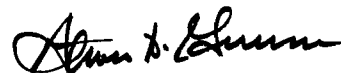


EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

1 **ORDR**
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3 **NICHOLAS M. WIECZOREK**
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17 MDC RESTAURANTS, LLC, and INKA, LLC
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12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **PAULETTE DIAZ; LAWANDA GAIL**
15 **WILBANKS; SHANNON OLSZYNSKI;**
16 **and CHARITY FITZLAFF, all on behalf of**
17 **themselves and all similarly-situated**
18 **individuals,**

19 **Plaintiffs,**

20 **vs.**

21 **MDC RESTAURANTS, LLC; LAGUNA**
22 **RESTAURANTS, LLC; INKA, LLC; and**
23 **DOES 1 through 100, Inclusive,**

24 **Defendants.**

CASE NO.: A-14-701633

DEPT. NO: XVI

**ORDER GRANTING MOTION TO STAY
PROCEEDINGS**

Hearing Date: November 3, 2016

Hearing Time: 9:00 a.m.

and

In Chamber Hearing Date: November 16, 2016

25 THIS MATTER came before this Court for hearing on November 3, 2016 at 9:00 a.m. on
26 Defendant's Motion to Stay Proceedings. Bradley S. Schrager appeared on behalf of the Plaintiffs
27 and Nicholas M. Wieczorek appeared on behalf of the Defendants. During the hearing Mr.
28 Schrager argued the case had been pending for over two years and if stayed Plaintiffs could be

1 waiting for another year. If the Supreme Court wanted it stayed it could have. Mr. Wieczorek
2 argued that the last two years of work had just been nullified by the Court opinion, and the Court
3 was going to provide guidance. Mr. Wieczorek argued that Defendants could be forced to spend
4 significant sums in investigative costs. Mr. Schrager argued the cost of litigation was not part of
5 the decision and that his clients were out hundreds of thousands of dollars in back pay.

6 Following the hearing, Mr. Wieczorek submitted a supplement to the motion representing
7 that Defendants would agree to a stipulated extension of the five-year rule by a period of 12 to 24
8 months, contingent upon the Court's preferences and calendar. This extension would allow
9 adequate time for needed discovery following the Supreme Court's consideration and opinion on
10 the pending Writ proceeding. This extension will provide assurance that Plaintiff would experience
11 no prejudice as a result of this matter pending before the Supreme Court.

12 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant's Motion to
13 Stay Proceedings is GRANTED.

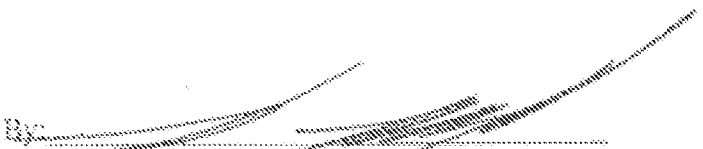
14
15 **IT IS SO ORDERED.**

16
17 Dated: December 6, 2016


DISTRICT COURT JUDGE

18
19 Respectfully Submitted By:

20 MORRIS POLICH & PURDY LLP

21
22 By: 
23 NICHOLAS M. WIECZOREK, ESQ.
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1 Approved as to form and content by:

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3 WOLF, RIFKIN, SHAPIRO, SCHULMAN &
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 MDC RESTAURANTS, LLC, a Nevada
4 limited liability company; LAGUNA
5 RESTAURANTS LLC, a Nevada
6 limited liability company; and INKA
7 LLC, a Nevada limited liability
8 company,

9 Petitioners,

10 vs.

