

1 **BEFORE THE NEVADA STATE LABOR COMMISSIONER**

2 **CARSON CITY, NEVADA**

3 IN THE MATTER OF:)

4 MEGAN SMITH,)

Claimant)

5 vs.)

6 THE WYNN,)

Respondent)

7 DANIEL BALDONADO, JOSEPH CESARZ, and)

8 QUYNGOC TANG,)

Claimants)

9 vs.)

10 WYNN LAS VEGAS, LLC,)

Respondent)

FILED

JAN 14 2009

NEVADA
LABOR COMMISSIONER-LV

11 ORDER RE: DISCOVERY AND STATUTE OF LIMITATIONS


12 Numerous pleadings and/or correspondence have been lodged with the Labor
13 Commissioner's office concerning the issues of discovery and the appropriate statute of
14 limitations. The correspondence will be treated as pleadings for purposes of resolving the issues
15 currently before this office. Based upon a review of the applicable statutes, regulations, and
16 case, IT IS THEREFORE ORDERED that:

- 17 1. Concerning the wage claims filed by Smith, Baldonado, Cesarz, and Tang, the two year
18 statute of limitations will apply (NAC 607.105), with the time commencing on the date
19 that Smith filed her wage claim and when intervention was granted to Baldonado,
20 Cesarz, and Tang (i.e., February 2008); and the time period to be included in any
21 recovery, if any, is for the 24 months preceding those dates and continuing thereafter.
- 22 2. Concerning other potential wage claimants, the applicable period will be three years
23 from the date a decision is rendered herein if a decision is rendered in favor of the
24 employees and finding the Defendants as violating Nevada's labor law. NRS
25 11.190(3)(a).

1 3. Concerning the identities of employees properly belonging to a "class of employees" who
2 may benefit from any favorable decision in this matter, when a decision is made, and
3 should it be made in favor of the employees, the Labor Commissioner will order an audit
4 of the Defendant's personnel/payroll records to identify all employees who are impacted
5 by any such decision; and any decision rendered in this matter will be applicable to such
6 other employees.

7 4. Concerning the production of the names and addresses of Wynn's former casino team
8 leaders, boxmen, floor supervisors and box team leaders from September 1, 2006 to the
9 present time, this request appears to be burdensome, oppressive, and appears to be for
10 the purposes of harassment. The three claimants, Baldonado, Cesarz, and Tang, are still
11 employees of the Defendants. Thus, they should know the names of such co-employees.
12 If subpoenas are requested for those employees, identified by Baldonado, Cesarz, and
13 Tang, such subpoenas will be issued by the Labor Commissioner's office.

14 DATED THIS 14th DAY OF January, 2009.

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17 MICHAEL TANCHEK
18 Labor Commissioner
19 State of Nevada
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