

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLOR MORENCY; KEYSHA NEWELL;
BONNIE YBARRA; AAA
SCHOLARSHIP FOUNDATION, INC.;
SKLAR WILLIAMS PLLC;
ENVIRONMENTAL DESIGN GROUP,
LLC,

Plaintiffs-Appellants,

vs.

STATE OF NEVADA *ex rel.* the
DEPARTMENT OF EDUCATION;
JHONE EBERT, in her official capacity as
executive head of the Department of
Education; the DEPARTMENT OF
TAXATION; JAMES DEVOLLD, in his
official capacity as a member of the
Nevada Tax Commission; SHARON
RIGBY, in her official capacity as a
member of the Nevada Tax Commission;
CRAIG WITT, in his official capacity as a
member of the Nevada Tax Commission;
GEORGE KELESIS, in his official
capacity as a member of the Nevada Tax
Commission; ANN BERSI, in her official
capacity as a member of the Nevada Tax
Commission; RANDY BROWN, in his
official capacity as a member of the
Nevada Tax Commission; FRANCINE
LIPMAN, in her official capacity as a
member of the Nevada Tax Commission;
ANTHONY WREN, in his official
capacity as a member of the Nevada Tax
Commission; MELANIE YOUNG, in her
official capacity as the Executive Director
and Chief Administrative Officer of the
Department of Taxation,

Case No. 81281
District Court Case No. A-19-800267-C
Dept. No. 32
Electronically Filed
Feb 16 2021 08:37 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' UNOPPOSED
MOTION TO ASSOCIATE
COUNSEL UNDER SUPREME
COURT RULE 42**

Defendants-Respondents,

and

The LEGISLATURE OF THE STATE OF
NEVADA,

Intervenor-Defendants-
Respondents.

COME NOW Appellants, FLOR MORENCY, KEYSHA NEWELL, BONNIE YBARRA, AAA SCHOLARSHIP FOUNDATION, INC., SKLAR WILLIAMS PLLC, ENVIRONMENTAL DESIGN GROUP, LLC, by and through their attorneys of record Joshua House of the law firm Institute for Justice and Matthew Dushoff of the law firm Saltzman Mugan Dushoff, hereby move this Honorable Court for an Order permitting Robert Gall to practice law in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This Motion is supported by the attached “Verified Application for Association of Counsel” attached hereto as Exhibit 1; “Certificate of Good Standing” from the Supreme Court of the State of North Carolina attached hereto as Exhibit 2; “Certificate of Good Standing” from the Supreme Court of the State of Texas as Exhibit 3; “Certificate of Good Standing” from the District of Columbia Court of Appeals as Exhibit 4; and the “State Bar of Nevada Statement,” attached hereto as Exhibit 5.

Counsel for Defendants-Respondents and Intervenor-Defendants-Respondents consented to this motion via electronic mail on February 11, 2021.

Dated this 16th day of February, 2021.

Respectfully submitted,

/s/ Joshua A. House

INSTITUTE FOR JUSTICE

Joshua A. House (NV Bar No. 12979)

901 N. Glebe Rd., Suite 900

Arlington, VA 22203

Telephone: (703) 682-9320

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jhouse@ij.org

Robert Gall* (TX Bar No. 24101009)

816 Congress Avenue, Suite 960

Austin, TX 78701

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* *Pro Hac Vice* status pending

SALTZMAN MUGAN DUSHOFF

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Institute for Justice, and that on the 16th day of February, 2021, I caused to be served, via the Court's electronic filing service, a true and correct copy of the foregoing *Appellants' Unopposed Motion to Associate Counsel Under Supreme Court Rule 42* to the following parties:

CRAIG A. NEWBY
Deputy Solicitor General
Nevada Bar No. 8591
OFFICE OF THE ATTORNEY GENERAL
100 N. Carson St.
Carson City, NV 89701
Tel: (775) 684-1100; Fax: (775) 684-1108
E-mail: CNewby@ag.nv.gov
Attorneys for State Respondents

KEVIN C. POWERS
Chief Litigation Counsel
Nevada Bar No. 6781
LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION
401 S. Carson St.
Carson City, NV 89701
Tel: (775) 684-6830; Fax: (775) 684-6761
E-mail: kpowers@lcb.state.nv.us

Attorneys for Respondent Legislature of the State of Nevada

/s/ Claire Purple

An Employee of INSTITUTE FOR JUSTICE

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLOR MORENCY; KEYSHA
NEWELL; BONNIE YBARRA; AAA
SCHOLARSHIP FOUNDATION,
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Tax Commission; SHARON RIGBY,
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BERSI, in her official capacity as a
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his official capacity as a member of
the Nevada Tax Commission;
FRANCINE LIPMAN, in her official
capacity as a member of the Nevada
Tax Commission; ANTHONY
WREN, in his official capacity as a

Case No. 81281

District Court Case No. A-19-
800267-C
Dept. No. 32

VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL
UNDER SUPREME COURT
RULE 42

member of the Nevada Tax
Commission; MELANIE YOUNG, in
her official capacity as the Executive
Director and Chief Administrative
Officer of the Department of
Taxation,

Defendants-Respondents,

and

The LEGISLATURE OF THE
STATE OF NEVADA,

Intervenor-Defendants-
Respondents.

