

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Richard W. DeOtte, on behalf of themselves and others similarly situated; **Yvette DeOtte**, on behalf of themselves and others similarly situated; **John Kelley**, on behalf of themselves and others similarly situated; **Alison Kelley**, on behalf of themselves and others similarly situated; **Hotze Health & Wellness Center**, on behalf of themselves and others similarly situated; **Braidwood Management, Incorporated**,

Plaintiffs-Appellees,

v.

State of Nevada,

Appellant.

No. 19-10754

**PLAINTIFFS-APPELLEES' UNOPPOSED MOTION TO
AMEND THE CAPTION**

The plaintiffs-appellees respectfully move to amend the caption to reflect that only Richard W. DeOtte and Braidwood Management Inc. have been certified as class representatives. The remaining plaintiff-side litigants seek relief only as individuals and are no longer seeking to proceed as class representa-

tives. The Court's current caption also fails to reflect that Braidwood Management Inc. has been certified as a class representative and is seeking relief on behalf of a certified class. The appellant is unopposed to this motion.

Because Mr. DeOtte and Braidwood Management are the only certified class representatives, the plaintiffs-appellees respectfully ask the Court to amend the caption to read as follows:

RICHARD W. DEOTTE, on behalf of himself and others similarly situated; YVETTE DEOTTE; JOHN KELLEY; ALISON KELLEY; HOTZE HEALTH & WELLNESS CENTER; BRAIDWOOD MANAGEMENT INCORPORATED, on behalf of itself and others similarly situated,

Plaintiffs-Appellees,

v.

STATE OF NEVADA,

Appellant.

CONCLUSION

The unopposed motion to amend the caption should be granted.

Respectfully submitted.

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Dated: September 23, 2019

Counsel for Plaintiffs-Appellees

CERTIFICATE OF CONFERENCE

I certify that I conferred with Craig A. Newby, counsel for Nevada, and he informed me that Nevada is unopposed to this motion.

Dated: September 23, 2019

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiffs-Appellees

CERTIFICATE OF COMPLIANCE

with type-volume limitation, typeface requirements,
and type-style requirements

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 156 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and Fed. R. App. P. 32(a)(6) because it uses Equity Text B 14-point type face throughout, and Equity Text B is a proportionally spaced typeface that includes serifs.

Dated: September 23, 2019

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiffs-Appellees

CERTIFICATE OF SERVICE

I certify that on September 23, 2019, this document was electronically filed with the clerk of the court for the U.S. Court of Appeals for the Fifth Circuit and served through CM/ECF upon:

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