11 THE EIGHTH JUDICIAL DISTRICT
12 COURT OF THE STATE OF
13 NEVADA in and for the County of
14 Clark and THE HONORABLE
15 TIMOTHY WILLIAMS, District Judge,

16 Respondents,

17 and

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

25 Real Parties in Interest.

Electronically Filed
Jan 12 2017 04:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No.: 71289

Eighth Judicial District Court
Case No.: A-14-701633-C

**REAL PARTIES IN INTEREST'S
REQUEST FOR EXPEDITED
TREATMENT**

26 **MOTION FOR EXPEDITED TREATMENT**

27 Real Parties in Interest respectfully request that this Court expedite its
treatment of this matter pursuant to NRAP 2, which reads:

“On the court’s own or a party’s motion, the court may--to expedite its
decision or for other good cause--suspend any provision of these Rules
in a particular case and order proceedings as the court directs, except
as otherwise provided in Rule 26(b).”

1 Nev. R. App. P. 2; *see also* *NRAP 25(a)(3)(B)* (Directing that requests for
2 emergency or expedited relief should be submitted to the clerk's office for
3 consideration.)

4 On December 6, 2016, the District Court stayed the lower court action
5 pending this writ proceeding concerning whether petitioners offered or provided
6 employee health benefits qualifying them to pay less than the upper-tier hourly
7 wage under the Minimum Wage Amendment to the Nevada Constitution. *See*
8 Order Granting Motion to Stay Proceedings, attached as **Exhibit 1**. At or around
9 the time of the stay, a class consisting of employees who were provided
10 Defendants' health benefits plans had been certified by the District Court, and the
11 form of Class Notice to the certified class had been approved. However, as a result
12 of the stay, circulation of the Class Notice to the certified class has been suspended
13 indefinitely.

14 In addition, as the Court is keenly aware, resolution of the issue of the
15 quality of health plans under the Minimum Wage Amendment will have important
16 implications for the following federal and district court matters, of which *amici*
17 *curiae* here are parties :

18 *Tyus et al. v. Wendy's of Las Vegas, Inc. et al.* D. Nev. Case No.
19 2:14-cv-00729-GMN-VCF;

20 *Hanks et al. v. Briad Restaurant Group, LLC*, D. Nev., Case No. 2:14-
21 cv-00786-GMN-PAL;

22 *Ringo v. Terrible Herbst Inc. d/b/a Terrible Herbst*, Eighth Judicial
23 District Court, Case No. A-14-704428-C;

24 *Williams v. Claim Jumper Acquisition Company, LLC*, Eighth Judicial
25 District Court Case No. A-14-702048-C (consolidated with *Lopez v.*
26 *Landry's, Inc.*, et al. Eighth Judicial District Court Case No.
27 A-14-706449-C); and,

Landry's Inc. et al. v. Sandoval, et al. D. Nev. Case No. 2:15-cv-1160.

Counsel for Petitioners is also actively prosecuting the following filed
cases involving similar claims under the Minimum Wage Amendment that

1 Defendants' health plans were insufficient to qualify them to pay Plaintiffs
2 and the proposed class members in these actions at the lower tier minimum
3 wage:

4 *Gonzalez-Garcia v. Firefly Westside, LLC, et al.* Eighth Judicial
District Court Case No. A-15-717966-C;

5 *Abrams v. Peppermill Casinos, Inc.* Second Judicial District Court,
6 Case No. CV16-00578;

7 *Reynolds v. Granite Gaming Group I, LLC, et al.* Eighth Judicial
8 District Court, Case No. A-16-737106-C;

9 *Tarvin v. Hof's Hut Restaurants, Inc.* Eighth Judicial District Court
10 Case No. A-16-741541-C; and,

11 *Robertson v. Tenaya Lodge Operator, et al.* Eighth Judicial District
12 Court, Case No. A-16-745220-C

13
14 Clearly, good cause exists for expedited treatment of this writ petition,
15 given the amount of similar ongoing litigation. Real Parties in Interest,
16 therefore, respectfully request that this Court expedite this matter.

17 Dated this 12th day of January, 2017.

18 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**

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20 By: /s/ Bradley Schrager, Esq.

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By: /s/ Dannielle Fresquez
Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP