

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

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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.

26 **Case No.: 71289**

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

Electronically Filed
May 04 2017 10:37 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REAL PARTIES IN INTEREST'S
NOTICE REGARDING
EXPEDITED TREATMENT AND
READINESS OF MATTER FOR
ORAL ARGUMENT SETTING**

28 On February 7, 2017, this Court granted Real Parties in Interest's motion to
29 expedite this proceeding to the extent its docket allows.

30 Previously, on January 25, 2017, *amici curiae* BRIAD RESTAURANT
31 GROUP LLC, WENDY'S OF LAS VEGAS, INC., CEDAR ENTERPRISES,
32 INC., and TERRIBLE HERBST, INC. had filed a notice regarding the pendency of
33 motions to certify questions to the United States District Court for Nevada
34 regarding issues that were similar in nature to those presented in the present writ
35 petition in two separate, ongoing cases in which Briad, Wendy's of Las Vegas, and

1 Cedar Enterprises are defendants. *See* Dkt. 17-02735. In that notice, *amici*
2 requested this Court to delay oral argument setting in this matter, awaiting the
3 ruling of the federal district court on the issue of the certified questions.

4 On May 2, 2017, the federal district court denied the requests to certify those
5 questions pursuant to N.R.A.P. 5. *See Tyus et al. v. Wendy's of Las Vegas, Inc. et*
6 *al.*, D. Nev. Case No. 2:14-cv-00729-GMN-VCF, Dkt. No. 81; *Hanks et al v.*
7 *Briad Restaurant group, LLC*, D. Nev. Case No. 2:14-cv-00786-GMN-PAL, Dkt.
8 No. 136. No further reason for delay of the present matter now exists.

9 Therefore, this writ petition, being fully briefed for this Court, is now ready
10 for the setting of oral argument, should the Court desire it, or for resolution. Real
11 Parties in Interest request that the Court, in keeping with its grant of the motion to
12 expedite this case, set the matter for argument at its earliest calendar opportunity.

13 Dated this 4th day of May, 2017.

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

15
16 By: /s/ Bradley Schrager, Esq.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 4th day of May, 2017, a true and correct copy of
3 the **REAL PARTIES IN INTEREST’S NOTICE REGARDING EXPEDITED**
4 **TREATMENT AND READINESS OF MATTER FOR ORAL ARGUMENT**
5 **SETTING** was served upon all counsel of record by electronically filing the
6 document using the Nevada Supreme Court’s electronic filing system.

7
8 By: /s/ Dannielle Fresquez

9 Dannielle Fresquez, an Employee of
10 WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP
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