

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUBY DUNCAN, and individual; RABBI
MEL HECHT, an individual; *et al.*,

Appellants,

vs.

THE STATE OF NEVADA OFFICE OF
THE STATE TREASURER; THE STATE
OF NEVADA DEPARTMENT OF
EDUCATION; *et al.*,

Respondents,

and

AIMEE HAIRR, an individual, *et al.*,

Respondent-Intervenors.

Supreme Court Case No. 70648

District Court No. A19-723703-C
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Tracie K. Lindeman
Clerk of Supreme Court
**Respondent-Intervenors
Response To Appellants**

**Emergency Motion To Reset
Oral Argument And Briefing
Schedule**

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**Respondent-Intervenors' Response To Appellants' Emergency Motion To
Reset Oral Argument And Briefing Schedule**

Respondent-Intervenors, Aimee Hairr, Aurora Espinoza, Elizabeth Robbins, Lara Allen, Jeffrey Smith, and Trina Smith (“Respondent-Intervenors”), six Nevada parents who intervened below to defend their unique interests in the ESA Program, oppose Appellants, Ruby Duncan, Rabbi Mel Hecht, Howard Watts III, Leora Olivas, and Adam Berger’s (“Appellants”) Emergency Motion Under NRAP 27(E), Motion to Reset Oral Argument and Briefing Schedule. Oral argument is currently set for July 29, 2016. Respondent-Intervenors, like so many other Nevada families interested in using the ESA Program, want this matter resolved in time for them to settle their plans for the upcoming school year.

Because all issues were thoroughly briefed below, Respondent-Intervenors would not require more than 10 pages or 4,667 words to supplement their pleadings, but they do not otherwise take a position on Appellants’ request to submit a standard-length brief.

Respectfully submitted this 27th day of June, 2016 by:

KOLESAR & LEATHAM

/s/ Matthew T. Dushoff, Esq. _____

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¹ Respondent-Intervenors wish to correct an apparent mistake in Appellants' filings, and this Court's docket, as to the identity of their counsel. Respondent-Intervenors are represented in this action by the Institute for Justice, together with the law firm of Kolesar & Leatham. The law firm of Hutchison & Steffen, LLC, has not represented Respondent-Intervenors since December 3, 2015, when Respondent-Intervenors duly filed a Notice of Substitution in the district court.

CERTIFICATE OF COMPLIANCE

I hereby certify that this Response complies with the formatting requirements of NRAP 27(d), the typeface requirements of NRAP 27(d)(1), and the type style requirements of NRAP 32(a)(6) because this Response has been prepared in a proportionally-spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font. This filing also complies with NRAP 32. I further certify that I have read this Response and that it complies with the page or type-volume limitations of NRAP 27(d)(2) and NRAP 32 because, it is proportionately spaced, and does not exceed 10 pages.

Finally, I hereby certify that to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by appropriate references to the record on appeal. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 27th day of June, 2016.

/s/ Matthew T. Dushoff, Esq.
MATTHEW T. DUSHOFF, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Kolesar & Leatham, and that on the 27th day of June, 2016, I caused to be served a true and correct copy of the foregoing **Respondent-Intervenors' Response To Appellants' Emergency Motion To Reset Oral Argument And Briefing Schedule** with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system.

The following participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

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I further certify and affirm that I caused this document to be deposited via USPS first class mail, the following parties:

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