

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 DAN SCHWARTZ, in his official
4 capacity as Treasurer of the State of
5 Nevada,

6 Appellant,

7 vs.

8 HELEN QUAN LOPEZ, *et al.*,

9 Appellees.
10

Electronically Filed
Apr 19 2016 03:01 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

No. 69611

Appeal from the First Judicial
District Court, Carson City

11
12 **MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE MEXICAN**
13 **AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND, LAS**
14 **VEGAS NAACP, AND SOUTHERN POVERTY LAW CENTER**
15 **IN SUPPORT OF PLAINTIFFS-APPELLEES**

16 The Mexican American Legal Defense and Educational Fund, Southern
17 Poverty Law Center, and Las Vegas NAACP (hereinafter "Amici") move,
18 pursuant to NRAP 29(c), for leave to file the brief of the Amici. Attached hereto
19 is the consent of Appellees to file an Amicus brief. Appellant has not consented.

20 **INTEREST OF AMICI**

21
22 *Amici* are a diverse group with the mission of supporting the success of all
23 students, but especially economically disadvantaged and English Language
24 Learner ("ELL") students. *Amici* are civil rights organizations and believe that
25 their collective experience on advancing educational opportunity for vulnerable
26 school children will be of assistance to this Court.
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1 ***MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND***
2 ***("MALDEF")***

3 The Mexican American Legal Defense and Educational Fund
4 *("MALDEF")* is a national civil rights organization established in 1968. Its
5 principal objective is to secure the civil rights of Latinos living in the United
6 States through litigation, advocacy, and education. MALDEF litigates nationally
7 to advance the education rights of Latino and African-American students,
8 children in poverty, foster youth, and children with limited English. MALDEF
9 seeks to ensure educational equity and opportunity for these children and to
10 prevent discrimination based on national origin, race, or other improper bases.
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14 ***LAS VEGAS NAACP***

15 The Las Vegas Branch of the National Association for the Advancement of
16 Colored People ("*Las Vegas NAACP*") is a 501 (c) (4) chartered unit of the
17 national NAACP, the nation's largest and oldest civil rights organization. It
18 pursues the mission to ensure the political, educational, social, and economic
19 equality of rights of all persons and to eliminate race-based discrimination
20 throughout the greater Las Vegas, Nevada area.
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23 One of the long-standing goals of the NAACP in Las Vegas and nation-
24 wide is to advocate for all children to have access to high quality, public
25 education. Among its members are parents, students, teachers who would be
26 negatively impacted by the current funding formula.
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1 ***SOUTHERN POVERTY LAW CENTER ("SPLC")***

2 The Southern Poverty Law Center ("SPLC"), founded in 1971, is a
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4 nonprofit civil rights organization dedicated to fighting hate and bigotry, and to
5 seeking justice for the most vulnerable members of society. SPLC represents
6 children in poverty, children with disabilities, children of color, and children with
7 limited English proficiency unable to access the opportunities and resources they
8 need to be successful. SPLC works to ensure educational equity and opportunity
9 for these children, particularly as states transform the educational landscape by
10 shifting public resources to private schools through voucher programs like the one
11 at issue in this case. SPLC is based in Montgomery, Alabama, and has offices
12 that engage in education advocacy in Alabama, Florida, Louisiana, and
13 Mississippi.
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17 **WHY THE BRIEF OF AMICI IS DESIRABLE**

18 As described above, the Amici have extensive experience with the
19 education of students in poverty and those learning English. It is desirable to hear
20 their perspective on such a critical issue as the establishment of Education
21 Savings Accounts ("ESAs") which have the potential to divert huge amounts of
22 funding from Nevada's public schools.
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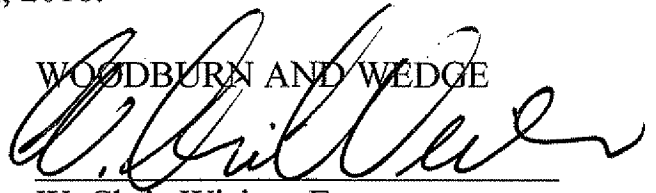
27 ///

1 The Supreme Court when considering an issue as important and far
2 reaching as the one before the Court should hear every perspective on the issues
3 before the Court.
4

5 DATED this 27 day of April, 2016.

6 WOODBURN AND WEDGE

7
8 By:



9 W. Chris Wicker, Esq.

10 Nevada Bar No. 1037

11 *Counsel for Amici Curiae Mexican-*
12 *American Legal Defense and Educational*
13 *Fund, Las Vegas NAACP, and Southern*
14 *Poverty Law Center*
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CERTIFICATE OF SERVICE

I hereby certify pursuant to NRCP 5(b) that, on this 19th day of April, 2016, I caused the foregoing MOTION FOR LEAVE TO FILE BRIEF FOR THE MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND, LAS VEGAS NAACP, AND SOUTHERN POVERTY LAW CENTER AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS-APPELLEES to be electronically filed with the Court and, therefore, to be served by way of the Court's eFlex electronic filing system to the parties listed below:

Matthew T. Dushoff	Robert L. Eisenberg	Leon M. Greenberg
Timothy D. Keller	LEMONS GRUNDY &	LEON GREENBERG
Lisa J. Zastrow	EISENBERG	PROFESSIONAL
Leon M. Greenberg		CORPORATION
KOLESAR &	Ketan D. Bhurud	
LEATHAM, CHTD.	ATTORNEY GENERAL	
	LAS VEGAS	
Francis C. Flaherty		Paul D. Clement
Kristen L. Hollar	Amanda Morgan	BANCROFT PLLC
DYER, LAWRENCE,	David G. Sciarra	
PENROSE, FLAHERTY,	EDUCATION LAW	Justin C. Jones
DONALDSON &	CENTER	Don Springmeyer
PRUNTY		WOLF, RIFKIN,
	Thomas Paul Clancy	SHAPIRO, SCHULMAN
Joseph Tartakovsky	Tamerlin J. Godley	& RABKIN, LLP
Lawrence J.C. VanDyke	Laura E. Mathe	
ATTORNEY GENERAL	MUNGER, TOLLES &	
CARSON CITY	OLSON LLP	

By: 

Kelly Weaver

EXHIBIT LIST

Exhibit 1: Email Consent, April 5, 2016

EXHIBIT 1

EXHIBIT 1

Chris Wicker

From: Don Springmeyer <DSpringmeyer@wrslawyers.com>
Sent: Tuesday, April 05, 2016 12:35 PM
To: Heck, Lindsay
Subject: Re: Request to Consent to Filing of Amicus Brief in Lopez v. Schwartz, Case No. 69611

Ms. Heck,

On behalf of all Respondents/Appellees, I consent.
Thanks,

Don Springmeyer

On Apr 5, 2016, at 12:30 PM, Heck, Lindsay <lindsay.heck@whitecase.com> wrote:

Mr. Springmeyer:

We intend to file an amicus brief on behalf of Mexican American Legal Defense and Educational Fund, Las Vegas NAACP, and Southern Poverty Law Center in support of Plaintiffs-Appellees in their opposition to the State's appeal from the injunction issued in *Lopez v. Schwartz*. Please advise if the Plaintiffs-Appellees consent pursuant to NRAP 29(a).

Best,
Lindsay Heck

Lindsay Heck | Associate
T +1 212 819 2551 M +1 914 217 9563 E lindsay.heck@whitecase.com
White & Case LLP | 1155 Avenue of the Americas | New York, NY 10036-2787
<image001.png>

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Thank you.

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