VERIFIED APPLICATION FOR ASSOCIATION OF COUNSEL

UNDER SUPREME COURT RULE 42

Robert Gall, Petitioner, respectfully represents:

1. Petitioner resides at 4006 Firstview Drive, Austin, TX 78731,
(202) 494-3708.
2. Petitioner is an attorney at law and a member of the law firm of
the Institute for Justice with offices at:
816 Congress Avenue, Suite 960
Austin, TX 78701.
Telephone: (512) 480-5936
Email: bgall@ij.org

3. Petitioner has been retained personally or as a member of the above named law firm by Flor Morency, Keysha Newell, Bonnie Ybarra, AAA Scholarship Foundation, Inc., Sklar Williams PLLC, and Environmental Design Group, LLC to provide legal representation in connection with the above-entitled matter now pending before the above-referenced court.
4. Since the 25th day of August, 2016, Petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Texas where Petitioner regularly practices law.
5. Petitioner was admitted to practice before the following United States Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

United States Supreme Court, No. 272547, July 27, 2009

U.S. Court of Appeals for the Fourth Circuit, May 19, 2000

U.S. Court of Appeals for the D.C. Circuit, July 15, 2008

U.S. District Court for the Western District of North Carolina,
March 26, 2001

U.S. District Court for the Northern District of Florida,
October 10, 2008

North Carolina Bar, August 21, 1999

District of Columbia Bar, July 11, 2003

6. Is Petitioner currently suspended or disbarred in any court? No.
7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? No.
8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? No.
9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? No.
10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? No.
11. Petitioner's firm has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters: A (now) former member of Petitioner's firm, Timothy Keller, filed an application with the Nevada State Bar on September 5, 2019 to appear as counsel in the above-referenced case under this rule. Mr. Keller was admitted by the Nevada State Bar on September 10, 2019 and the Eighth Judicial District Court on October 3, 2019.

12. Nevada Counsel of Record for Petition in this matter is:

Joshua A. House (NV Bar No. 12979)
Institute for Justice
901 N. Glebe Rd., Suite 900
Arlington, VA 22203
Telephone: (703) 682-9320
Facsimile: (703) 682-9321
jhouse@ij.org

13. Exhibit A accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties.

14. Petitioner agrees to comply with the provisions of the Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Robert Gall, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statement are true:

1. That I am the Petitioner in the above-entitled matter.
2. That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - a. I am not a member of the State Bar of Nevada;
 - b. I am not a resident of the State of Nevada;
 - c. I am not regularly employed as a lawyer in the State of Nevada;
 - d. I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - e. I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - f. I have associated with a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.
3. That I have read the foregoing application and know the contents thereof: that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a

member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 13th day of January, 2021



Petitioner/Affiant

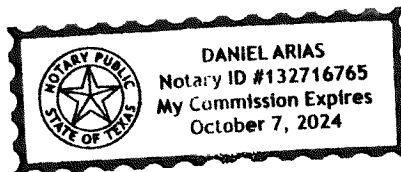
STATE OF Texas)

COUNTY OF Travis) ss

Subscribed and sworn to before me
this 13th day of January, 2021



Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I, Joshua House, hereby agree to associate with Petitioner referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

Dated this 11th day of January, 2021
[Signature]
Nevada Counsel of Record (blue ink)

State of Virginia

County of Arlington

Subscribed and sworn to before me
This 11th day of January, 2021

Claire Elizabeth Purple
Notary Public

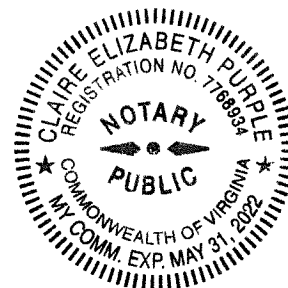


EXHIBIT A

PARTY AND ATTORNEY INFORMATION

Plaintiffs-Appellants

Flor Morency

4166 Pecan Pie Court
Las Vegas, NC 89115
Telephone: (702) 683-7574

Keysha Newell

1237 W. Alexander Rd, Apt. 123
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Telephone: (702) 410-4008

Bonnie Ybarra

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Las Vegas, NV 89121
Telephone: (702) 628-0638

AAA Scholarship Foundation, Inc.

