/s/ Montgomery Y. Paek, Esq.

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*Attorneys for Proposed Amici Curiae*

## **CERTIFICATE OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada, 89169. On October 20, 2016, I served the within document:

### **DOCUMENT TITLE**

- ☒ By **CM/ECF Filing** – Pursuant to N.E.F.R. the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on October 24, 2016, at Las Vegas, Nevada.

/s/ Debra Perkins  
Debra Perkins