


IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL BALDONADO; JOSEPH  
CESARZ; AND QUYNGOC TANG,  
INDIVIDUALLY AND ON BEHALF OF  
OTHERS SIMILARLY SITUATED,  
Appellants,  
vs.  
WYNN LAS VEGAS, LLC A/K/A WYNN  
CASINO LAS VEGAS,  
Respondent.

No. 60934

FILED

DEC 23 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*


This is an appeal from a post-judgment district court order declining to consider appellants' "motion for reversal of order omitted from record" because the issues raised therein were both moot and premature. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

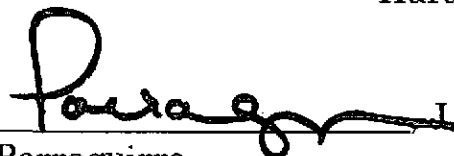
On August 8, 2012, this court issued an order directing appellants to show cause why this appeal should not be dismissed for lack of jurisdiction because it appeared that this appeal was taken from a nonappealable judgment or order. After reviewing the parties' responses to the order, we reinstated briefing and directed the parties to further address the jurisdictional issue in their briefs. Shortly thereafter, however, appellants moved to stay the briefing schedule pending resolution of the appeal in *Wynn Las Vegas, LLC v. Baldonado*, Docket No. 60358, and this court granted the motion.

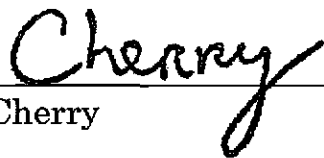
On October 31, 2013, this court entered an opinion in *Wynn Las Vegas, LLC v. Baldonado*, 129 Nev. \_\_\_, \_\_\_, \_\_\_ P.3d \_\_\_ (Adv. Op. No. 78, October 31, 2013), and the remittitur has issued. In *Wynn Las Vegas*, this court reversed the district court's order granting the petition for judicial review and remanded the matter to the district court for

further proceedings. In their motion to stay the briefing schedule in this matter, appellants asserted that a decision favorable to respondent in *Wynn Las Vegas* would render this appeal moot. Having reviewed the docketing statement and other documents before the court in this appeal and the opinion entered in *Wynn Las Vegas*, we conclude that the decision in *Wynn Las Vegas* has rendered this appeal moot. See *Personhood Nev. v. Bristol*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 572, 574 (2010) (explaining that this court's duty is to resolve actual controversies and that a controversy must be present through all stages of the proceeding). With this court's conclusion in *Wynn Las Vegas* that respondent's tip-pooling policy was allowable under NRS 608.160, the statute of limitations question is no longer at issue, and it will not be so unless and until the district court enters a final decision on remand in the *Wynn Las Vegas* matter, in which case appellants may again attempt to appeal, if aggrieved. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Kenneth C. Cory, District Judge  
Kemp & Kemp  
Leon Greenberg Professional Corporation  
Thierman Law Firm  
Kamer Zucker Abbott  
Eighth District Court Clerk