Kim Dyson, President and CFO
PO Box 15719
Tampa, FL 33684-0719

Sklar Williams PLLC

Alan C. Sklar
410 S. Rampart Blvd., Suite 350
Las Vegas, NV 89145

Environmental Design Group, LLC

Howard Perlman, AIA
President, Perlman Architects
450 Fremont Street, Suite 233
Las Vegas, NV 89101
Telephone: (702) 979-9900

Attorneys for Plaintiffs

INSTITUTE FOR JUSTICE

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jhouse@ij.org

Timothy D. Keller* (AZ Bar No. 019844)

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* Admitted *Pro Hac Vice*

Saltzman Mugan Dushoff

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Defendants-Appellees

Craig A. Newby

Deputy Solicitor General

Nevada Bar No. 8591

OFFICE OF THE ATTORNEY GENERAL

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E-mail: CNewby@ag.nv.gov

Attorneys for Executive Defendants

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Chief Litigation Counsel
Nevada Bar No. 6781
LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION
401 S. Carson St.
Carson City, NV 89701
Tel: (775) 684-6830; Fax: (775) 684-6761
E-mail: kpowers@lcb.state.nv.us
Attorneys for Intervenor-Defendant Legislature of the State of Nevada

EXHIBIT 2

Supreme Court OF THE STATE OF NORTH CAROLINA



I, Amy L. Funderburk, Clerk of the Supreme Court of North Carolina, do hereby certify that on August 21, 1999, license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to

Robert William Gall

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in Raleigh, this December 17, 2020.

A handwritten signature in cursive script that reads "Amy L. Funderburk".

Amy L. Funderburk
Clerk of the Supreme Court
of the State of North Carolina



EXHIBIT 3

The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

Robert William Gall

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 25th day of August, 2016.

I further certify that the records of this office show that, as of this date

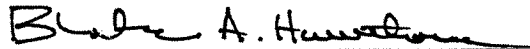
Robert William Gall

is presently enrolled with the State Bar of Texas as an active member in good standing.

IN TESTIMONY WHEREOF witness my signature

and the seal of the Supreme Court of
Texas at the City of Austin, this, the
6th day of January, 2021.

BLAKE HAWTHORNE, Clerk


Clerk, Supreme Court of Texas



No. 2952C.1

EXHIBIT 4



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that

Robert W. Gall

was duly qualified and admitted on July 11, 2003 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, a(n)
ACTIVE member in good standing of this Bar.

In Testimony Whereof,
I have hereunto subscribed my
name and affixed the seal of this
Court at the City of
Washington, D.C., on January
6, 2021.

Julio A. Castillo
JULIO A. CASTILLO
Clerk of the Court

Issued By:

Heidi...
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbar.org.

EXHIBIT 5

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 81281

5
6 Flor Morency

7 vs.

8 State of Nevada

9 _____ /
10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
11 42 (3) (b)

12
13 THE STATE BAR OF NEVADA, in response to the application of
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6) **Discretion.** The granting or denial of a motion to associate
16 counsel pursuant to this rule by the court is discretionary. The
17 court, arbitrator, mediator, or administrative or governmental
18 hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

19 (a) **Limitation.** It shall be presumed, absent special
20 circumstances, and only upon showing of good cause, that
21 more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

22 (b) **Burden on applicant.** The applicant shall have the
23 burden to establish special circumstances and good cause
24 for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

25 1. DATE OF APPLICATION: 1/14/2021

26 2. APPLYING ATTORNEY: Robert William Gall, Esq.

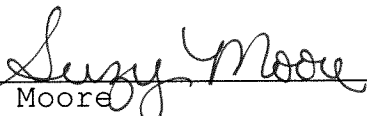
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1 3. FIRM NAME AND ADDRESS: Institution of Justice, 816 Congress
2 Avenue, Suite 960, Austin, TX 78701

3 4. NEVADA COUNSEL OF RECORD: Joshua A. House, Esq., Institute for
4 Justice, 901 N Glebe Road, Suite 900, Arlington, VA 22203

5 5. There is no record of previous applications for appearance by
6 petitioner within the past three (3) years.

7 DATED this January 19, 2021

8
9 
10 Suzy Moore
11 Member Services Admin.
12 Pro Hac Vice Processor
13 STATE BAR OF NEVADA
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and Chief Administrative Officer of the
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**ORDER ADMITTING
TO PRACTICE**

Defendants-Respondents,
and
The LEGISLATURE OF THE STATE OF
NEVADA,
Intervenor-Defendants-
Respondents.

Robert Gall, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificates of Good Standing for the states of North Carolina, Texas, and the District of Columbia, and the State Bar of Nevada Statement; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and Robert Gall, Esq., is hereby admitted to practice in the above entitled Court for the purposes of the above entitled matter only.

Dated this _____ day of _____, 2021.

Supreme Court Justice

Submitted by:

/s/ Joshua A. House

INSTITUTE FOR JUSTICE

Joshua A. House (NV Bar No. 12979)

901 N. Glebe Rd., Suite 900

Arlington, VA 22203

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