

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAN SCHWARTZ, NEVADA
STATE TREASURER, in his official
capacity,

Appellant,

vs

HELLEN QUAN LOPEZ, individually
and on behalf of her minor child, C.Q;
MICHELLE GORELOW, individually
and on behalf of her minor children,
A.G. and H.G.; ELECTRA
SKRYZDLEWSKI, individually and
on behalf of her minor child, L.M.;
JENNIFER CARR, individually and on
behalf of her minor children, W.C.,
A.C., and E.C.; LINDA JOHNSON,
individually and on behalf of her minor
child, K.J.; SARAH and BRIAN
SOLOMON, individually and on
behalf of their minor children, D.S. and
K.S.,

Respondents.

Supreme Court Case No. 69611

Electronically Filed
Mar 15 2016 02:25 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

First Judicial District Court

Case No. 15-0C-0020701-B

**AMICI AIMEE HAIRR, AURORA
ESPINOZA, ELIZABETH ROBBINS,
LARA ALLEN, JEFFREY SMITH,
and TRINA SMITH'S MOTION TO
ASSOCIATE COUNSEL**

MATTHEW T. DUSHOFF, ESQ.

Nevada Bar No. 004975

LISA J. ZASTROW, ESQ.

Nevada Bar No. 009727

KOLESAR & LEATHAM

400 S. Rampart Blvd., Ste. 400, Las Vegas, Nevada 89145

Telephone: (702) 362-7800

Facsimile: (702) 362-9472

mdushoff@klnevada.com

lzastrow@klnevada.com

Attorneys for Amici Aimee Hairr; Aurora Espinoza; Elizabeth Robbins; Lara Allen;
Jeffrey Smith; and Trina Smith

Amici Lara Allen; Aurora Espinoza; Aimee Hairr; Elizabeth Robbins; and Jeffrey and Trina Smith, hereby move the Court for an order permitting Timothy D. Keller, Esq., an attorney with the Institute for Justice, to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (“SCR 42”). This motion is supported by the attached Verified Application for Association of Counsel (attached as **Exhibit “A”**), Certificate of Good Standing from the State Bar of Arizona (attached as **Exhibit “B”**), and the “State Bar of Nevada Statement” (attached as **Exhibit “C”**). Also attached to this motion is a “[Proposed] Order Admitting to Practice” (attached as **Exhibit “D”**).

DATED this 15th day of March, 2016.

KOLESAR & LEATHAM

/s/ Lisa J. Zastrow, Esq.
MATTHEW T. DUSHOFF, ESQ.
Nevada Bar No. 004975
LISA J. ZASTROW, ESQ.
Nevada Bar No. 009727
400 S. Rampart Blvd., Ste. 400
Las Vegas, Nevada 89145
Telephone: (702) 362-7800
Facsimile: (702) 362-9472

Attorneys for Amici Aimee Hairr; Aurora Espinoza; Elizabeth Robbins; Lara Allen; Jeffrey Smith; and Trina Smith

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Kolesar & Leatham, and that on the 15th day of March, 2016, I caused to be served a true and correct copy of the foregoing **AMICI AIMEE HAIRR; AURORA ESPINOZA; ELIZABETH ROBBINS; LARA ALLEN; JEFFREY SMITH; and TRINA SMITH's MOTION TO ASSOCIATE COUNSEL** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Rule 5(D) of the Nevada Rules of Civil Procedure, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to the parties listed below at their last-known mailing addresses, on the date above written:

Adam Paul Laxalt, Esq.
Lawrence VanDyke, Esq.
Joseph Tartakovsky, Esq.
Ketan Bhirud, Esq.
OFFICE OF THE ATTORNEY GENERAL
100 N. Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1100
Email: lvandyke@ag.nv.gov
jtartakovsky@ag.nv.gov
kbhirud@ag.nv.gov
Attorneys for Defendants

Tamerlin J. Godley, Esq.
Thomas Paul Clancy, Esq.
Laura E. Mathe, Esq.
Samuel T. Boyd, Esq.
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

First Judicial District Court
885 E. Musser St., Ste. 3031
Carson City, Nevada 89701
Attention: Honorable Judge James E. Wilson
VIA U.S. CERTIFIED MAIL – RETURN RECEIPT

Don Springmeyer, Esq.
Justin C. Jones, Esq.
Bradley S. Schrager, Esq.
Wolf, Rifkin, Shapiro et al.
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120
Email: dspringmeyer@wrslawyers.com
bschrager@wrslawyers.com
jjones@wrslawyers.com

