

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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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.

Electronically Filed  
Supreme Court Case No. 2016-018  
Case 15-207648-54 p.m.  
Tracie K. Lindeman  
District Court No. A-15-723703-C  
Clerk of Supreme Court

**Respondent-Intervenors'  
Unopposed Motion to Divide  
Argument**

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**RESPONDENT-INTERVENORS' UNOPPOSED MOTION TO DIVIDE ARGUMENT**

Respondent-Intervenors Aimee Hairr, Aurora Espinoza, Elizabeth Robbins, Lara Allen, Jeffrey Smith, and Trina Smith hereby move to divide oral argument. Counsel for Parents have spoken with counsel for both Appellants and the State Respondents, who do not oppose this division of argument time.

**RELIEF SOUGHT**

Respondent-Intervenors seek an order dividing oral argument, presently slated to last 60 minutes, between the above-captioned parties as follows:

- Appellants: ..... 30 minutes.
- Respondents: ..... 22 ½ minutes.
- Respondent-Intervenors: ..... 7 ½ minutes.

**ARGUMENT**

This case asks whether the ESA program set up by SB 302 (2015) violates either of two provisions of the Nevada Constitution. Nev. Const. art. 11, §§ 2, 10. Granting this motion will assist the Court by providing a complete perspective on the issues raised. Although Respondent-Intervenors and the State both urge affirmance of the district court, they have separate interests: the State is charged with implementation of the ESA program, whereas Respondent-Intervenors are primarily concerned with the educational upbringing of their children.

## CONCLUSION

Parents respectfully request that the Court issue an order dividing argument time as described above.

Respectfully submitted this 15<sup>th</sup> day of July, 2016 by:

### **KOLESAR & LEATHAM**

*/s/ Matthew T. Dushoff, Esq.*

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## CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion 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 Motion 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 15<sup>th</sup> day of July, 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 15<sup>th</sup> day of July, 2016, I caused to be served a true and correct copy of the foregoing **Respondent-Intervenors’ Unopposed Motion to Divide Argument** 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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