

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUBY DUNCAN, an individual; RABBI MEL
HECHT, an individual; HOWARD WATTS
III, an individual; LEORA OLIVAS, an
individual; ADAM BERGER, an individual,

Appellants,

vs.

STATE OF NEVADA ex rel, THE OFFICE OF
THE STATE TREASURER OF NEVADA
AND THE NEVADA DEPARTMENT OF
EDUCATION; DAN SCHWARTZ, NEVADA
STATE TREASURER, in his official capacity;
STEVE CANAVERO, INTERIM
SUPERINTENDENT OF PUBLIC
INSTRUCTION, in his official capacity,

Respondents,

AIMEE HAIRR; AURORA ESPINOZA;
ELIZABETH ROBBINS; LARA ALLEN;
JEFFREY SMITH; AND TRINA SMITH,

Respondent-Intervenors.

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Case No.: 70648

Appeal from the Eighth Judicial
District Court, the Honorable Eric
Johnson Presiding

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF RESPONDENTS' ANSWERING BRIEF**

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MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF RESPONDENTS' ANSWERING BRIEF

Amicus Curiae Foundation for Excellence in Education (“ExcelinEd”) hereby moves this Court for leave to file an amicus curiae brief pursuant to NRAP 29 in support of Respondents’ answering brief. ExcelinEd’s amicus curiae brief is filed concurrently with this motion and has been emailed to all parties due to the expedited briefing schedule in this case so that all parties will receive the brief in advance of the July 29, 2016 oral argument date.

ExcelinEd is a 501(c)(3) nonprofit, nonpartisan organization founded in 2008 whose mission is to build an American education system that equips every child to achieve his or her God-given potential. ExcelinEd designs and promotes student-centered education policies, makes available model legislation, and provides rule-making expertise, implementation assistance, and public outreach.

ExcelinEd previously participated in the District Court as an amicus curiae. As an amicus in this Court, ExcelinEd will analyze the unique arguments dealing with the “by all suitable means” language in the Nevada Constitution, Article 11, § 1 and the “uniform system of common [i.e., public] schools” provision in Section 2 of the same Article. ExcelinEd’s arguments on these points prevailed in the District Court by drawing from a broad survey of similar cases from across the nation. Thus, ExcelinEd’s amicus brief will assist the Court in resolving the

presented constitutional issues surrounding the Educational Savings Account (“ESA”) program.

For good cause shown, ExcelinEd requests leave of this Court pursuant to NRAP 29 to file an amicus brief in support of Respondents’ answering brief.

Dated this 22nd day of July, 2016.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENTS' ANSWERING BRIEF** was filed electronically with the Nevada Supreme Court on the 22nd day of June, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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I further certify that I served a copy of this document via electronic mail due to the expedited briefing schedule, addressed to:

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/s/ Leah Dell

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