

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

2 HG STAFFING, LLC, and MEI-GSR
3 HOLDINGS, LLC d/b/a GRAND SIERRA
4 RESORT

5 Petitioners-Defendants,

6 vs.

7 EIGHTH JUDICIAL DISTRICT COURT
8 FOR THE STATE OF NEVADA IN AND
9 FOR THE COUNTY OF CLARK, THE
10 HONORABLE LYNNE K. SIMONS,
11 DISTRICT COURT JUDGE,

12 Respondents,

13 and

14 EDDY MARTEL (also known as
15 MARTEL-RORIGUEZ), MARY ANNE
16 CAPILLA, JANICE JACKSON-
17 WILLIAMS and WHITNEY VAUGHAN,

18 Real Parties in Interest - Plaintiffs.

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Attorneys for Petitioners-Defendants

Supreme Court No. _____
District Court No. _____
Electronically Filed
Jul 08 2019 04:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPENDIX TO PETITION
FOR WRIT OF MANDAMUS
AND/OR PROHIBITION**

VOLUME II

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Carlos G. Campbell
FLSA consent [51]; Withdrawn [183] Order

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APP 244

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APP 245

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APP 247

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Tiffany J. Carrera
FLSA Consent [65]

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APP 248

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APP 249

Teresa L. Carter
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Added: 07/01/2014
TERMINATED: 06/22/2016
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APP 250

FLSA Consent [53]

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Gregorio Castro-Mireles
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APP 253

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Ging S. Chung
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Added: 07/01/2014
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Added: 07/01/2014
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Rebecca Clark
FLSA Consent [53]; Terminated per #187
Order

Added: 07/01/2014
TERMINATED: 06/30/2016
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William F. Colter
FLSA Consent [74]

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FLSA consent [57] ; [185] Order

Added: 07/15/2014
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Alycia Cranmer
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APP 261

Thomas A. Cristando
FLSA consent [49]

Added: 06/23/2014
(Plaintiff)

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Charity L. Crouch
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APP 262

Ismaela G. Cruz
FLSA consent [51]

Added: 06/24/2014
(Plaintiff)

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Added: 08/22/2013
(Plaintiff)

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Dustin C. Dague
FLSA consent [51]

Added: 06/24/2014
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Lillian V. Dantzler
FLSA Consent [62]

Added: 08/08/2014
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FLSA Consent [53]

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Kayla J. Day
FLSA consent [49] ; Terminated per #187

Joshua D Buck
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Added: 06/23/2014
TERMINATED: 06/30/2016
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Aurora De La Rose
FLSA Consent [53]; [185] Order

Added: 07/01/2014
TERMINATED: 06/22/2016
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Maria E. Delgado
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Nathan A. Dill
FLSA Consent [76]

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Added: 11/25/2014
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Nathan A. Dill
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APP 271

Kimberly I. Dixon
FLSA consent [48]

Added: 06/23/2014
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Added: 07/01/2014
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Added: 08/21/2014
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Katherine L. Dowling
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Myrina G. Drummer
FLSA consent [49]

Added: 06/23/2014
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Maria B. Ducker
FLSA Consent [53]; [185] Order

Added: 07/01/2014
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David R. Duran
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Added: 07/01/2014
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(Plaintiff)

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Jeffrey P. Holcomb
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Added: 07/01/2014
(Plaintiff)

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Imogen H. Holt
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Added: 07/07/2014
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Won K. Hong
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Added: 06/23/2014
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APP 311

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Added: 02/23/2015
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Susan E. Hudson
FLSA consent [49]

Added: 06/23/2014
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APP 314

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Added: 07/01/2014
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APP 315

Samantha Ignacio
FLSA consent [51]

Added: 06/24/2014
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represented
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Samantha L. Ignacio
Second Amended Complaint 6/13/2014

Added: 06/13/2014
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Added: 06/13/2014
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Michael D. Jamison
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Dallas E. Johnson
FLSA consent [57] ; Terminated per #187
Order

Added: 07/15/2014
TERMINATED: 06/30/2016
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FLSA consent [57]

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Nigel S. Jones
FLSA Consent [58]

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Evangeline T. Juarez
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(Plaintiff)

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Kimberly Y. Jussila
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(Plaintiff)

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Gary B. Kirchoff
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Added: 06/24/2014
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Cristina Kirk
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APP 327

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Stephanie Knauss
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Added: 08/25/2014
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APP 330

Patricia L. Labarge
FLSA consent [51]

Added: 06/24/2014
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Fong I Lam
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Justine O. Lang
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

represented
by

Nicolasa Lara
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

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APP 332

Gerald E. Larson, III
FLSA consent [54]

Added: 07/07/2014
(Plaintiff)

represented
by

Mark S. Larson
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

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Rebecca J. Larson
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

represented
by

Sara P. Larson
FLSA consent [49]

Added: 06/23/2014
(Plaintiff)

represented
by

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Yulia Larson
FLSA Consent [65]

Added: 08/25/2014
(Plaintiff)

represented
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Justin J. Lee
FLSA consent [51]

Added: 06/24/2014
(Plaintiff)

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APP 335

Yue H. Lee
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Added: 07/01/2014
(Plaintiff)

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Catherine A. Lendon
FLSA consent [48]

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(Plaintiff)

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APP 336

Piyarat Leveille
FLSA consent [51]

Added: 06/24/2014
(Plaintiff)

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Xiu Q Li
FLSA consent [54]

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(Plaintiff)

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APP 337

Zhong F. Li
FLSA consent [54]

Added: 07/07/2014
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Scott P. Lindsay
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

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FLSA Consent [93]

Added: 02/27/2015
(Plaintiff)

represented
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Chris W. Littlefield
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

represented
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Christopher Lombardo
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(Plaintiff)

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Janet Long
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Kevin E. Long
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

represented
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Nhitthai Long
FLSA consent [51]

Added: 06/24/2014
(Plaintiff)

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APP 341

Tu X Long
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Added: 07/01/2014
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Ying G. Long
FLSA Consent [53]

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APP 343

Dana A. Lottig
FLSA consent [48]

Added: 06/23/2014
TERMINATED: 08/13/2015
(Plaintiff)

represented
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Michael P. Lupo
FLSA consent [54]

Added: 07/07/2014
(Plaintiff)

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[172][173] dismissed

Added: 08/22/2013
TERMINATED: 01/12/2016
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APP 345

Terry L. Marhanka
FLSA consent [49]

Added: 06/23/2014
(Plaintiff)

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Maria P. Marquez
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

represented
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FLSA Consent [53]

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(Plaintiff)

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by

Eddy Martel-Rodriguez
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

represented
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William A. Martello
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Cristina C. Martin
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(Plaintiff)

represented
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Maria M. Martinez
FLSA consent [49]

Added: 06/23/2014
(Plaintiff)

represented
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Maria S. Martinez
FLSA Consent [63]

Added: 08/21/2014
(Plaintiff)

represented
by

Assigned: 03/24/2015
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Sandra V. Martinez
FLSA consent [57]

Added: 07/15/2014
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Santos Martinez-Trejo
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Added: 07/28/2014
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APP 350

Bonnie K. Massa
FLSA consent [51]

Added: 06/24/2014
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Malcolm I. McCaskill
FLSA consent [49]

Added: 06/23/2014
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APP 351

Matt R. McClintock
FLSA Consent [53]

Added: 07/01/2014
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Christina J. McCoy
FLSA consent [54]

Added: 07/07/2014
(Plaintiff)

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Danny W>. McGowan
FLSA Consent [53]

Added: 07/01/2014
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represented
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Joseph McKee
FLSA consent [48]

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APP 353

Michael C. McKee
FLSA consent [48]

Added: 06/23/2014
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Maria N. McKenzie
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

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Brendan S. McLaren
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

represented
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Frances A. Meager
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

represented
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FLSA Consent [53]

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Maria Medina-Maldonado
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Manuel Mejia
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Anthony J. Mendoza
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Callie J. Miano
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Sara S Montoya
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(Plaintiff)

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Kiel M. Moore
FLSA consent [48]

Added: 06/23/2014
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Tony Moran
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

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Robert D. Morgan
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Amber Morrison
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Added: 06/23/2014
(Plaintiff)

represented
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Keith P. Morrison
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Added: 07/07/2014
(Plaintiff)

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Consuelo P. Munoz
FLSA consent [51] [185] Order

Added: 06/24/2014
TERMINATED: 06/22/2016
(Plaintiff)

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Jacki Murphy-Truesdell
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Denise A. Navarro
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APP 364

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Andrew Nazarechuk
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Added: 06/23/2014
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Louise M. Ndolo-Hermann
FLSA consent [54]

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Melissa Nehrbass
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Added: 06/23/2014
(Plaintiff)

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Gina A. Nelson
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

represented
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Kayla S. Nelson
FLSA Consent [62]

Added: 08/08/2014
(Plaintiff)

represented
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Robert Nelson
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

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Added: 06/23/2014
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APP 370

Karolina A. Olech
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Maria D. Oliva
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APP 371

Natalie L. Ordas
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Domitrini M. Ordoveza
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Ana M. Ornelas
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Added: 07/07/2014
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Stacey Ornelas
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Added: 08/21/2014
(Plaintiff)

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Arlene Osorman
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APP 374

Jonah O. Ouma
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Kathryn J. Owen
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APP 375

David Padilla
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

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Rosa E. Padilla
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(Plaintiff)

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APP 376

Cecilia H. Palacios
FLSA Consent [53]

Added: 07/01/2014
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Nancy L. Pallas
FLSA Consent [66]

Added: 09/02/2014
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Order

Added: 07/15/2014
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Rachelle Parker
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Added: 07/01/2014
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Michelle M. Parsons
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Carri R. Pearson
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APP 380

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Margarita Pelaez
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Steve J. Pierce
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Added: 06/23/2014
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FLSA Consent [53]; withdrawn [193] order

Added: 07/01/2014
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Added: 06/23/2014
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Richard J. Post
FLSA consent [49]

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APP 385

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Sheri L. Powell
FLSA Consent [53]

Added: 07/01/2014
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FLSA Consent [53]; Withdrawn [183] Order

Added: 07/01/2014

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TERMINATED: 06/17/2016
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Added: 07/01/2014
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Andrew H. Ramirez
FLSA consent [54]

Added: 07/07/2014
(Plaintiff)

represented
by

Heather N. Ramirez
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

represented
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Antonio Ramirez-Veles
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Marissa Ramos
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Added: 06/23/2014
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Teresa Ramos
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Added: 06/23/2014
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Carl D. Rasmussen
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Morain Ray
FLSA Consent [68]

Added: 09/16/2014
(Plaintiff)

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Eriberto B. Reyes
FLSA Consent [58]

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APP 395

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John Reynolds
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Gary Riddle
FLSA consent [49]; withdrawn [193] order

Added: 06/23/2014
TERMINATED: 07/20/2016
(Plaintiff)

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Crystelle C. Rife
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

represented
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Jay K. Ritt
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

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Cruz Rivera
FLSA consent [51]

Added: 06/24/2014
(Plaintiff)

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Added: 07/24/2014
(Plaintiff)

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Gloria P. Robotham
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Added: 06/24/2014
(Plaintiff)

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APP 400

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Brenda Rodie
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Added: 08/21/2014
(Plaintiff)

represented
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Anaberta Rodriguez
FLSA Consent [86]

Added: 01/20/2015
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Added: 06/24/2014
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Josefina A. Rodriguez
FLSA Consent [63]

Added: 08/21/2014
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Maria L. Rodriguez
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APP 403

FLSA Consent [53]

*Added: 07/01/2014
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Melissa M. Rosina
FLSA Consent [53]

*Added: 07/01/2014
(Plaintiff)*

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Martha T. Roybal
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APP 405

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(Plaintiff)

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APP 416

Jennifer Shields
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Added: 07/24/2014
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Shannon Shields
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Added: 06/24/2014
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Added: 06/23/2014

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APP 419

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Added: 07/07/2014
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Added: 07/15/2014
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Added: 08/08/2014
(Plaintiff)

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Elizabeth Smith-Mollet
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Added: 06/23/2014
(Plaintiff)

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Brittnee N. Stanley
FLSA consent [51]

Added: 06/24/2014
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Krysta Steigler
FLSA Consent [58]

Added: 07/24/2014
(Plaintiff)

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APP 423

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Michael A. Stevens
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[96] FLSA consent

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Marc D. Strassner
FLSA consent [57]

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Hideichi Tamayose
FLSA Consent [93]

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FLSA consent [49]; Withdrawn [183] Order

Added: 06/23/2014
TERMINATED: 06/17/2016
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FLSA consent [49]

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FLSA Consent [59]

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APP 430

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Rhonda L. Thomas
FLSA consent [51]

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Susan E. Timm
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Added: 07/01/2014
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FLSA Consent [67]

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FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

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Robert Tranchida
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

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APP 438

Roberto Valle
FLSA Consent [59]

Added: 07/28/2014
(Plaintiff)

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Darlene G. Vance
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

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Emily Vandrielen
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Added: 07/07/2014
(Plaintiff)

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APP 440

Celene V. Vazquez
FLSA consent [49]

Added: 06/23/2014
(Plaintiff)

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Esperanza Vazquez
FLSA consent [57]

Added: 07/15/2014
(Plaintiff)

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APP 441

Maria E. Velazquez-Desed
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Added: 07/01/2014
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represented
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Delia O. Veliz-Clavel
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Juana I. Vides
FLSA consent [48]

Added: 06/23/2014
(Plaintiff)

represented
by

Daniel Villarreal
FLSA Consent [62]

Added: 08/08/2014
(Plaintiff)

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Damien A. Vinci
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Erik Viscarra
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APP 444

Jesica Viscarra
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Michael C. Walls
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APP 445

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Zhongzhu Wang
FLSA Consent [53]

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APP 446

Lisa A. Watts
FLSA Consent [58]

Added: 07/24/2014
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Fu Wei
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

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APP 447

Rachel J. Werner
FLSA consent [49]

Added: 06/23/2014
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Andrew M. Werth
FLSA consent [49]

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Carli Whalen
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Cody M. Whalin
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APP 450

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Added: 07/01/2014
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Karim Zandi
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APP 455

Mary Zandi
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Dean Zatterstrom
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Added: 07/15/2014
(Plaintiff)

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APP 456

Youfu Zhang
FLSA Consent [53]

Added: 07/01/2014
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Juan J. Zhen
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

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APP 457

Xuelan Zhong
FLSA Consent [53]

Added: 07/01/2014
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by

Boquan Zhu
FLSA Consent [53]

Added: 07/01/2014
(Plaintiff)

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Exhibit 4

Exhibit 4

DECLARATION OF LARRY MONTOROSE

I, Larry Montrose, declare under penalty of perjury that the following is true and correct of my own personal knowledge and if called to testify in this matter would testify as follows:

1. I am the Human Resources Director for MEI-GSR HOLDINGS, LLC d/b/a GRAND SIERRA RESORT (“GSR”).

2. While employed with GSR, Janice Jackson-Williams, along with cashiers, bartenders, baristas, cocktail waitresses, slot attendants, room attendants, and server/tainers that attended dance classes, were covered by a collective bargaining agreement with the Culinary Workers Union, Local 226.

3. The Collective Bargaining Agreement with the Culinary Workers Union Local 226, attached as Exhibit A (the “Culinary CBA”), which covered these employees, has been in effect from 2010, until the present.

4. In my position as Human Resources Director, I regularly interact with the Culinary Workers Union Local 226 (“the Culinary Union”). For example, I speak with or meet with Culinary Union Representative Nico De La Puente on nearly a weekly basis regarding employee issues and adherence to the Culinary CBA. Additionally, in situations where I conduct an investigatory interview an employee covered by the CBA under circumstances that may lead to termination, I give Ms. De La Puente the opportunity to attend the interview.

5. Additionally, when GSR and the Culinary Union are unable to agree on issues, the Culinary Union files grievances under the Culinary CBA. Attached hereto as Exhibit B is a sampling of grievances filed by the Culinary Union, pursuant to various section of the CBA.

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6. When GSR and the Culinary Union are unable to satisfactorily resolve a grievance, the Culinary Union demands arbitration under Article 18 of the Culinary CBA. Attached hereto as Exhibit C is a request for arbitration from the Culinary Union. Attached hereto as Exhibit D is correspondence from the Federal Mediation and Conciliation Service, requiring that GSR and the Union select an arbitrator pursuant to the Culinary CBA. Attached hereto as Exhibit E is a letter from an arbitrator continuing a scheduled arbitration between GSR and the Culinary Union, pursuant to the Culinary CBA. I recently attended an arbitration between the Culinary Union and GSR.

Further your Declarant sayeth naught.



LARRY MONTOROSE

Exhibit A

Exhibit A

COLLECTIVE BARGAINING AGREEMENT

between

WORKLIFE FINANCIAL, INC.

dba

GRAND SIERRA RESORT AND CASINO

and

CULINARY WORKERS UNION LOCAL 226

2009-2010-20

TABLE OF CONTENTS

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AGREEMENT

THIS AGREEMENT is made and entered into as of the _____ day of _____, 20__, by and between Worklife Financial, Inc. dba Grand Sierra Resort and Casino (hereinafter, called the "Employer") and its successors and assigns, and the Culinary Workers Union Local 226 (hereinafter, called the "Union").

WITNESSETH:

WHEREAS, the parties, by negotiations and collective bargaining, reached complete agreement on wages, hours of work, working conditions and other related, negotiable subjects to be incorporated into a new Labor Agreement which shall supersede all previous verbal or written agreements applicable to the employees in the bargaining unit defined herein which may have existed between the Employer or between the predecessor of the Employer, if any, and the predecessor of the Union, if any.

NOW, THEREFORE, in consideration of the forgoing, the execution of this Agreement and the full and faithful performance of the covenants, representations and warranties contained herein, it is mutually agreed as follows:

ARTICLE 1: RECOGNITION AND CONTRACT COVERAGES

1.01. Recognition of the Union.

The Employer recognizes the Union as the collective bargaining representative for the Employer's employees working under the Union's jurisdiction at the Employer's facility located at 2500 East Second Street, Reno, Nevada 89595, and working in those job classifications listed in Exhibit 1 attached hereto and made a part of this Agreement. The term "employee" or "~~employees~~" as used in this Agreement means all persons directly employed by the Employer within the classifications set forth in Exhibit 1 attached hereto and made a part of this Agreement. The term "employee" or "employees" as used in this Agreement means all persons directly employed by the Employer within the classifications set forth in Exhibit 1, but excluding all other employees and excluding supervisors, as defined in the Labor Management Relations Act as amended. Any classification established by the Employer not listed in Exhibit 1 where the employees perform duties covered by this Agreement shall be a part of this Agreement at a wage rate comparable to related job classifications. If the Union and the Employer cannot agree on the wage rate or the inclusion for any new classification, the issue may be submitted to the grievance procedure. The present practice of the hotel in regard to bargaining unit and non-bargaining unit work will continue, but cannot be expanded unless the Employer meets with the Union and bargains for any changes.

1.02. Masculine Gender.

In this Agreement the use of masculine gender shall be construed to equally include the feminine.

ARTICLE 2: HIRING OF EMPLOYEES

2.01. Hiring Procedure.

Whenever the Employer finds it necessary to hire new employees for vacancies in job classifications covered by this Agreement, the Employer, upon hiring such new employees, shall make available for the Union, on a monthly basis, their names, classifications and wage rates for inclusion into the Union's list of employees represented. In the event the Union has available qualified employees for the job classification within the unit, the Union may furnish the same to the Employer for consideration by the Employer. The Union's selection of applicants for the referral shall be on a nondiscriminatory basis and shall not be based upon, or in any way affected by, membership in the Union or the Union's bylaws, rules, regulations, constitutional provisions, or any other aspect or obligation of Union membership policies or requirements, or upon an applicant's race, color, religion, sex, age, sexual orientation, or national origin.

The Employer shall be the sole judge of an applicant's suitability, competence and qualifications to perform the work of any job to be filled. The Employer may accept or reject any applicant for employment referred by the Union, provided that the Employer's acceptance or rejection of an applicant shall be solely upon the Employer's judgment and determination as to the factors set forth in the preceding sentence. The Employer's decision in matters pertaining to new hires shall not be subject to grievance and arbitration procedures.

ARTICLE 3: STATE LAWS

3.01. Invalidity of a Portion of Agreement.

If any portion or portions of this Agreement are found to be invalid or void by a competent court, board or authority, the remaining portions of the Agreement shall remain intact and in effect.

3.02. Indemnification.

The Union will indemnify and save the Employer harmless against any and all claims, demands or other forms of liability, which may arise out of or by reason of, any action taken or not taken by the Employer, at the request of the Union, in violation of the Nevada Right-to-Work law.

3.03. Check-Off.

(a) Monthly Dues. The Employer will check off and remit to the Union initiation and monthly dues for employees who have executed and furnished to the Company a Payroll Deduction Authorization in the form Of Exhibit 2 attached to this Agreement, which by this reference is made a part hereof.

(b) Billing Procedure. The Union will remit to the Employer a monthly billing stating the amount to be deducted from the wages of each employee pursuant to the Payroll Deduction Authorization form signed by the employee. (See Exhibit 2 for a copy of such authorization form). The Employer will deduct the funds so billed and remit them to the Union no later than twenty (20) days of the month following receipt of the monthly billing.

(c) Indemnification. The Union shall indemnify and hold the Employer harmless against any and all claims, demands, suits, and other form of liability which shall arise out of or by reason of action taken or not taken by the Employer at the request of the Union under the terms of this Article.

ARTICLE 4: UNION REPRESENTATIVES

4.01. Access to Employer Property.

Non-employee Union Representatives shall have the following rights of access to bargaining unit employees on the Employer's property:

(a) Visitation Rights. The Union shall designate in writing to the Employer the names of the authorized representatives who may exercise the Union's visitation rights.

(b) Designated Areas. The designated Union Representatives shall have access to areas where bargaining unit employees are working solely for the purpose of observing matters relevant to the investigation of grievances. The designated Union Representative shall also have access to the employee cafeteria in order to conduct Union business. The majority of discussions/meetings between employees and the Union Representatives will only occur in the employee cafeteria, provided such meetings do not disrupt the atmosphere conducive to the employees' meal/break periods.

(c) Work Interference. In no case shall such access interfere with the work of any employee or guest's activities or otherwise disrupt the Employer's operations.

(d) Sign-In. Before entering the Employer's property for the purposes of contacting bargaining unit employees, the designated non-employee Union Representatives shall be required to report to a designated office, sign in and wear appropriate identification while on the premises of the Employer. In the event the designated office is not open, the Union Representative shall contact the security shift supervisor.

4.02. Shop Stewards.

Both the Employer and the Union agree that the Union may, at its discretion, have Shop Stewards from among the bargaining unit employees covered by this Agreement. The parties agree that there shall be no more than twenty (20) Shop Stewards and twenty (20) alternates. The Union shall notify the Employer in advance and in writing of the names of all Shop Stewards and alternates.

It shall be the recognized duty of the Shop Stewards to assist the bargaining unit representatives of the employees in monitoring contract compliance. Union business will be conducted by Union members, employees and Shop Stewards on their own time. The Shop Stewards shall confine themselves to the business of the Employer during working hours and they will not engage in any Union activities during working hours which will in any way, either directly or indirectly, interfere with operations, except as is expressly provided for in this Agreement.

The Employer agrees that it shall not discriminate against Shop Stewards because of their activities as such. When practical, and in accordance with the needs of the employer's business, Shop Stewards shall be scheduled to be off without pay to attend Union meetings so long as at least one (1) week's written notice has been given of the meeting date to the designated Employer representative.

4.03. Employee Information.

To permit the Union to properly and efficiently carry out its responsibilities, the Employer shall provide the following information to the Union:

(a) By the tenth (10th) day of each month, a list of all employees hired into the bargaining unit or transferred into the bargaining unit during the preceding month, including each employee's name, social security number, department, job title, home address, phone number, gender, status(full-time, part-time, etc.), date of hire, date of birth and ethnicity.

(b) By the tenth (10th) day of each month, a list of all bargaining unit employees terminated, placed on leave of absence or transferred out of the bargaining unit, during the preceding month including each employee's name, social security number, the reason for such termination, leave of absence or transfer and the date(s) of such personnel transactions, and the expected date of return for leaves of absence..

(c) The reports described in subsections (a) and (b) shall be sent to the Union by fax or mail or downloaded from the Company's FTP site by the Union or uploaded by the Company to the Union's FTP site or via email; after the Union has demonstrated to the Employer that the proper "PGP" security encryption measures exist in the Union's network.

(d) The Employer shall furnish the Union with a quarterly list of all employees in the bargaining unit, including each employee's name, social security number, department, job title, home address, phone number, status (full-time, part-time, etc.) and date of hire, date of birth and ethnicity. Data regarding employee ethnicity will not be shared with any person, media or entity outside the Union and employee benefit funds. The Union agrees to sign a confidentiality form pertaining to the use of such data. This report shall be in an Excel spreadsheet or in a formatted test format like .csv format, containing header information in any one of the following media:

1. Downloaded by the Union from the Company's FTP site;
2. Uploaded by the Company to the Union's FTP site;
3. Via email transmission (See 4.02(c) above); and
4. CD-ROM.

ARTICLE 5: SALARIES AND WAGES

5.01. Weekly, Payment.

Regular employees shall be paid weekly, semi-monthly or bi-weekly as is the practice of the Employer, in accordance with the wage scales set forth in Exhibit 1. The Employer may change the pay cycle with thirty (30) days' advance notice to the Union. Records on the source and dates of any gratuities included on paychecks shall be made available to the employees on request.

5.02. Equal Pay.

The wage scales set forth in Exhibit 1 shall apply equally to male and female employees covered by this Agreement.

5.03. Deductions and Donations.

(a) No employee shall be required to subscribe to any form of insurance or to make contributions or suffer any deduction from wages without written authorization of such employee, except as may be required by law.

(b) Cash Shortages. The Union agrees that the Employer can change its cash shortage procedures upon providing a 30-day notice to the Union. In no instances will the Employer make automatic cash deductions from employees' wages for any cash shortages until after consultation with the employee and the responsibility for the shortage has been established by the Employer.

5.04. Gratuities.

(a) All gratuities left by the customers are property of the employees exclusively, and no Employer or department head not covered by this Agreement shall take any part of such gratuities or credit the same in any manner toward the payment of an employee's wages. This provision does not apply to any present gratuity distribution in a department where splits include payment to supervisors/managers.

(b) When the Employer has special events, sales promotions or other functions where the price charged includes gratuities, the Employer may publish and distribute literature, brochures and tickets for same which contain a notice or statement that gratuities are included in such price. Gratuities, regardless of the amount, signed by a registered hotel guest on the guest's individual hotel check, or by a registered hotel guest or other customer on his individual credit card, shall be paid to the employee in cash either after the end of the shift or immediately prior to the commencement of the employee's next shift; provided that, in the case of gratuities signed on a hotel check, the employee must have followed the Employer's established policy for verifying that the person who signed for the gratuity is a registered hotel guest and is not exceeding his established credit limit. No employee shall solicit gratuities from other employees or guests.

(c) A special event shall be deemed to be any event for persons or groups arranged by a travel agent, booking agent, hotel sales representative, convention agent, promotional representative, operator or any other individual or agency where pre-delivered tickets or coupons, or package prices for food and/or beverages to be served to patrons of such events are involved and where regular employees of an establishment covered by this Agreement provide such service, excepting those from the exceptions listed in Article 5.

(d) Presentation of Checks. Management reserves the right to present checks to guests in situations deemed appropriate; however, it is understood that gratuities associated with the check are the property of the Food Server.

5.05. Complimented Guests.

(a) On those occasions when individuals or members of a group are provided with food and/or beverages which are complimented by the Employer, there shall be no guaranteed gratuity; provided, however, that the Servers who provide service shall be given the opportunity to present a check to the guest or guests being complimented.

(b) Complimented Groups. On those occasions when members of a group, which is not a special event as defined in Section 5.04(c), are complimented as a group and not individually,

with food and/or beverages, except as provided in Section 5.04(6), there shall not be any guaranteed gratuity payable by the Employer.

(c) Officers' Checks. Officers' checks and the employees' dining room are exempt from the provisions of ~~Sections~~Section 5.04.

(d) According to the schedule provided at negotiations, gratuities paid by the Employer for all other complimentary services shall be in the Employer's discretion and proceed through Payroll so as to appear on the employee's check.

5.06. Terminated Employees.

(a) Applicable Laws to Article 5, Section 607.020—Discharge of an Employee—Immediate Payment: Whenever the Employer discharges an employee, the wage and compensation earned and unpaid at the time of discharge shall become due and payable within twenty-four (24) hours.

(b) Section 608.030—Payment of Employee Who Resigns or Quits His Employment: Whenever an employee resigns or quits his employment, the wages and compensation earned and unpaid at the time of his resignation or quitting must be paid no later than:

1. The day on which he would have regularly been paid the wage or compensation;
or
2. Seven (7) days after he quits or resigns, whichever is earlier.

5.07. Health and Welfare.

The Union and the Employer agree that eligible employees will be covered by the Grand Sierra Resort Health & Welfare Plans for the life of this Agreement. Bargaining unit employees will be required to pay the same monthly rate as non-bargaining unit employees. The Union understands and agrees that the current healthcare benefit costs are split on an approximately 75 percent/25 percent basis between eligible employees and the Employer, with the 75 percent being paid by the Employer. Future increases in healthcare benefits costs will similarly be passed through to bargaining unit employees on an approximately 75 percent/25 percent basis, with the 75 percent being paid by the Employer. Upon renewal of insurance contracts, the Employer may modify the terms, benefits, deductible and other terms of the Health and Welfare plans at its discretion; however, the bargaining unit employees will be subject to the same terms and conditions as non-bargaining unit employees. Finally, the Employer is and has been offering a Health and Welfare program for part-time employees, at 100 percent cost to the employee. GSR agrees to negotiate in good faith with the insurance carrier for the continuation of these benefits and pass the cost to part-time employees based on the contract the Employer is able to negotiate. ?

5.08. Superior Worker.

The wage scales in this Agreement are minimum scales and do not prohibit the Employer from paying higher wages. It is specifically agreed that employees compensated at said higher wage rates may be returned to the scales published herein at the sole discretion of the Employer. Employees paid Superior Workmen rates shall have their wages increased by amounts of not less

than the increases in the minimum wage scales as specified in Exhibit 1, attached to and made part of this Agreement, for the classifications in which they are employed.

5.09. Combination Jobs and Cross-Training.

When an employee works in two (2) or more job classifications in any day, he shall be paid for that day at the rates of pay for the time worked in each classification; provided that this shall not apply in cases of relief for meal and rest periods. Further, the different pay rates for different job classifications apply only if employees actually work in a different classification for more than 1 hour. If employees perform the duties of both classifications interchangeably throughout the day, they will be paid a blended rate, which would be the average of the rates applicable to the different classifications.

Combination of cocktail waitress and slot associate positions. Supervisors will have discretion to act upon their observations concerning floor activity that warrants using the combination position. The combination duties are triggered during any shift/period that is similar to the graveyard shift on a typical Monday, Tuesday or Wednesday shift. The wage rate of the person performing combination duties will be the same as the slot attendant's wage rate. This will not be a new classification. The Employer retains discretion to determine which supervisor will make the decision to trigger the combination duties and who will act as supervisor of the combined duty employee(s).

Bar helper and bar porter combination. The Employer will eliminate the bar porter position and combine the duties of bar helper and bar porter. As bar helper is the higher classification, it will remain in existence, while the bar porter classification will be eliminated. In addition to any existing rights a bar porter may have, the Employer is willing to offer available housekeeping positions to the eliminated bar porters if they are otherwise qualified or are readily trainable (i.e., require minimal training). Bartenders will be expected to perform the duties outlined in the bartender job description as it presently exists, which include light cleaning. At the Union's request, as a one-time and non-precedential arrangement, the eliminated bar porters will have priority in any bar helper and utility steward positions that may become available, on the condition that they have the requisite qualifications or are readily trainable.

Cross-training is to occur throughout the organization—up, down, and on peer level classifications—to ensure that employees are trained in multiple positions and can assist as business need requires. If cross-training is voluntary, the cross-training will be by seniority. If cross-training is involuntary, it will be conducted in reverse seniority. Further, in all jobs and classifications, employees' duties will now include light cleaning in their usual areas of work (e.g., wiping things down, picking up items left by customers, removing trash from the floor). This will not result in any change of pay or classification.

ARTICLE 6: DISCHARGE

6.01. Cause for Discharge.

(a) No regular employee, after having completed the probationary period under Section 17, shall be discharged except for just cause. Prior to any discharge for reasons other than dishonesty, willful misconduct, drunkenness, drinking on the job, being under the influence of a controlled substance on duty, unlawful possession of a controlled substance, or using a

controlled substance at any time while on the Employer's premises, unlawful usage in accordance with the Employer's Drug & Alcohol policy, serious improper behavior or discourtesy toward a guest, insubordination, failure to report for work in accordance with the Employer's Attendance policy, walking off the job during a shift, possession of weapons on the Employer's property, and sexual harassment or any other inappropriate harassment of a co-worker or guest, such an employee must be given a written warning and an opportunity to correct the deficiency. The above provisions relating to controlled substances will not apply to medicine lawfully prescribed for the employee using the substance by a licensed physician and used in accordance with the prescription.

