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 WILLIAMS, District Judge,

Respondents,

and

PAULETTE DIAZ, an individual; LAWANDA GAIL WILBANKS, an individual; SHANNON OLSZYNSKI, an individual; and CHARITY FITZLAFF, an individual, all on behalf of themselves and all similarly-situated individuals

Real Parties in Interest.

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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 RESPONSE TO *AMICI*'S MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AND TO EXTEND ORAL ARGUMENT TIME

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MEMORANDUM OF POINTS AND AUTHORITIES

Real Parties in Interest respond as follows to *amici's* motion to participate in and to extend oral argument: We do not particularly care who rises from the opposing table, whom they represent, or in what order they speak—as long as both sides of the *v.* have equal time overall to present their arguments.

We agree in principle that this case likely merits an extended argument, perhaps an hour in total. Probably the best way forward is to set out half an hour for each side, and to direct Petitioners and *amici* to divide their allotment amongst themselves however they see fit and can agree. Counsel for *amici* was, in fact, counsel for Petitioner below, before themselves withdrawing; we feel certain these attorneys can resolve the question of argument time between them.[1]

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[1] Real Parties will point out one particular misrepresentation made by *amici* in their motion. Judge Navarro declined to certify a question to this Court because she noted that this Court had already indicated what the term "health benefits" means, as used in Nev. Const. art. XV, sec. 16: "…making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer.." *See Amici's* Exhibit I, at 4; Exhibit J, at 3-4.

The court has not made any ruling on the meaning of "health insurance" itself in the state constitution—the issue in this present case—and the question now sits fully briefed before the federal court on summary judgment motions in both cases noted by *amici*. The assertion, made by *amici* at *7 of this brief, that the court has made any ruling on that issue is neither accurate nor factual.

Failing that, we see no circumstances here that rise to the "extraordinary" under NRAP 29(h) sufficient to overcome the usual situation in which *amici curiae* are not afforded argument time by the Court itself.

Respectfully submitted this 21st day of June, 2017.

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

By: */s/ Bradley Schrager, Esq.*

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2017, a true and correct copy of the **REAL PARTIES IN INTEREST'S RESPONSE TO *AMICI*'S MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AND TO EXTEND ORAL ARGUMENT TIME** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

By */s/ Christie Rehfeld*
Christie Rehfeld, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP