

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 C. WILLIAMS, DISTRICT JUDGE,

Respondents,

and

PAULETTE DIAZ, AN INDIVIDUAL;
LAWANDA GAIL WILBANKS, AN INDIVIDUAL; SHANNON OLSZYNSKI, AN INDIVIDUAL; AND CHARITY FITZLAFF, AN INDIVIDUAL, ON BEHALF OF THEMSELVES AND ALL SIMILARLY-SITUATED INDIVIDUALS,
Real Parties in Interest.

No. 78562

FILED

MAY 15 2019

ELIZABETH J. DYAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


*ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS*


This original petition for a writ of prohibition or mandamus challenges a district court order denying a motion to decertify a class in a minimum wage action.

Having considered the petition and supporting documentation, we conclude that our extraordinary and discretionary intervention is not warranted. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining

whether to entertain a writ petition). In particular, we are not persuaded that the district court arbitrarily or capriciously abused its discretion in permitting the parties to conduct discovery before it definitively determined whether the class should remain certified. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (“A writ of mandamus is available to compel . . . an act [which] the law requires . . . or to control an arbitrary or capricious exercise of discretion.”); *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 846, 124 P.3d 530, 537 (2005) (recognizing that the decision to certify a class is within the district court’s discretion); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted).¹ Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Timothy C. Williams, District Judge
Howard & Howard Attorneys PLLC
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
Eighth District Court Clerk

¹Despite their request for a writ of prohibition, petitioners do not suggest that the district court exceeded its jurisdiction in declining to decertify the class. *Cf. Smith*, 107 Nev. at 677, 818 P.2d at 851 (“Prohibition is a proper remedy to restrain a district judge from exercising a judicial function without or in excess of its jurisdiction.”).