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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 DONALD WALDEN JR, NATHAN
12 ECHEVERRIA, AARON DICUS, BRENT
13 EVERIST, TRAVIS ZUFELT, TIMOTHY
RIDENOUR, and DANIEL TRACY on behalf
of themselves and all others similarly situated,

14 Plaintiffs,

15 vs.

16 THE STATE OF NEVADA, EX REL. ITS
17 NEVADA DEPARTMENT OF
CORRECTIONS, and DOES 1-50,

18 Defendant.

Case No.: 3:14-cv-00320-MMD-WGC

**JOINT RESPONSE TO CERTIFICATION
OF NEVADA MINIMUM WAGE
AMENDMENT ISSUE (ECF NO. 166)
AND STIPULATION TO DISMISS
RELATED CAUSE OF ACTION**

20 Defendant State of Nevada, ex rel. its Department of Corrections (“NDOC”), and Plaintiffs,
21 Donald Walden Jr., Nathan Echeverria, Aaron Dicus, Brent Everist, Travis Zufelt, Timothy
22 Ridenour, and Daniel Tracy, on behalf of themselves and all others allegedly similarly situated
23 (“Plaintiffs”) (collectively referred to as “the Parties”), by and through their respective counsel of
24 record, hereby state the following:

25 1. Both NDOC and Plaintiffs have reviewed this Court’s Order of March 26, 2018 (ECF
26 No. 166) and the Court’s order that the parties address the issue of whether “...certification of the
27 question whether Nevada’s Minimum Wage Amendment applies to state government employees is
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1 warranted and what effect certification would have on the remaining claims in this action...” (ECF
2 No. 166, pg. 18.)

3 2. Having discussed the issue, both NDOC and the Plaintiffs agree to dismiss this cause
4 of action within Plaintiff’s First Amended Complaint (i.e., Plaintiff’s Third Cause of Action –
5 Failure to Pay Minimum Wages in Violation of the Nevada Constitution, ECF No. 95, pgs. 31-32)
6 without prejudice.

7 3. In light of this stipulation, both NDOC and the Plaintiffs agree that any further
8 consideration of whether to certify this question has been rendered moot.

9 Dated this 2nd day of April, 2018.

Dated this 2nd day of April, 2018.

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12 /s/ Richard I. Dreitzer
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19 **ORDER**

20 **IT IS SO ORDERED.**

21 DATED this 2nd day of April, 2018.

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28 **UNITED STATES DISTRICT JUDGE**