

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA POLICY RESEARCH
INSTITUTE, a Nevada domestic
nonprofit corporation,

Appellant,

vs.

NICOLE J. CANNIZZARO, an individual engaging in dual employment with the Nevada State Senate and Clark County District Attorney; JASON FRIERSON, an individual engaging in dual employment with the Nevada State Assembly and Clark County Public Defender; HEIDI SEEVERS GANSERT, an individual engaging in dual employment with the Nevada State Senate and University of Nevada, Reno; GLEN LEAVITT, an individual engaging in dual employment with the Nevada State Assembly and Regional Transportation Commission; BRITTNEY MILLER, an individual engaging in dual employment with the Nevada State Assembly and Clark County School District; DINA NEAL, an individual engaging in dual employment with the Nevada State Senate and Nevada State College; JAMES OHRENSCHALL, an individual engaging in dual employment with the Nevada State Senate and Clark County Public Defender; MELANIE SCHEIBLE, an individual engaging in dual employment with the Nevada State Senate and Clark County District Attorney; JILL TOLLES, an individual engaging in dual employment with the Nevada State

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Case No. 82341

Appeal from Eighth Judicial District
Court, Clark Count, Nevada,
Case No. A-20-817757-C

**LEGISLATURE'S JOINDER IN
RESPONDENT-LEGISLATORS'
JOINT OPPOSITION AND
COUNTERMOTION FILED
ON FEBRUARY 16, 2021**

Assembly and University of Nevada,
Reno; SELENA TORRES, an individual
engaging in dual employment with the
Nevada State Assembly and Clark County
School District; and THE
LEGISLATURE OF THE STATE OF
NEVADA,

Respondents.

**LEGISLATURE'S JOINDER IN RESPONDENT-LEGISLATORS'
JOINT OPPOSITION AND COUNTERMOTION FILED ON
FEBRUARY 16, 2021**

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JOINDER

Respondent Legislature of the State of Nevada (“Legislature”), by and through its counsel the Legal Division of the Legislative Counsel Bureau (“LCB Legal”) under NRS 218F.720, hereby files this Joinder in Respondent-Legislators’ Joint Opposition and Countermotion Filed on February 16, 2021.

BACKGROUND

In the underlying litigation, Appellant Nevada Policy Research Institute (“NPRI”) has alleged that Respondent-Legislators are persons simultaneously holding elected offices in the Legislature and paid positions with the executive branch of the Nevada State Government or with local governments in violation of the separation-of-powers provision in Article 3, Section 1 of the Nevada Constitution. The district court did not reach the merits of the constitutional issue because it found that NPRI lacked standing to bring its constitutional claims. As a result, the district court dismissed NPRI’s claims for lack of standing. NPRI appeals the dismissal. NPRI also appeals the district court’s order granting the Legislature’s motion to intervene as a defendant.

On January 26, 2021, NPRI filed a Motion for the Court to Suspend the Rules Pursuant to NRAP 2 and Expedite Its Decision Upon Expedited Briefing or, in the Alternative, Without Briefing Upon Submission of the Record (“NPRI’s Motion”). In NPRI’s Motion, it seeks an expedited decision from this Court that reverses the

district court's dismissal of its claims for lack of standing based on its argument that it has standing to bring its constitutional claims under the public-importance exception to standing recognized in Schwartz v. Lopez, 132 Nev. 732, 743 (2016).

On February 16, 2021, Respondent-Legislators filed their Joint Opposition to NPRI's Motion and their Countermotion for Legislative Continuance as Matter of Right Pursuant to NRS 1.310 ("Joint Opposition and Countermotion"). As part of their Joint Opposition and Countermotion, Respondent-Legislators contend that they are entitled under the statute to a legislative continuance for "[t]he duration of the [2021] session and for an additional 7 calendar days following the [2021] session." NRS 1.310(2)(a)(1). Therefore, Respondent-Legislators assert that this appeal should be continued until June 8, 2021.

ADOPTION OF ALL ARGUMENTS BY REFERENCE

Under NRAP 28(i), this Court has provided that in cases involving multiple parties who are appellants or respondents, any number of appellants or respondents may join in briefs, and "any party may adopt by reference a part of another's brief." The Legislature hereby adopts by reference all arguments in the Joint Opposition and Countermotion filed by Respondent-Legislators on February 16, 2021. Therefore, the Legislature asks this Court to deny NPRI's Motion. The Legislature also asks this Court to grant Respondent-Legislators' Countermotion for a legislative continuance as a matter of right pursuant to NRS 1.310, and this

appeal should be continued until June 8, 2021. In accord with Respondent-Legislators' Countermotion, the Legislature does not object to this Court setting NPRI's opening brief to be due on June 8, 2021, but there should be no obligations on Respondent-Legislators or the Legislature, including, without limitation, responding to any other motions or filings by NPRI, until after June 8, 2021.

DATED: This 17th day of February, 2021.

By: /s/ Kevin C. Powers

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Nevada Legislative Counsel Bureau, Legal Division, and that on the 17th day of February, 2021, pursuant to NRAP 25 and NEFCR 9, I filed and served a true and correct copy of the Legislature's Joinder in Respondent-Legislators' Joint Opposition and Counter-motion Filed on February 16, 2021, by means of the Nevada Supreme Court's electronic filing system, directed to:

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