Upon the discharge or suspension of any employee for reasons other than dishonesty, the reason therefore shall be given to the employee in writing, and a legible copy thereof shall be mailed or given to the Union within seventy-two (72) hours after the discharge or suspension. When an employee is discharged or suspended for willful misconduct, the notice shall contain the specific conduct or offense deemed by the Employer to constitute willful misconduct. Upon request by the Union, legible copies of all documents relied upon by the Employer in making the discharge or suspension, including copies of any written complaints or reports concerning the employee, either by the customer, an outside agency, or by the Employer's own employees, and copies of any relevant cash register tapes, shall be furnished to the Union within three (3) working days after such request. An employee may not be discharged solely on a basis of verbal complaints by customers. The Union shall furnish the Employer with any statements and/or documents pertinent to the investigation within seventy-two (72) hours of request. The Union will have the right to view copies of videotapes at the hotel during an investigation of a case.

6.02. Warning Notices.

(a) Warning notices issued to employees must specify the events or actions for which the warning is issued. Warning notices shall be issued to employees as soon as possible after the Employer is aware of the event or action for which the warning notice is issued and has a reasonable period of time to investigate the matter, and may be issued by the Employer any time throughout the day, as business allows. All warning notices must be given to employees no later than fifteen (15) days from the occurrence or knowledge of the event which results in the warning, except for ongoing investigations. A legible copy of any written warning notice shall be given to the employee for review by himself and, if desired, to the Union. Legible copies of all documents relied upon by the Employer in issuing the warning notice, including copies of any written complaints or reports concerning the employee, either by a customer, an outside agency or by the Employer's own employees, and copies of any relevant cash register tapes, shall be furnished to the Union within three (3) working days after such request.

The names and addresses of customers who make written complaints against an employee shall be furnished to the Union on request if such are relied on by the Employer as a basis for the warning notice. An employee may not be issued a warning notice solely on the basis of verbal complaints by customers. Warning notices, written customer complaints and reports of outside agencies or the Employer's own security force concerning conduct of an employee (except sexual harassment or any other inappropriate harassment of a co-worker or guest) shall become null and void one (1) year after the date of issuance and may not thereafter be used as a basis for or in support of any subsequent discharge or disciplinary action.

6.03. Final Warning.

No employee shall receive a final written warning or be paid off or have his shift, station or days off changed for discriminatory reasons, or for disciplinary purposes unless a prior written warning has been given to the employee. If an employee is arrested or charged with a crime related to job conduct, the Employer may take disciplinary action for just cause without regard to the disposition of the criminal charge. In such circumstances, the Employer bears the burden of demonstrating just cause independent of the legal process, and the disciplinary actions can be grieved pursuant to this Agreement. In such cases, the employee's job status shall be determined by this Agreement. Alternatively, if an employee is arrested or charged with a felony, or a misdemeanor offense that tends to discredit the Employer or its operations, or tends to reflect unfavorably on the Employer or its operations, the Employer may suspend the employee without pay pending the outcome of the charge. If the employee is found not guilty, the employee shall be reinstated, and the Employer shall not then be able to take disciplinary action. If the employee is found guilty, the employee may be terminated. No employee shall be disciplined on account of a criminal proceeding which is not employment-related. After a period of eighteen (18) months, final written warnings shall not be considered in any disciplinary proceedings, except sexual harassment or any other inappropriate harassment of a co-worker or guest.

6.04. Time of Discharge.

The Employer has discretion to discharge employees at any time, subject to the provisions of this Agreement.

6.05. Controlled Substance.

In accordance with the Company practice, where there is reasonable cause to believe that an employee is under the influence of alcohol or a controlled substance, the employee, after being notified of the contents of this sub-Section, must consent to an immediate physical examination at an independent medical facility or suffer the penalty of discharge. The Employer shall pay for the cost of the examination. A blood alcohol level of .08 provides an absolute presumption that the employee is under the influence of alcohol or, in the event there is a statutory revision lowering the blood alcohol level by the state.

ARTICLE 7: EARLY SHIFT RELEASE**7.01. Voluntary.**

An employee, with the Employer's approval, may voluntarily leave work early if he so desires and shall be paid only for the time actually worked on that shift. The Employer may solicit volunteers for early shift release who shall be paid only for the time actually worked on that shift.

7.02. Involuntary Release.

The Employer may request that employees leave their shifts early due to lack of business, whereupon employees shall be paid a minimum of two (2) hours or one-half (1/2) of their scheduled shift, whichever is greater; provided however, that this provision is not intended to be used in bad faith or to deny an employee legitimate overtime pay and provided further that the Employer will take first take request for early outs and then require early outs in ascending order of seniority of those employees on duty, provided this does not require the Employer to pay overtime. When a tipped employee is required to take an early out, under this section, the open station, if any, shall be offered in descending order of seniority to those employees on duty.

ARTICLE 8: DISCRIMINATION

8.01. Prohibited Discrimination.

There shall be no discrimination by the Employer or the Union against any employee because of membership or non-membership in or activity on behalf of the Union, provided that an employee's Union activities shall not interfere with the performance of his or other employees' work for the Employer. In accordance with applicable laws, there shall be no discrimination against any employee with respect to compensation, terms, conditions, privileges of, or opportunities for employment because of race, color, religion, sex, age or national origin, ancestry or disability, or sexual orientation.

8.02. Confessions or Statements.

When a supervisor, manager, or security person interviews an employee for disciplinary reasons, or in a fact-finding interview which might reasonably lead to discipline, the employee shall have the right to be represented by an authorized Union Representative or Shop Steward. It shall be the responsibility of the employee to request such a representative or steward. Upon the employee's request, the Employer shall contact the representative or steward, provided that the Union has supplied an updated list containing the contact information and schedule of the representative or steward. If the Union has not provided such a list, it will be up to the employee to contact the representative or steward. If an authorized Union Representative or Shop Steward is not available, the employee can request that the interview be rescheduled or continue with the interview without the representative or steward, if the employee so chooses.

Each employee shall be required to sign a background investigation release for the purpose of allowing the Employer, Gaming Control Board, Nevada Gaming Commission, or any law enforcement agency to check the background and history of the employee or prospective employee.

