

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE LEGISLATURE OF THE STATE
OF NEVADA; THE STATE OF NEVADA
DEPARTMENT OF TAXATION; and THE
STATE OF NEVADA DEPARTMENT OF
MOTOR VEHICLES,

Appellants/Cross-Respondents,

vs.

THE HONORABLE JAMES A.
SETTELMAYER; THE HONORABLE JOE
HARDY; THE HONORABLE HEIDI
SEEVERS GANSERT; THE HONORABLE
SCOTT T. HAMMOND; THE HONORABLE
PETE GOICOECHEA; THE HONORABLE
BEN KIECKHEFER; THE HONORABLE
IRA D. HANSEN; THE HONORABLE
KEITH F. PICKARD, in their official
capacities as members of the Senate of the
State of Nevada and individually; GREAT
BASIN ENGINEERING CONTRACTORS,
LLC., a Nevada limited liability company;
GOODFELLOW CORPORATION, a Utah
corporation qualified to do business in the
State of Nevada; KIMMIE CANDY
COMPANY, a Nevada corporation;
KEYSTONE CORP., a Nevada nonprofit
corporation; NATIONAL FEDERATION
OF INDEPENDENT BUSINESS, a
California nonprofit corporation qualified
to do business in the State of Nevada;
NEVADA FRANCHISED AUTO
DEALERS ASSOCIATION, a Nevada
nonprofit corporation;
NEVADA TRUCKING ASSOCIATION,

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81924

INC., a Nevada nonprofit corporation; and
RETAIL ASSOCIATION OF NEVADA,
a Nevada nonprofit corporation,

Respondents/Cross-Appellants.

**RESPONDENTS/CROSS-APPELLANTS’
MOTION TO FILE ANSWERING BRIEF
IN EXCESS OF TYPE-VOLUME LIMITATION**

Respondents/Cross-Appellants, by and through their counsel, ALLISON, MacKENZIE, LTD., hereby request permission to file their Answering Brief in excess of the type-volume limitation set forth in NRAP 32(a)(7)(A)(ii). Respondents/Cross Appellants proposed Answering Brief is in excess of 14,000 words; to-wit, the proposed Answering Brief is 15,827 words, exclusive of the table of contents, table of authorities, certificate of service, and certificate of compliance.

Respondents/Cross Appellants’ Answering Brief addresses numerous matters raised and cases cited in the Opening Brief filed by the Executive Agency Appellants and the Opening Brief filed by Appellant Legislature.

This appeal raises issues of first impression to be addressed by the Court. When drafting the Answering Brief to the two Opening Briefs of the Appellants for this appeal, Respondents/Cross-Appellants diligently attempted to comply with the 14,000 word type-volume limitation. Given the nature and scope of the issues of

this appeal and the numerous matters and case citations set forth in Appellants' Opening Briefs, Respondents/Cross-Appellants believe the additional 1,827 additional words, are necessary to present their arguments and provide the necessary context to aid the Court's resolution of the issues before it.

In accordance with NRAP32(a)(7)(D)(ii), the Declaration of KAREN A. PETERSON, ESQ. is attached hereto and the Certification Pursuant to NRAP 32(a)(9)(C) is submitted concurrently herewith in Respondents/Cross-Appellants' Answering Brief at pages 66-67.

DATED this 5th day of April, 2021.

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By: /s/ Karen A. Peterson
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Attorneys for Respondents/
Cross-Appellants

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nonprofit corporation;
NEVADA TRUCKING ASSOCIATION,

INC., a Nevada nonprofit corporation; and
RETAIL ASSOCIATION OF NEVADA,
a Nevada nonprofit corporation,

Respondents/Cross-Appellants.

**DECLARATION OF KAREN A. PETERSON, ESQ.,
IN SUPPORT OF RESPONDENTS/CROSS-APPELLANTS’
MOTION TO FILE ANSWERING BRIEF
IN EXCESS OF TYPE-VOLUME LIMITATION**

I, KAREN A. PETERSON, ESQ., do hereby swear under penalty of perjury
that the foregoing is true and correct:

1. I am over the age of 18 years. I have personal knowledge of the facts
and other matters stated within this Declaration. If called as a witness, I would be
competent to testify as to the facts and other matters set forth herein.

2. I am an attorney and partner at ALLISON MacKENZIE, LTD., the
attorneys for Respondents/Cross-Appellants in the above entitled matter.

3. This Declaration is offered in support of the Respondents/Cross-
Appellants’ Answering Brief to the Executive Appellants’ Opening Brief and
Appellant/Cross-Respondent Nevada Legislature’s Opening Brief on Appeal, filed
on March 22, 2021.

4. The Respondents/Cross-Appellants respectfully request leave to exceed the applicable 14,000 word limit of their Answering Brief pursuant to NRAP 32(a)(7)(A)(ii).

5. On March 22, 2020, Appellant Legislature filed its Opening Brief herein, which according to its Certificate of Compliance contains 13,789 words.

6. On March 22, 2020, Executive Agency Appellants filed their Opening Brief herein, which according to its Certificate of Compliance contains 5,904 words.

7. This is a case of first impression regarding the interpretation of a constitutional provision. The Court's decision in this case is likely to have statewide implications. As such, this case presents an important dispute in a subject matter expressly retained for this Court's review.

8. The Appellants' Opening Briefs present numerous arguments in support of their position that the district court's decision should be reversed, and the undersigned on behalf of the Respondents/Cross-Appellants has endeavored to consolidate the Appellants' arguments in their Opening Briefs into as few discrete issues as possible for purposes of preparing the Answering Brief.

9. The Respondents/Cross-Appellants' Answering Brief does not contain burdensome, irrelevant or immaterial matters or arguments.

10. However, because of the complexity and length of the arguments and issues, the Respondents/Cross-Appellants are not able to condense their brief to 14,000 words without omitting relevant information necessary for the Court's consideration.

11. In accordance with the certification requirement of NRAP 32(a)(9)(C), Respondents/Cross-Appellants' proposed single Answering Brief contains 15,827 words, exclusive of the table of contents, table of authorities, certificate of service, and certificate of compliance.

12. Respondents/Cross-Appellants have diligently edited their Answering Brief in an attempt to comply with the 14,000 word limitation, however, the scope and amount of matters raised and cases cited by the Appellants in their respective Opening Briefs have caused Respondents/Cross-Appellants' Answering Brief to consist of 15,827 words.

13. Based on the foregoing and the Motion filed herewith, Respondents/Cross-Appellants respectfully request permission to file their single Answering Brief answering both Executive and Legislative Appellants' Opening Briefs in their Answering Brief consisting of 15,827 words.

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IN WITNESS WHEREOF, the undersigned, KAREN A. PETERSON,
ESQ., has hereunto set her hand this 5th day of April, 2021.

/s/ Karen A. Peterson

KAREN A. PETERSON, NSB 366

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

X Court's electronic notification system

as follows:

Kevin C. Powers, Esq.
Legislative Counsel Bureau, Legal Division
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Aaron D. Ford, Esq.
Craig A. Newby, Esq.
Office of the Attorney General
CNewby@ag.nv.gov

DATED this 5th day of April, 2021.

/s/ Nancy Fontenot
NANCY FONTENOT