David G. Sciarra, Esq.
Amanda Morgan, Esq.
Education Law Center
60 Park Place, Suite 300
Newark, NJ 07102

Attorneys for Plaintiffs

An Employee of KOLESAR & LEATHAM

EXHIBIT A

EXHIBIT A

Timothy D. Keller
(AZ Bar No. 019844)
INSTITUTE FOR JUSTICE
398 South Mill Avenue, Suite 301
Tempe, AZ 85281
Telephone: 480.557.8300
Email: tkeller@ij.org

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DAN SCHWARTZ, NEVADA
STATE TREASURER, in his official
capacity,

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vs

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and on behalf of her minor child, C.Q;
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Respondents.

Supreme Court Case No. 69611

First Judicial District Court

Case No. 15-0C-0020701-B

**VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER NEVADA SUPREME
COURT RULE 42**

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

Timothy David Keller, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 2411 E. Coconino Dr.
Street Address
Chandler, Maricopa, AZ, 85249
City County State Zip Code

(480) 250-7149
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Institute for Justice
with offices at 398 S. Mill Ave., Ste. 301
Street Address

Tempe, Maricopa, AZ, 85281
City County State Zip Code

(480) 557-8300, tkeller@ij.org
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Lara Allen, Aimee Hairr, Elizabeth Robbins, Aurora Espinoza, Jeffrey and Trina Smith to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since October 25 of 1999, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Arizona where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

<u>U.S. Supreme Court</u>	<u>March 24, 2003</u>
<u>U.S. Court of Appeals – 9th Circuit</u>	<u>April 20, 2005</u>
<u>U.S. District Court of Arizona</u>	<u>June 16, 2003</u>

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hacs*)

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>September 14, 2015</u>	<u>Lopez v. Schwartz</u>	<u>First Judicial Dist. Court of Nevada</u>	<u>Denied</u>
<u>September 1, 2015</u>	<u>Duncan v. State of Nevada</u>	<u>Clark County Dist. Court</u>	<u>Granted</u>

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:
(must be the same as the signature on the Nevada Counsel consent page)

Lisa J. Zastrow 009727,
First Name Middle Name Last Name NV Bar #

who has offices at Kolesar & Leatham,
Firm Name/Company

400 S. Rampart Blvd., Ste. 400, Las Vegas, Clark,
Street Address City County

89145, (702) 362-7800,
Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each

counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

See attached Exhibit 1.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Timothy D. Keller, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained

therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;

Exhibit 1

In response to Section 13 above, to the best of our ability, the names and addresses of each party and associated counsel are provided below:

Plaintiffs

Hellen Quan Lopez
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

Michelle Gorelow
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

Electra Skryzdlewski
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

Jennifer Carr
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

Linda Johnson
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

Sarah and Brian Solomon
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

Don Springmeyer
Justin C. Jones
Bradley S. Schrager
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120
Attorneys for Plaintiffs

Tamerlin J. Godley
Thomas Paul Clancy
Laura E. Mathe
Samuel T. Boyd
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, Thirty-Fifth Floor
Los Angeles, CA 90071
Attorneys for Plaintiffs

David G. Sciarra
Amanda Morgan
Education Law Center
60 Park Place, Suite 300
Newark, NJ 07102
Attorneys for Plaintiffs

Defendant

Dan Schwartz, Nevada State Treasurer
Office of the State Treasurer of Nevada
101 N. Carson Street, Suite 4
Carson City, NV 89701

Adam Paul Laxalt
Lawrence VanDyke
Ketan Bhirud
OFFICE OF THE ATTORNEY GENERAL
100 N. Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1100
Email: lvandyke@ag.nv.gov
jtartakovsky@ag.nv.gov
kbhirud@ag.nv.gov
Attorneys for Defendants

EXHIBIT B

EXHIBIT B

**CERTIFICATE OF THE CLERK OF THE SUPREME COURT
OF THE
STATE OF ARIZONA**

I, Janet Johnson, Clerk of the Supreme Court of the State of Arizona, hereby certify that, according to the records of my office and upon the recommendation of the Disciplinary Clerk of the Supreme Court of Arizona

TIMOTHY DAVID KELLER

was on the 25th day of October, 1999 duly admitted to practice as an Attorney and Counselor at Law in all the courts of Arizona; that no disciplinary proceedings are pending against this attorney in the Arizona Supreme Court as of the date of this certificate; and that this name now appears on the Roll of Attorneys in this office as an active member of the Bar in good standing.

