

No. 70468

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

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Electronically Filed  
Jul 22 2016 02:45 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

RUBY DUNCAN, RABBI MEL HECHT, HOWARD WATTS,  
LEORA OLIVAS, AND ADAM BERGER,

*Appellants,*

vs.

STATE OF NEVADA *EX REL*, THE OFFICE OF THE STATE TREASURER OF NEVADA;  
NEVADA DEPARTMENT OF EDUCATION; DAN SCHWARTZ, NEVADA STATE  
TREASURER, IN HIS OFFICIAL CAPACITY; AND STEVE CANAVERO, INTERIM  
SUPERINTENDENT OF PUBLIC INSTRUCTION, IN HIS OFFICIAL CAPACITY.

*Respondents.*

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On Appeal from a Final Judgment of the  
District Court for Clark County, Nevada  
Case No. A-15-723703-C, Hon. Eric Johnson

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**MOTION FOR LEAVE TO FILE A BREIF AS AMICUS CURIAE**

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*Attorneys for The Friedman Foundation  
for Educational Choice, Inc.*

This Motion for leave to file a brief as *Amicus Curiae* is made and based upon the following Points and Authorities, the papers and pleadings on file, and any hearing this Court may entertain at the time of this matter.

DATED this 22nd day of July 2016.

A handwritten signature in black ink, appearing to read "John P. Sande IV". The signature is written in a cursive style with a large initial "J" and "S".

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John P. Sande IV, Esq.  
Nevada Bar No. 9175  
*Attorney for The Friedman Foundation  
for Educational Choice, Inc.*


## POINTS AND AUTHORITIES

This case challenges Nevada’s “Educational Savings Account Program” (“ESA Program”) based on two provisions of Nevada’s constitution. The Friedman Foundation for Educational Choice, Inc., a leader in school choice research and policy, respectfully suggests that this Court would be well served to allow the Friedman Foundation to file a brief as *Amicus Curiae*. The Friedman Foundation’s proposed amicus brief is attached to this motion as **Exhibit A**.

The Friedman Foundation for Educational Choice, Inc. (the “Foundation”), a 501(c)(3) nonprofit and nonpartisan organization founded in 1996 by Milton and Rose D. Friedman, is dedicated to advancing its founders’ vision of school choice for all children. The Foundation’s goal is to advance a K-12 education system in which all parents, regardless of race, origin, or family income, are free to choose a learning environment --- public or private, near or far, religious or secular --- that works best for their children. The Foundation is a national leader in school choice research, policy development, and educational training.

Due to the considerable time and resources the Foundation has dedicated to studying school choice and its vast experience and expertise in the field of school choice, the Foundation is uniquely positioned to provide valuable, statistically verified, information to this Court regarding the efficacy of school choice, and the benefits that can accrue from programs similar to Nevada’s ESA Program. The

Foundation believes that the proposed brief of *Amicus Curiae* attached hereto will provide the Court with valuable information to aid it in the resolution of this important case.



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### **NRAP 26.1 DISCLOSURE STATEMENT**

The undersigned counsel of record certifies that *amicus* Friedman Foundation for Educational Choice, Inc., is an entity as described in NRAP 26(a) and must be disclosed. This representation is made in order that the justices of this Court may evaluate possible disqualifications or recusal.

*Amicus* has no partner corporations, and no publicly-held company owns 10 percent or more of its stock. John P. Sande and Victor Salcido are the only attorneys appearing for *amicus* in this case, and no others are expected to appear in

this Court in this case. The Sande Law Group is the only law firm whose partners or associates have appeared for the *amicus* in the case or are expected to appear in this Court in this case.

By:   
John P. Sande IV, Esq.  
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*Attorney for The Friedman Foundation  
for Educational Choice, Inc.*

## CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **MOTION TO FILE A BRIEF AS AMICUS CURAIE** by the method indicated:

\_\_\_\_\_ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).

\_\_\_\_\_ **BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the email addresses set forth below and/or included on the Court's Service List for the above-referenced case.

\_\_\_\_\_ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

\_\_\_\_\_ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

\_\_\_\_\_ **BY PERSONAL DELIVERY:** by causing personal delivery via messenger service of the document(s) listed above to the person(s) at the address(es) set forth below.

  X   \_\_\_\_\_ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

And addressed to the following:

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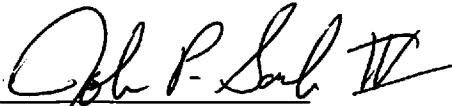
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Dated this 22nd day of July, 2016

By: 

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