ARTICLE 9: WORK SHIFTS, WORKWEEK AND OVERTIME

9.01. Shift and Weekly Overtime.

The workweek pay period shall be from Friday through Thursday. For purposes of computing overtime, for an employee scheduled to work five (5) days in one (1) workweek, any hours in excess of eight (8) hours in a day or forty (40) hours in a week shall constitute overtime. For an employee scheduled to work four (4) days in one (1) workweek, any hours worked in excess of ten (10) hours in a day or forty (40) hours in a week shall constitute overtime. Overtime shall be effective and paid only after the total number of hours not worked due to early outs is first subtracted from the total number of hours actually worked per shift, per workweek. Overtime shall not be paid under this Section for more than one (1) reason for the same hours worked. Employees absent for personal reasons on one (1) or more of their first five (5) scheduled days of work in their workweek shall work at the Employer's request on a scheduled day off in the same workweek at straight time. If the Employer anticipates such scheduling, the Employer shall provide five (5) days' advance notice.

This provision will remain in effect for the duration of this Agreement. However, at the expiration of the Agreement, the Employer shall have the right to compute and pay overtime in accordance with the provisions of existing federal and state law, and Union employees shall not have the right to overtime pay above and beyond the applicable federal and state law requirements.

9.02. Days Off.

The Employer supports the principle of providing its employees with two (2) days off, or three (3) days off for employees on a ten (10)-hour per day schedule, during each seven (7)-day work period. The Employer will schedule them consecutively, except that when business conditions dictate, the Employer may split them. In those instances, scheduling of split days off will be done according to the provisions of Section 17.04(b) of this Agreement. An employee may voluntarily split his/her days off.

9.03. Single Shift.

No employee shall be required to work more than one (1) shift on any one (1) calendar day. This shall not prohibit the performance of overtime work consecutive with the employee's regular shift, as requested by the Employer.

9.04. Posting.

The Employer shall post each week in a conspicuous place in each department, available to Union Representatives, a work schedule showing the first and last name and classification of each employee, and specifying days off and starting and finishing time. When employees not originally scheduled to work during any week are later called to work during that week, their names and classifications shall be added to the posted work schedule not later than the end of the first shift they work.

ARTICLE 10: CATEGORIES OF EMPLOYEES**10.01. Regular Full-Time Employees.**

Regular Full-Time employees are employees carried on the Employer's regular payroll who are hired to work thirty (30) hours per week or more and are eligible for all benefits provided for in this Agreement.

10.02. Regular Part-Time Employees.

Regular Part-Time employees are employees carried on the Employer's regular payroll who are hired to work less than thirty (30) hours per week.

10.03. Extra Employees.

Extra employees are employees hired to perform work in addition to or as vacation, LOA or temporary absence replacements for regular employees. Extra employees shall not be covered by Articles 6, 11, 13 (except in relation to FMLA), 17, or by Sections 5.07, 9.02, and 9.03.

10.04. Reduction of Full-Time Employees to Part-Time.

At any point in time, no more than 25% of the entire bargaining unit may be comprised of part-time employees. Additionally, no more than 50% of cocktail servers and housekeeping porters can be part-time employees. Regarding the cocktail servers and housekeeping porters, 15% of the 50% limit stated in the prior sentence shall be achieved through attrition and hiring new employees. With respect to all other classifications, no more than 35% of the employees in each classification can be part-time employees, and the attrition requirements do not apply. Employees who are on-call (or "extra") are not considered for purposes of determining the applicable percentages.

The Employer may freely, and in its absolute discretion, within the limits set forth in this paragraph as to the percentages of full-time vs. part-time employees, move employees by order of seniority from full-time to part-time and vice-versa. If a classification or total limits are exceeded, for any reason other than the Employer moving an employee from full-time to part-time (such as termination, resignation, retirement, transfer, etc.), the Employer will have a reasonable opportunity to adjust the work force (including hiring, transfer and/or moves from part-time to full-time) without being in violation of the applicable limits. The Employer may elect to move some of the employees to part-time by attrition (e.g., keep current full-time employees and replace them upon separation of employment with part-time employees). However, except as otherwise provided in this paragraph, the Employer has the absolute discretion to move employees by seniority, at any time, between full-time and part-time classifications.

ARTICLE 11: PAID TIME OFF

11.01. Amount of PTO.

All Union regular full-time eligible employees scheduled to work an average of at least 30 hours per week earn PTO based on length of service. PTO time accrues on a monthly basis from the date of hire as follows:

Months of Years of Continuous Service With Employer		Amount of Paid PTO
Hire to 1 year	(6.66 hours per month)	80 hours per year
1 Year	(10.00 hours per month)	120 hours per year
5 Years	(13.33 hours per month)	160 hours per year

Employees will continue to accrue PTO until their bank reaches 2 times their annualized number of allowable PTO hours. However, the maximum number of accrued PTO hours will be 240. Employees who reach the 240 hours cap will not accrue any more PTO until they use some of the PTO already accrued.

All regular part-time employees who work 16 hours per week will accrue PTO at the rate of 3.33 hours per month and will continue to accrue until the bank reaches 80 hours. Once they reach the 80-hour maximum, employees will not accrue any additional PTO until they use some of the PTO already accrued.

For employees who have accrued PTO above the 240-hour limit as of the day when this Agreement is signed, all current accrued but unused PTO over 240 hours will be grandfathered in and employees will be allowed to use it for 1 year after the effective date of the new contract, or sell it back to the Employer for 50 cents on the dollar, as provided above. If grandfathered PTO is not used within 1 year after inception of the new contract or sold back to the company, it will be lost.

Additionally, Union employees can sell their accrued PTO hours back to the Employer (twice a year on the announced dates in June and December) at 50 cents on the dollar. Employees can sell their accrued, but unused PTO to the Employer at 100 percent if they fulfilled the