*Given under my hand and the seal of
said Court this 9th day of March,
2016.*

JANET JOHNSON, Clerk

By *Allison D. Carro*
Allison D. Carro
Deputy Clerk Specialist



CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **TIMOTHY DAVID KELLER** was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on October 25, 1999 and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.

Given under the seal of the Disciplinary
Clerk of the Supreme Court of Arizona
this March 9, 2016.

A handwritten signature in blue ink, appearing to read "Amanda McQueen", written over a horizontal line.

Amanda McQueen
Disciplinary Clerk

EXHIBIT C

EXHIBIT C

1 STAT

2 SUPREME COURT OF NEVADA

3 Case No. 69611

4
5 Aimee Hairr

6 vs.

7 The First Judicial District
8 Court of the State of Nevada

9 _____ /
10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
11 42 (3) (b)

12 THE STATE BAR OF NEVADA, in response to the application of
13 Petitioner, submits the following statement pursuant to SCR42(3):

14 SCR42(6)**Discretion.** The granting or denial of a motion to associate
15 counsel pursuant to this rule by the court is discretionary. The
16 court, arbitrator, mediator, or administrative or governmental
17 hearing officer may revoke the authority of the person permitted to
18 appear under this rule. Absent special circumstances, repeated
19 appearances by any person or firm of attorneys pursuant to this rule
20 shall be cause for denial of the motion to associate such person.

18 (a) **Limitation.** It shall be presumed, absent special
19 circumstances, and only upon showing of good cause, that
20 more than 5 appearances by any attorney granted under
21 this rule in a 3-year period is excessive use of this
22 rule.

21 (b) **Burden on applicant.** The applicant shall have the
22 burden to establish special circumstances and good cause
23 for an appearance in excess of the limitation set forth
24 in subsection 6(a) of this rule. The applicant shall set
25 forth the special circumstances and good cause in an
26 affidavit attached to the original verified application.

25 1. DATE OF APPLICATION: March 11, 2016

26 2. APPLYING ATTORNEY: Timothy David Keller, Esq.

27 3. FIRM NAME AND ADDRESS: Institute for Justice, 398 S. Mill
28 Avenue, Suite 301, Tempe, AZ 85281

1 4. NEVADA COUNSEL OF RECORD: Lisa J. Zastrow, Esq., Kolesar &
2 Leatham, 400 S Rampart Blvd, Suite 400, Las Vegas, NV 89145

3 5. In addition to the present application, petitioner made the
4 following previous applications within the last three years:

5 09/11/2015 ADMISSION STATUS NOT REPORTED TO THE STATE BAR
6 09/15/2015 ADMISSION STATUS NOT REPORTED TO THE STATE BAR

7 DATED this March 15, 2016

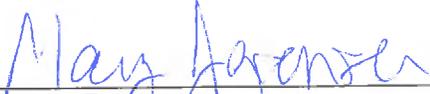
8
9 
10 Mary Jorgensen
11 Member Services Manager
12 Pro Hac Vice Processor
13 STATE BAR OF NEVADA
14
15
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27
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EXHIBIT D

EXHIBIT D

MATTHEW T. DUSHOFF, ESQ.
Nevada Bar No. 004975
LISA J. ZASTROW, ESQ.
Nevada Bar No. 009727
KOLESAR & LEATHAM
400 S. Rampart Blvd., Ste. 400
Las Vegas, Nevada 89145
Telephone: (702) 362-7800
mdushoff@klnevada.com
lzastrow@klnevada.com
Attorneys for Petitioners

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minor children, D.S. and K.S.,

Respondents.

**Supreme Court Case No.
69611**

First Judicial District Court
Case No. 15-0C-0020701-B

**[PROPOSED] ORDER
ADMITTING TO
PRACTICE**

ORDER ADMITTING TO PRACTICE

TIMOTHY D. KELLER, ESQ., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing for the state of Arizona, and the State Bar of Nevada Statement; said application having

been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and TIMOTHY D. KELLER, ESQ. is hereby admitted to practice in the above-entitled Court for the purposes of the above entitled matter only.

DATED this ____ day of _____, 2016.

DISTRICT JUDGE

Submitted by:
KOLESAR & LEATHAM

/s/ Lisa J. Zastrow, Esq.

LISA J. ZASTROW, ESQ.

Nevada Bar No. 009727

400 S. Rampart Blvd., Ste. 400

Las Vegas, Nevada 89145

Telephone: (702) 362-7800

Facsimile: (702) 362-9472

Attorneys for Petitioners