

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 Parties in Interest.

No. 71289

**FILED**

NOV 03 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER*

Cause appearing, we grant real parties in interest's motion for an extension of time to file an answer to the petition for writ of mandamus. NRAP 26(b)(1)(A). Real parties in interest, on behalf of respondents, shall have until November 30, 2016, to file and serve an answer, including authorities, against issuance of the requested writ.

Briad Restaurant Group, LLC, Wendy's of Las Vegas, Inc., Cedar Enterprises, Inc., and Terrible Herbst, Inc., (Briad) have filed a

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consent to participate as amici curiae and request for invitation to participate as amici curiae. The document is accompanied by the consent of petitioners and real parties in interest to Briad's participation as amici curiae. Accordingly, no "invitation" or leave of court is required to file an amici brief. NRAP 29(a) (allowing an amicus curiae to file a brief if it is accompanied by the consent of all parties).

Briad has also filed a motion for an extension of time, until November 14, 2016, to file its amicus brief. Because Briad does not state if it seeks to file a brief in support of petitioners or real parties in interest, it is not clear if such a motion is necessary. *See* NRAP 29(f). If its amicus brief will support real parties in interest, no motion is necessary; Briad has 7 days after the brief of real parties in interest is filed to file and serve its brief. *Id.* If, however, Briad's brief will support petitioners or will not support either party, the brief is already untimely. *See id.* Under these circumstances, we order as follows. To the extent Briad seeks an extension of time to file an amicus brief that will support petitioners or neither party, Briad will have until November 14, 2016, to do so. To the extent Briad seeks an extension of time to file an amicus brief in support of real parties in interest, the motion is denied as unnecessary.

Claim Jumper Acquisition Company, LLC, Landry's, Inc., Bubba Gump Shrimp Co., Restaurants, Inc., Bertolini's of Las Vegas, Inc., D/B/A Trevi, and Morton of Chicago/Flamingo Road Corp., D/B/A Morton's the Steakhouse have also filed a motion for an extension of time to file a brief of amicus curiae. The motion is premature because these parties have not been granted leave to file an amicus brief nor have they filed a written consent of all the parties to file a brief. Accordingly, we take no action on the motion.

Petitioners shall have 15 days from service of Briad's amicus brief or the answer to the petition, whichever is filed later, to file and serve any combined reply to the answer to the petition and answer to Briad's amicus brief. We note that a response to the amicus brief is appropriate only if petitioners are an opposing party. *Id.*

It is so ORDERED.

 C.J.

cc: Morris Polich & Purdy, LLP/Las Vegas  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas  
Jackson Lewis P.C.  
Littler Mendelson/Las Vegas