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AUDREY ROBERTS, ATT

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Elizabeth A. Brown
Clerk of Supreme Court

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12 Attorneys for Intervenor, *aligned as Defendant*,
13 *EDUCATION FREEDOM PAC*

14
15 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
16
17 IN AND FOR CARSON CITY

18 BEVERLY ROGERS, AN INDIVIDUAL,
19 RORY REID, AN INDIVIDUAL.

20 Plaintiffs,

21 v.

22 BARBARA CEGAVSKE, in her Official
23 capacity as NEVADA SECRETARY OF
24 STATE,

25 Defendant,

26 EDUCATION FREEDOM PAC,
27 Intervenor, aligned
28 as Defendant.

Case No.: 22 OC 00027 1B

Dept. No.: II

NOTICE OF APPEAL

29 NOTICE IS HEREBY GIVEN THAT: EDUCATION FREEDOM PAC,
30 Intervenor, aligned as Defendant above named, by and through their counsel of record Jason

1 D. Guinasso, Esq., Alex R. Velto, Esq., and Astrid A. Perez, Esq., of HUTCHISON & STEFFEN,
2 PLLC, hereby appeals to the SUPREME COURT OF NEVADA the final judgment from the
3 *Decision Invalidating Petition to Create a Statute to Govern Future Appropriations to an*
4 *Educational System Outside the School Districts and Injunction Preventing the Forward*
5 *Progress of this Initiative*, entered in this action on April 26, 2022, attached hereto and
6 incorporated herein as **Exhibit "1."**

7 **AFFIRMATION**

8 The undersigned does hereby affirm that the preceding document, **NOTICE OF**
9 **APPEAL**, filed in the First Judicial District Court of the State of Nevada, County of Washoe,
10 does not contain the social security number of any person.

11 DATED this 18th day of May, 2022.

12 HUTCHISON & STEFFEN, PLLC

13 
14
15 Jason D. Guinasso, Esq.

16 Nevada Bar No. 8478

17 Alex R. Velto, Esq.

18 Nevada Bar No. 14961

19 Astrid A Perez, Esq.

20 Nevada Bar No. 15977

21 5371 Kietzke Ln

22 Reno, Nevada 89511

23 *Attorneys for Intervenor, aligned as Defendant,*

24 *EDUCATION FREEDOM PAC*
25
26
27
28


1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of
3 HUTCHISON & STEFFEN, PLLC and that on the 19th day of May, 2022, I caused service a
4 true and correct copy of the **NOTICE OF APPEAL** to be completed by US Mail to:

5 Bradley S. Schrager, Esq.
6 John Samberg, Esq.
7 Daniel Bravo, Esq.
8 Wolf, Rifkin, Shapiro, Schulman &
9 Rabkin, LLP
10 3773 Howard Hughes Pkway, Suite 590 South
11 Las Vegas, Nevada 89169
bschrager@wrslawyers.com
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12 Craig Newby, Esq.
13 State of Nevada
14 555 E. Washington Ave., Suite 3900
15 Las Vegas, NV 89101
cnewby@ag.nv.gov

16 Jackie Tucker
17 Judicial Assistant
18 Honorable Charles M. McGee
mcgeelegalassistant@gmail.com
BShadron@carson.org

19
20
21 

22 _____
23 Employee of Hutchison & Steffen, PLLC
24
25
26
27
28

EXHIBIT INDEX

Index No.	Document Title	No. of Pages*
Exhibit 1	<i>Notice of Entry of Order of Decision Invalidating Petition to Create a Statute to Govern Future Appropriations to an Educational System Outside the School Districts and Injunction Preventing the Forward Progress of this Initiative</i>	21

* Includes exhibit cover page

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EXHIBIT PAGE ONLY

EXHIBIT 1

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

1 BRADLEY S. SCHRAGER, ESQ. (NSB 10217);
JOHN SAMBERG, ESQ. (NSB 10828)
2 DANIEL BRAVO, ESQ. (NSB 13078)
WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP
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7 *Attorneys for Plaintiffs*

8
9 **IN THE FIRST JUDICIAL DISTRICT COURT**
10 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

11 BEVERLY ROGERS, an individual;
12 RORY REID, an individual

13 Plaintiffs,

14 vs,

15 BARBARA CEGAVSKE, in her official
16 capacity as NEVADA SECRETARY OF
STATE,

17 Defendant,

18 and

19 EDUCATION FREEDOM PAC

20 Intervenor Defendant.
21

Case No.: 22 OC 00027 1B
Dept.: II

NOTICE OF ENTRY OF ORDER

22
23 NOTICE IS HEREBY GIVEN that the DECISION INVALIDATING
24 PETITION TO CREATE A STATUTE TO GOVERN FUTURE APPROPRIATIONS
25 TO AN EDUCATIONAL SYSTEM OUTSIDE THE SCHOOL DISTRICTS and
26 INJUNCTION PREVENTING THE FORWARD PROGRESS OF THIS INITIATIVE
27 was entered in the above-captioned matter on the 26th day of April, 2022.
28

1 A true and correct copy is attached hereto as Exhibit 1.

2 **AFFIRMATION**

3 The undersigned hereby affirm that the foregoing document does not contain
4 the social security number of any person.

5
6 DATED this 30 day of April, 2022

7 **WOLF, RIFKIN, SHAPIRO,**
8 **SCHULMAN & RABKIN, LLP**

9 By: 

10 **BRADLEY S. SCHRAGER, ESQ. (NSB 10217)**
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18 dbravo@wrslawyers.com

19 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2022, a true and correct copy of the **NOTICE OF ENTRY OF ORDER** was served upon all parties via U.S. Mail postage pre-paid, Las Vegas, Nevada and via electronic mailing to the following:

Craig A. Newby, Esq.
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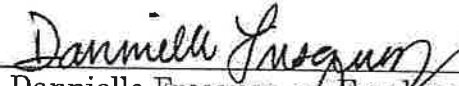
Attorney for Barbara Cegavske

*Attorneys for Education
Freedom PAC*

Jackie Tucker
Judicial Assistant
Honorable Charles M. McGee
mcgeelegalassistant@gmail.com

BShadron@carson.org

By


Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP

INDEX OF EXHIBITS

Exhibit No.	Documents	Pages
1	Decision Invalidating Petition To Create A Statute To Govern Future Appropriations To An Educational System Outside The School Districts And Injunction Preventing The Forward Progress Of This Initiative	16

EXHIBIT 1

EXHIBIT 1

REC'D & FILED

2022 APR 26 AM 10:30

AUGREY RUTLAND
CLERK

BY

[Signature]

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

BEVERLY ROGERS, AN INDIVIDUAL.

AND RORY REID, AN INDIVIDUAL, CASE NO.: 220C0027 1B

Plaintiffs,

DEPT. NO. II

Vs.

PART A

BARBARA CEGAVSKE, in her
Official capacity as NEVADA
SECRETARY OF STATE,

DECISION INVALIDATING
PETITION TO CREATE A
STATUTE TO GOVERN FUTURE
APPROPRIATIONS TO AN
EDUCATIONAL SYSTEM
OUTSIDE THE SCHOOL
DISTRICTS.

Defendant,

EDUCATION FREEDOM PAC,

PART B

Intervenor, aligned
as Defendant.

INJUNCTION PREVENTING THE
FORWARD PROGRESS OF THIS
INITIATIVE

PART A:

DISCUSSION

This opinion presents the second of two Decisions addressing

1 two of three initiatives filed by the Intervenor, Education Freedom PAC
2 ("EFP"), who are proposing sweeping changes in the way public
3 education is administered here in the State of Nevada.
4

5 A Decision and Order has already been filed in the first case,
6 which is captioned RORY REID, an individual; BEVERLY ROGERS, an
7 individual, Plaintiffs versus BARBARA CEGAVSKE, in her official
8 capacity as NEVADA SECRETARY OF STATE, Defendant; Case No. 22
9 OC 00028 1B ("Reid I").
10

11 EFP intervened and was joined as a party defendant in both
12 cases.
13

14 The case at hand reverses the order of the Plaintiffs' names so
15 that Beverly Rogers' name appears first.
16

17 Like it did in Reid I, Intervenor sought dismissal for claimed
18 unnecessary delays which they attributed to the Plaintiffs. For the
19 reasons set forth in the Reid I Decision, that motion MAY BE AND
20
21
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HEREBY IS DENIED.

So, while there are a host of similarities, these two cases have
not been consolidated because more important differences exist than
similarities.

1 **The biggest difference is that the Education Freedom PAC was**
2 **seeking a full-blown Constitutional Amendment in Reid I.**

3
4 **By contrast, the Instant case proposes by Initiative to bring into**
5 **existence a very detailed statute and administrative plan which places**
6 **the State Treasurer in a position where he or she, in the future, may be**
7 **in charge of maintaining accounts and dispersing grants to educators**
8 **given standing by the statute.**

9
10
11 **The statute itself is a full twenty-two (22) pages, single spaced,**
12 **small font.**

13
14 **"EFP" filed the petition at the end of January and if eventually**
15 **funded, it would authorize parents to earmark accounts for**
16 **educational expenses outside the school district, including tuition and**
17 **fees for participating entities and private schools.**

18
19
20 **To demonstrate the breadth of this legislation, the Court has**
21 **edited more than a dozen of the headings by Section as follows:**

22
23 **Section 9.2 accounts maintained by a financial management firm;**

24 **Sec. 9.10 bars funding for home schooling; however, under**
25 **Section 13.1(e) a parent can be an eligible entity;**

26 **Sec. 10.2 the funding is permissive within the Legislature;**
27
28

1 **Sec. 10.3** If funded the percent is 90%;

2 **Sec. 10.6** 4% set aside for administrative costs;

3 **Sec. 11** limitations on spending;

4 **Sec. 14** Testing and achievement examinations and
5 Reporting;

6 **Sec. 16** Questionably effective anti-liability provisions;

7 **Sec. 19** an innovative proposal: Senate-centered Youth
8 Legislature;

9 **Sec. 21** Interscholastic Activities made workable;

10 **Sec. 29.7** Eligibility for interscholastic activities;

11 **Sec. 34** Malfeasance and disciplines;

12 **Sec. 35** Yet another disclaimer, as follows:

13 *"Nothing herein shall require the*
14 *Legislature to appropriate money to*
15 *fund education freedom accounts or*
16 *any expenses related thereto."*

17 One striking similarity with Reid I is the arguments over the
18 language in the requisite Declaration of Effect ("DOE"). Once again,
19 the main stakeholders argue strenuously their respective opinions
20 over whether or not the DOE already provides legally sufficient clarity,
21
22
23
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1 or, as Plaintiffs argue, whether or not it should be amended to add
2 language making it clearer.

3
4 Unlike Reid I, and with one glaring impasse, this Court believes
5 that if the Court and counsel would spend a day massaging the
6 language of the DOE, there is a very realistic probability that the
7 document could be revised in a manner that is satisfactory to both
8 sides.
9

10
11 However, the glaring impasse with the DOE in this case, as in
12 Reid I, is an insufficient explanation of the affect of the initiative on
13 the budgets of all the school districts in the State and/or the need to
14 draw revenues from the General Fund.
15

16
17 Before going further, the Court wishes to acknowledge that the
18 intervenor, EFP, used somebody, or more likely a whole bunch of
19 somebodies, who spent a heroic amount of time in an effort to forge a
20 non-public school learning program under the auspices of an amended
21 Chapter 385 of the Nevada Revised Statutes.
22

23
24 The Intervenor, EFP, feels that they have "sanitized" their
25 initiative from claimed defects causing confusion in the language in
26 the DOE, and should be allowed to proceed.
27
28

1 **A critical related factor, also found in Reid I, urges a conclusion**
2 **that the scheme does not represent an unfunded mandate and, that it**
3 **is self-proving.**

4
5 **As the argument goes, there cannot be an unfunded mandate**
6 **because there is no funding, period!**

7
8 **Funding is left to the Legislature.**

9
10 **Quoted directly from the language in the proposed order**
11 **submitted by EFP, on page 3, lines 7 through 15, EFP urges as follows:**

12 **"The Petition neither contains an appropriate or an**
13 **expenditure of money. The EFA program is contingent**
14 **upon an appropriation by the Legislature to fund it;**
15 **Section 37 of the Petition states specifically, "[t]he**
16 **provisions of this act become effective upon an**
17 **appropriation by the Legislature to fund the educational**
18 **freedom accounts." (Exhibit 1 at Sec. 37.) And Section 35**
19 **states that "[n]othing herein shall require the**
20 **Legislature to appropriate money to fund education**
21 **freedom accounts or any expenses related thereto."**
22 **(Id. At Sec. 35.) What's more, Section 10(2) states**
23 **"[n]othing herein shall require the Legislature to**
24 **appropriate money to fund the grants described in this**
25 **section. The availability of grants is subject to the**
26 **availability of funds as determined by the Legislature."**
27 **(Id. At Sec. 10(2).)**

28 **See page 4 above where Section 35 of the proposed statute is**
again quoted in full.

1 Put another way, the fact that the funding is entirely
2 discretionary with a future Legislature, could mean that the State
3 Treasurer would not award a single grant and Nevada would have a
4 new law "on the books" so to speak, but also have a "toothless tiger,"
5 on the books, so to speak, because the plan goes nowhere without
6 funding.
7

8
9 Finally, EFP submits, that the scheme does not constitute an
10 unfunded mandate because there is no mandate at all.
11

12 And, if there isn't a mandate, it has to be "precatory", a wish or a
13 request.
14

15 This author thinks the entire conversation begs the question and
16 presents the very same kind of sleight of hand that was true for the
17 proposed Constitutional Amendment in Reid I.
18

19 The Court sees no interpretation other than that the initiative
20 contains the same defect posited in Reid I: it is a non-
21 contemporaneous directive to the Legislature to consider funding the
22 initiative at a later session, and, as such cannot withstand the scrutiny
23 of the Constitution.
24
25
26
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28

1 Once again, it is a literal read of Section 6, Article 9, of the
2 Constitution which discloses the main flaw in the Petitioner's
3 argument. Consider removing a few words, and emphasizing one key
4 word, and Section 6 [the Constitution] reads like this:
5

6 "[This Section]...does not permit a proposal of any statute or
7 statutory amendment which...recognizes the expenditure of money,
8 unless ***SUCH*** statute...Imposes a sufficient
9 tax...or...otherwise...provides for raising the necessary
10 revenues". (emphasis supplied)

11 It says nothing about the right or latitude to postpone funding to
12 a date out in the future, which will require forging yet another statute.
13

14 What it does say, is that this Bill, any Bill, that creates a statute
15 **MUST** simultaneously, impose a tax, or identify a legal revenue
16 source!
17

18 The Intervenor's effort to amend Senate Bill 385 cannot be
19 permitted because there is no contemporaneous identification of a
20 finite revenue source to fund the proposal.
21

22 Put another way, Section 6 simply does not allow funding to be
23 postponed until a future Legislature convenes and then look for a
24 25
26
27
28

1 revenue source, while it is trying to balance the rest of the State
2 budget.

3
4 In this Judge's view, no other interpretation of the legislative
5 scheme is plausible.

6 Three final issues must be addressed:

7
8 1. Pre-election Petition;

9
10 2. Administrative Matters Excluded;

11 3. Schwartz Reviewed;

12 **PRE-ELECTION PETITION:**

13
14 The first issue addresses the caution contained in *Herbst Gaming*
15 *Inc. v Secretary of State*, 122 Nev. 877, 141 P.3d 1224 (2006) that
16
17 limits challenges available when contesting the scope of "pre-
18 election" initiatives – that is, challenges coming in front of the actual
19 ballot – which must implicate very narrow and specific constitutional
20 requirements.
21

22
23 Other due process and equal protection claims are not ripe for
24 challenge until the election itself has resulted in passage.

25
26 Here Article 6, Section 19, once again, legitimates a pre-emptive
27 limited constitutional challenge requiring up front that the initiative
28

1 **must be tied to a revenue source to go forward. Thus, it falls into the**
2 **range of permissible challenges.**

3 **ADMINISTRATIVE ISSUES**

4
5 ***Herbst, supra*, can also be cited for the principle, urged by the**
6 **Plaintiffs, that initiatives like the one under scrutiny are not to involve**
7 **themselves in administrative matters as opposed to legislative acts,**
8
9 ***Id.* 122 Nev. Pp. 883 et seq.**

10
11 **The Plaintiffs are right. The 22-page bill under scrutiny is replete**
12 **with administrative criteria, which will have to be culled before going**
13 **to the ballot.**

14
15 **In that sense, it is similar to the DOE previously discussed, which**
16 **needs some serious editing to properly notice the financial impact**
17 **before it is tendered to prospective voters.**

18
19
20 **So, the Court suggests that those shortcomings are both**
21 **"curable" matters that require effort but can be "fixed".**

22
23 **Unfixable is the revenue source component.**

24 **SCHWARTZ DISCUSSION**

25
26 **This case, which is factually closer to our case than any other,**
27 **was handed down by the Nevada Supreme Court on September 29,**
28

1 2016. Although it goes by *Schwartz v. Lopez*, 132 Nev. 732, 382 P.3d
2 386 (2016), the opinion actually subsumes two cases; the second is
3
4 *Duncan v. State* which has almost identical issues.

5 In both cases, the Plaintiffs challenged the constitutionality of a
6
7 pair of bills enacted previously known as Senate Bill 302 and Senate
8
9 Bill 515.

10 This legislation appropriated a Two Billion Dollar lump sum to be
11
12 disbursed as in our case, through the office of the State Treasurer.

13 The State Treasurer took it all in, and on his own authority and
14
15 interpretation concluded that the funding was sufficient to fund not
16
17 only the earmarked public school system, but also could be available
18
19 to fund educational savings accounts for parents to subsidize non-
20
21 public educational opportunities similar to the ones in our case.

22 The High Court determined that Senate Bill 302 on its face, or in
23
24 combination with Senate Bill 515 -- by any inference -- cannot be
25
26 construed as an appropriation measure, specifically designed to be
27
28 used to serve private schooling, tutoring and other non-public
educational opportunities.

1 **Although the statutes under examination are markedly different**
2 **from Senate Bill 385 in our case, the *Schwartz* Decision suggests that**
3 **there is nothing impermissible about the Legislature funding a program**
4 **for a so-called "sectarian purpose", like private schooling.**

5
6
7 **But an absolutely essential ingredient for inclusion in the statute**
8 **is the specific directive to identify a revenue source by the Legislature**
9 **contemporaneous with the establishment of the administrative**
10 **program to use the funding.**

11
12
13 **To this extent, *Schwartz* is entirely consistent and represents a**
14 **guidepost to come to a conclusion about essential issues that achieve**
15 **a budget balance.**

16
17 **A specific directive to appropriate revenue for the educational**
18 **programs proffered by the Intervenor/Defendants is essential to the**
19 **viability of the statute.**

20
21 **The *Schwartz* case has very recently been modified to recognize**
22 **that a "public importance" exception applies when a representative**
23 **citizen sues to protect public funds by challenging a legislative**
24 **appropriation.**

1 ***Nevada Policy Research Institution v. Cannizzaro*, 138 Nev. Adv.**
2 **Op. 28, April 21, 2022.**

3 **Obviously, the issue in *Nevada Policy Research Institute, supra*,**
4
5 **involve standing issues and separation of power issues that are not**
6
7 **present in the instant case.**

8 **Accordingly, the *Schwartz* case is inapposite except that it may**
9
10 **imply a duty that confirms that both Plaintiffs and Defendant in our**
11
12 **case have been demonstrating a public-importance role that notches**
13
14 **up the level of scrutiny when considering a specific provision in the**
15 **Nevada Constitution.**

16 **The Intervenor/Defendant's challenge falls short of the mark.**
17 **The statute fails from the lack of a funding directive.**

18 **PART B**

19 **ORDER ENJOINING PETITION**

20 **Like its counterpart, REID I, the Intervenor has made an honest**
21
22 **and thoughtful effort to create an opportunity for a substantial public**
23
24 **forum to amend a statute that purports to administer and fund**
25
26 **educational opportunities for children across the State whose parents**

1 wish, for whatever reason, to eschew participation in the traditional
2 school district.

3
4 Unfortunately for the Intervenor, this Initiative — the one they
5 rely upon--- impermissibly commands the Nevada Legislature to
6 amend a scheme of education “status-900” and install an unproven
7 program that violates the deliberative functions of the Legislature.
8

9
10 **IT IS THEREFORE ORDERED** and declared that Initiative Petition
11 **C-04-2022** is legally deficient because of a glaring but curable
12 omission in the Declaration of Effect; and because it violates the
13 prohibition against imposing administrative functions, which also may
14 be curable.
15

16
17 What the Court finds and rules as incurable comes from the
18 patently obvious command in Section 6 of Article 19 of the Nevada
19 Constitution to contemporaneously link the proposal to a viable
20 identified funding source in order to have Constitutional footing to go
21 on with it.
22

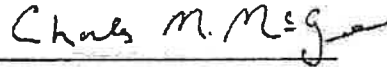
23
24 **IT IS FURTHER ORDERED** and declared that Intervenor-Defendant
25 Education Freedom PAC, its proponents, officers, or agents, are hereby
26 enjoined from collecting signatures in support of the Petition and from
27
28

1 submitting any signatures for verification pursuant to NRS 293.1276,
2 and any signatures previously collected are declared invalid.

3 **IT IS FURTHER ORDERED** and declared that Defendant Secretary
4
5 of State Barbara Cegavske is enjoined from placing the Petition on the
6
7 ballot.

8 **IT IS SO ORDERED.**

9
10 DATED this 25th day of April, 2022.

11
12 

13 **CHARLES M. MCGEE**
14 **Senior Judge on Assignment**
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3/4

ORIGINAL

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7 Attorneys for Intervenor, *aligned as Defendant*,
EDUCATION FREEDOM PAC

9 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR CARSON CITY

12 EDUCATION FREEDOM PAC,

13 Petitioner,

14 v.

15 BARBARA CEGAVSKE, in her Official Capacity
16 as NEVADA SECRETARY OF STATE;
17 BEVERLY ROGERS, an individual, RORY
REID, an individual,

18 Respondent.

Case No.: 22 OC 00027 1B

Dept. No.: II

CASE APPEAL STATEMENT

21 COMES NOW, Petitioner, EDUCATION FREEDOM PAC ("Education Freedom"), by and
22 through its attorney of record, JASON D. GUINASSO, ESQ. of HUTCHISON & STEFFEN, PLLC,
23 pursuant to NRAP 3(f), and hereby submits to the Court Appellant's Case Appeal Statement:

24 ///

25 ///

1. **Name of appellant filing this case appeal statement:**

EDUCATION FREEDOM PAC.

2. **Identify the judge issuing the decision, judgment, or order appealed from:**

The Honorable Senior Judge on Assignment, Charles M. McGee - Case No. 22 OC 00027 1B.

3. **Identify each appellant and the name and address of counsel for each appellant:**

Education Freedom is represented by Jason D. Guinasso, Esq., Alex R. Velto, Esq., and Astrid

A. Perez, Esq.

- Appellate Counsel: Jason D. Guinasso, Esq.

Address: Hutchison & Steffen, PLLC: 5371 Kietzke Ln, Reno, NV 89511

- Trial Counsel: Lucas Foletta, Esq.

Address: McDonald Carano, LLP, 100 West Liberty St. 10th Floor, Reno, NV

89501.

4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of the respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):**

Respondent, Barbara Cegavske, in her official capacity as Nevada Secretary of State

- Appellate Counsel: Unknown

- Trial Counsel: Craig A. Newby, Esq.

- Address: 555 E. Office of the Attorney General

Washington Ave. Suite 3900, Las Vegas, NV 89101

- Mailing Address: Same as Address

Respondent: Beverly Rogers

- Appellate Counsel: Unknown

- Trial Counsel: Bradley Schrager, Esq., John Samberg, Esq., and Daniel Bravo, Esq.

1 ○ Address: 3773 Howard Hughes parkway, Suite 590 South, Las Vegas, NV 89169

2 ○ Mailing Address: Same as Address

3 Respondent: Rory Reid

4 ○ Appellate Counsel: Unknown

5 ○ Trial Counsel: Bradley Schrager, Esq., John Samberg, Esq., and Daniel Bravo,
6 Esq.

7 ○ Address: 3773 Howard Hughes Parkway, Suite 590 South, Las Vegas, NV 89169

8 ○ Mailing Address: Same as Address

9

10 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
11 **licensed to practice law in Nevada and, if so, whether the district court granted that attorney**
12 **permission to appear under SCR 42 (attach a copy of any district court order granting such**
13 **permission):**

14 Not applicable.

15 **6. Indicate whether appellant was represented by, appointed, or retained counsel in the**
16 **district court:**

17 The Appellant was represented by retained counsel in district court.

18 **7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

19 The Appellant is represented by retained counsel on appeal.

20 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date**
21 **of entry of the district court order granting such leave:**

22 Not applicable.

23 **9. Indicate the date the proceedings commenced in district court:**

24 February 22, 2022.

25 ///

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This is an appeal of a district court order invaliding an initiative petition which prevents the Secretary of State from certifying the initiative, and Education Freedom from circulating it to Nevada registered voters for signature before the 2022 election. The decision prevents Education Freedom from giving Nevada parents an opportunity to have and take advantage of an education freedom account ("EFA"), which would allow parents a greater choice for their children within Nevada's education system. Education Freedom seeks expedited review so that it is not denied its due process rights and able to continue the Constitutional initiative within the 2022 initiative deadline. This final decision is the subject of this appeal. While Education Freedom attempted to receive an expedited decision from the lower court, Petitioners in that matter took steps to delay the process. As such, this Court's ruling is needed to give Nevada voters a right to choose whether they will vote in favor of the petition, instead of allowing one Nevada court from invalidating an entire initiative petition. Otherwise, the district court's decision will not only deny the public and Education Freedom due process, but also be disastrous for Nevada's education system.

Nevada has consistently ranked at the bottom of the list in education. Most recently in 2022, Nevada ranked 49th in a rank of least to most educated states.¹ Education Freedom PAC "Education Freedom" formed to address Nevada's education issues. Education Freedom's focus is to provide parents in Nevada with broader choice in their children's education and encourage more competition and innovation within Nevada's education system. Therefore, on January 31, 2022, Education Freedom filed Initiative Petition S-02-2022 ("Petition"). The Petition proposes to establish an education freedom

¹ Estrella Rosas, *2022 Most & Least Educated States*, SCHOLAROO (Feb. 15, 2022), <https://scholaroo.com/most-educated-states/>

1 account (“EFA”) program to which parents will be authorized to pay for certain educational expenses,
2 including, but no limited to, tuition and fees at participating entities, including private schools.

3 On February 22, 2022, Respondents Beverly Rogers and Rory Reid filed a complaint for
4 Declaratory and Injunctive relief Challenging the Petition pursuant to NRS 295.061(1). alleging that the
5 description of effect was not compliant with statute; that the Petition was an unfunded expenditure in
6 violation of Nev. Const. Art 19, Sec. 6; and that the Petition improperly dictated administrative details.
7 Education Freedom filed a motion to intervene and on March 1, 2022, a Stipulation and Order
8 Regarding Intervention was filed. After significant delay, and a motion filed by Education Freedom
9 requesting a hearing, a hearing was set an Oral Arguments were heard before the district court on
10 March 29, 2022.

11 On April 26, 2022, the district court issued Decision Invalidating Petition to Create a Statute to
12 Govern Future Appropriations to An Educational System Outside the School Districts and Injunction
13 Preventing the Forward Progress of this Initiative. The Court’s Decision and consequential holding is
14 now the subject of this appeal.

15 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
16 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of**
17 **the prior proceeding:**

18 No, the case is not currently the subject of an appeal.

19 **12. Indicate whether this appeal involves child custody or visitation:**

20 No, the appeal does not involve child custody or visitation.

21 **13. If this case is a civil case, indicate whether this appeal involves the possibility of**
22 **settlement:**

23 No, the issues on appeal do not involve the possibility of settlement.

24 ///

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DATED this 15th day of May, 2022.

By: Jason D. Gurnasso
Jason D. Gurnasso, Esq.
Nevada Bar No. 8478
Alex R. Velto, Esq.
Nevada Bar No. 14961
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Nevada Bar No. 15977
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Reno, Nevada 89511

Attorneys for Intervenor, *aligned as*
Defendant,
EDUCATION FREEDOM PAC

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Judge: MCGEE, CHARLES

Case No. 22 OC 00027 1B
Ticket No.
CTN:

ROGERS, BEVERLY et al

By:

-vs-

CEGAVSKE, BARBARA

DRSPND

By:

Dob: Sex:
Lic: Sid:
NEVADA SECRETARY OF STATE DRSPND

By:

Dob: Sex:
Lic: Sid:

Plate#:

Make:

Year:

Accident:

Type:

Venue:

Location:

REID, RORY PLNTPET
ROGERS, BEVERLY PLNTPET
EDUCATION FREEDOM PAC IVNR

Bond:

Set:

Type:

Posted:

Charges:

Ct.

Offense Dt: Cvr:
Arrest Dt:
Comments:

Ct.

Offense Dt: Cvr:
Arrest Dt:
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	05/19/22	RECEIPT	1BPETERSON	0.00	0.00
2	05/19/22	APPEAL BOND DEPOSIT Receipt: 74460 Date: 05/19/2022	1BPETERSON	500.00	0.00
3	05/19/22	NOTICE OF CHANGE OF ADDRESS	1BPETERSON	0.00	0.00
4	05/19/22	CASE APPEAL STATEMENT	1BPETERSON	0.00	0.00
5	05/19/22	NOTICE OF APPEAL FILED Receipt: 74461 Date: 05/19/2022	1BPETERSON	24.00	0.00
6	05/06/22	NOTICE OF SUBSTITUTION OF COUNSEL	1BPETERSON	0.00	0.00
7	05/04/22	NOTICE OF ENTRY OF ORDER	1BVANESSA	0.00	0.00
8	04/26/22	SUMMARY JUDGMENT	1BJHIGGINS	0.00	0.00
9	04/26/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
10	04/26/22	ORDER - PART A - DECISION INVALIDATING PETITION TO CREATE A STATUTE TO GOVERN FUTURE APPROPRIATIONS TO AN EDUCATION SYSTEM OUTSIDE THE SCHOOL DISTRICTS; PART B - INJUNCTION PREVENTING THE FORWARD PROGRESS OF THIS INITIATIVE	1BPETERSON	0.00	0.00
11	04/06/22	HEARING HELD: The following event: EVIDENTIARY HEARING scheduled for 03/29/2022 at 1:00 pm has been resulted as follows: Result: HEARING HELD Judge: MCGEE, CHARLES Location:	1BVANESSA	0.00	0.00
12	04/05/22	NOTICE OF PROPOSED ORDERS	1BVANESSA	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
13	03/31/22	ORDER GRANTING INTERVENOR'S EX PARTE MOTION FOR HEARING PURSUANT TO NRS 295.961	1BVANESSA	0.00	0.00
14	03/31/22	STIPULATION AND ORDER REGARDING INTERVENTION	1BVANESSA	0.00	0.00
15	03/25/22	REPLY'S MEMORANDUM OF PAOINT AND AUTHORITIES IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITION	1BSBARAJAS	0.00	0.00
16	03/24/22	HEARING DATE MEMO	1BPETERSON	0.00	0.00
17	03/24/22	LIMITED RESPONSE TO MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITION	1BCCOOPER	0.00	0.00
18	03/23/22	AFFIDAVIT OF MAILING	1BVANESSA	0.00	0.00
19	03/23/22	MEMORANDUM OF TEMPORARY ASSIGNMENT	1BVANESSA	0.00	0.00
20	03/23/22	NOTICE OF ASSIGNMENT BY CLERK	1BVANESSA	0.00	0.00
21	03/15/22	EDUCATION FREEDOM PACS ANSWERING BRIEF IN RESPONSE TO PLAINTIFFS MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITION S-02-2022 PURSAUTNT OT NRS 295.061(1)	1BCCOOPER	0.00	0.00
22	03/15/22	INTERVENTORS EX PARTE MOTION FOR HEARING PURSUANT TO NRS 295.061	1BCCOOPER	0.00	0.00
23	03/15/22	ANSWER IN INTERVENTION TO COMPLAINT Receipt: 73638 Date: 03/16/2022	1BCCOOPER	218.00	0.00
24	03/14/22	DECLARATION OF SERVICE	1BVANESSA	0.00	0.00
25	03/07/22	RECEIPT	1BVANESSA	0.00	0.00
26	03/01/22	REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
27	03/01/22	DECLARATION OF SERVICE	1BVANESSA	0.00	0.00
28	03/01/22	SUMMONS	1BVANESSA	0.00	0.00
29	02/24/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
30	02/24/22	PEREMPTORY CHALLENGE OF JUDGE	1BSBARAJAS	0.00	0.00
31	02/23/22	FILE RETURNED AFTER SUBMISSION - NO ACTION TAKEN	1BSBARAJAS	0.00	0.00
32	02/22/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
33	02/22/22	ORDER TRANSFERRING CASE TO DEPARTMENT 2	1BSBARAJAS	0.00	0.00
34	02/22/22	ISSUING SUMMONS	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
35	02/22/22	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITION S-02-2022 PURSUANT TO NRS 295.061(1)	1BCCOOPER	0.00	0.00
36	02/22/22	PLAINTIFF'S/PETITIONER'S INITIAL APPEARANCE AFFIRMATION PURSUANT TO NRS 239.030	1BCCOOPER	0.00	0.00
37	02/22/22	ADDITIONAL DEFENDANT (RORY REID) Receipt: 73293 Date: 02/22/2022	1BCCOOPER	30.00	0.00
38	02/22/22	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITION S-02-2022 PURSUANT TO NRS 295.061(1) Receipt: 73293 Date: 02/22/2022	1BCCOOPER	265.00	0.00
Total:				1,037.00	0.00
Totals By: COST				537.00	0.00
HOLDING				500.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					

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2022 APR 26 AM 10:30

AUDREY ROWLAND
CLERK

BY

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

BEVERLY ROGERS, AN INDIVIDUAL.

AND RORY REID, AN INDIVIDUAL,

CASE NO.: 220C0027 1B

Plaintiffs,

DEPT. NO. II

Vs.

PART A

**BARBARA CEGAVSKE, in her
Official capacity as NEVADA
SECRETARY OF STATE,**

**DECISION INVALIDATING
PETITION TO CREATE A
STATUTE TO GOVERN FUTURE
APPROPRIATIONS TO AN
EDUCATIONAL SYSTEM
OUTSIDE THE SCHOOL
DISTRICTS.**

Defendant,

EDUCATION FREEDOM PAC,

**Intervenor, aligned
as Defendant.**

PART B

**INJUNCTION PREVENTING THE
FORWARD PROGRESS OF THIS
INITIATIVE**

PART A:

DISCUSSION

This opinion presents the second of two Decisions addressing

1 two of three initiatives filed by the Intervenor, Education Freedom PAC
2 ("EFP"), who are proposing sweeping changes in the way public
3 education is administered here in the State of Nevada.
4

5 A Decision and Order has already been filed in the first case,
6 which is captioned RORY REID, an individual; BEVERLY ROGERS, an
7 individual, Plaintiffs versus BARBARA CEGAVSKE, in her official
8 capacity as NEVADA SECRETARY OF STATE, Defendant; Case No. 22
9 OC 00028 1B ("Reid I").
10
11

12 EFP intervened and was joined as a party defendant in both
13 cases.
14

15 The case at hand reverses the order of the Plaintiffs' names so
16 that Beverly Rogers' name appears first.
17

18 Like it did in Reid I, Intervenor sought dismissal for claimed
19 unnecessary delays which they attributed to the Plaintiffs. For the
20 reasons set forth in the Reid I Decision, that motion MAY BE AND
21
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HEREBY IS DENIED.

29 So, while there are a host of similarities, these two cases have
30 not been consolidated because more important differences exist than
31 similarities.
32

1 **The biggest difference is that the Education Freedom PAC was**
2 **seeking a full-blown Constitutional Amendment in Reid I.**

3 **By contrast, the instant case proposes by initiative to bring into**
4 **existence a very detailed statute and administrative plan which places**
5 **the State Treasurer in a position where he or she, in the future, may be**
6 **in charge of maintaining accounts and dispersing grants to educators**
7 **given standing by the statute.**

8 **The statute itself is a full twenty-two (22) pages, single spaced,**
9 **small font.**

10 **“EFP” filed the petition at the end of January and if eventually**
11 **funded, it would authorize parents to earmark accounts for**
12 **educational expenses outside the school district, including tuition and**
13 **fees for participating entities and private schools.**

14 **To demonstrate the breadth of this legislation, the Court has**
15 **edited more than a dozen of the headings by Section as follows:**

16 **Section 9.2 accounts maintained by a financial management firm;**

17 **Sec. 9.10 bars funding for home schooling; however, under**
18 **Section 13.1(e) a parent can be an eligible entity;**

19 **Sec. 10.2 the funding is permissive within the Legislature;**

1 **Sec. 10.3** if funded the percent is 90%;

2 **Sec. 10.6** 4% set aside for administrative costs;

3 **Sec. 11** limitations on spending;

4 **Sec. 14** Testing and achievement examinations and
5 Reporting;

6 **Sec. 16** Questionably effective anti-liability provisions;

7 **Sec. 19** an innovative proposal: Senate-centered Youth
8 Legislature;

9 **Sec. 21** Interscholastic Activities made workable;

10 **Sec. 29.7** Eligibility for interscholastic activities;

11 **Sec. 34** Malfeasance and disciplines;

12 **Sec. 35** Yet another disclaimer, as follows:

13 *"Nothing herein shall require the*
14 *Legislature to appropriate money to*
15 *fund education freedom accounts or*
16 *any expenses related thereto."*

17 **One striking similarity with Reid I is the arguments over the**
18 **language in the requisite Declaration of Effect ("DOE"). Once again,**
19 **the main stakeholders argue strenuously their respective opinions**
20 **over whether or not the DOE already provides legally sufficient clarity,**
21
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1 or, as Plaintiffs argue, whether or not it should be amended to add
2 language making it clearer.

3
4 Unlike Reid I, and with one glaring impasse, this Court believes
5 that if the Court and counsel would spend a day massaging the
6 language of the DOE, there is a very realistic probability that the
7 document could be revised in a manner that is satisfactory to both
8 sides.
9

10
11 However, the glaring impasse with the DOE in this case, as in
12 Reid I, is an insufficient explanation of the affect of the initiative on
13 the budgets of all the school districts in the State and/or the need to
14 draw revenues from the General Fund.
15

16
17 Before going further, the Court wishes to acknowledge that the
18 intervenor, EFP, used somebody, or more likely a whole bunch of
19 somebodies, who spent a heroic amount of time in an effort to forge a
20 non-public school learning program under the auspices of an amended
21 Chapter 385 of the Nevada Revised Statutes.
22

23
24 The Intervenor, EFP, feels that they have "sanitized" their
25 initiative from claimed defects causing confusion in the language in
26 the DOE, and should be allowed to proceed.
27
28

1 **A critical related factor, also found in Reid I, urges a conclusion**
2 **that the scheme does not represent an unfunded mandate and, that it**
3 **is self-proving.**

4
5 **As the argument goes, there cannot be an unfunded mandate**
6 **because there is no funding, period!**

7
8 **Funding is left to the Legislature.**

9
10 **Quoted directly from the language in the proposed order**
11 **submitted by EFP, on page 3, lines 7 through 15, EFP urges as follows:**

12 **“The Petition neither contains an appropriate or an**
13 **expenditure of money. The EFA program is contingent**
14 **upon an appropriation by the Legislature to fund it;**
15 **Section 37 of the Petition states specifically, “[t]he**
16 **provisions of this act become effective upon an**
17 **appropriation by the Legislature to fund the educational**
18 **freedom accounts.” (Exhibit 1 at Sec. 37.) And Section 35**
19 **states that “[n]othing herein shall require the**
20 **Legislature to appropriate money to fund education**
21 **freedom accounts or any expenses related thereto.”**
22 **(Id. At Sec. 35.) What’s more, Section 10(2) states**
23 **“[n]othing herein shall require the Legislature to**
24 **appropriate money to fund the grants described in this**
25 **section. The availability of grants is subject to the**
26 **availability of funds as determined by the Legislature.”**
27 **(Id. At Sec. 10(2).)**

28 **See page 4 above where Section 35 of the proposed statute is**
again quoted in full.

1 Put another way, the fact that the funding is entirely
2 discretionary with a future Legislature, could mean that the State
3 Treasurer would not award a single grant and Nevada would have a
4 new law “on the books” so to speak, but also have a “toothless tiger,”
5 on the books, so to speak, because the plan goes nowhere without
6 funding.
7

8
9 Finally, EFP submits, that the scheme does not constitute an
10 unfunded mandate because there is no mandate at all.
11

12 And, if there isn’t a mandate, it has to be “precatory”, a wish or a
13 request.
14

15 This author thinks the entire conversation begs the question and
16 presents the very same kind of sleight of hand that was true for the
17 proposed Constitutional Amendment in Reid I.
18

19 The Court sees no interpretation other than that the initiative
20 contains the same defect posited in Reid I: it is a non-
21 contemporaneous directive to the Legislature to consider funding the
22 initiative at a later session, and, as such cannot withstand the scrutiny
23 of the Constitution.
24
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1 Once again, it is a literal read of Section 6, Article 9, of the
2 **Constitution which discloses the main flaw in the Petitioner's**
3
4 **argument. Consider removing a few words, and emphasizing one key**
5 **word, and Section 6 [the Constitution] reads like this:**

6
7 **"[This Section]...does not permit a proposal of any statute or**
8 **statutory amendment which...recognizes the expenditure of money,**
9 **unless *SUCH* statute...imposes a sufficient**
10 **tax...or...otherwise...provides for raising the necessary**
11 **revenues". (emphasis supplied)**

12 **It says nothing about the right or latitude to postpone funding to**
13 **a date out in the future, which will require forging yet another statute.**

14 **What it does say, is that this Bill, any Bill, that creates a statute**
15
16 **MUST simultaneously, impose a tax, or identify a legal revenue**
17
18 **source!**

19 **The Intervenor's effort to amend Senate Bill 385 cannot be**
20
21 **permitted because there is no contemporaneous identification of a**
22 **finite revenue source to fund the proposal.**

23
24 **Put another way, Section 6 simply does not allow funding to be**
25 **postponed until a future Legislature convenes and then look for a**
26
27
28

1 revenue source, while it is trying to balance the rest of the State
2 budget.

3
4 In this Judge's view, no other interpretation of the legislative
5 scheme is plausible.

6
7 Three final issues must be addressed:

8 1. Pre-election Petition;

9
10 2. Administrative Matters Excluded;

11 3. Schwartz Reviewed;

12
13 **PRE-ELECTION PETITION:**

14 The first issue addresses the caution contained in *Herbst Gaming*
15 *Inc. v Secretary of State*, 122 Nev. 877, 141 P.3d 1224 (2006) that
16
17 limits challenges available when contesting the scope of "pre-
18 election" initiatives – that is, challenges coming in front of the actual
19 ballot – which must implicate very narrow and specific constitutional
20 requirements.
21

22
23 Other due process and equal protection claims are not ripe for
24 challenge until the election itself has resulted in passage.
25

26 Here Article 6, Section 19, once again, legitimates a pre-emptive
27 limited constitutional challenge requiring up front that the initiative
28

1 **must be tied to a revenue source to go forward. Thus, it falls into the**
2 **range of permissible challenges.**

4 **ADMINISTRATIVE ISSUES**

5 ***Herbst, supra*, can also be cited for the principle, urged by the**
6 **Plaintiffs, that initiatives like the one under scrutiny are not to involve**
7 **themselves in administrative matters as opposed to legislative acts,**
8 ***Id.* 122 Nev. Pp. 883 et seq.**

11 **The Plaintiffs are right. The 22-page bill under scrutiny is replete**
12 **with administrative criteria, which will have to be culled before going**
13 **to the ballot.**

15 **In that sense, it is similar to the DOE previously discussed, which**
16 **needs some serious editing to properly notice the financial impact**
17 **before it is tendered to prospective voters.**

20 **So, the Court suggests that those shortcomings are both**
21 **“curable” matters that require effort but can be “fixed”.**

23 **Unfixable is the revenue source component.**

25 **SCHWARTZ DISCUSSION**

26 **This case, which is factually closer to our case than any other,**
27 **was handed down by the Nevada Supreme Court on September 29,**
28

1 **2016. Although it goes by *Schwartz v. Lopez*, 132 Nev. 732, 382 P.3d**
2 **386 (2016), the opinion actually subsumes two cases; the second is**
3
4 ***Duncan v. State* which has almost identical issues.**

5 **In both cases, the Plaintiffs challenged the constitutionality of a**
6
7 **pair of bills enacted previously known as Senate Bill 302 and Senate**
8 **Bill 515.**

9
10 **This legislation appropriated a Two Billion Dollar lump sum to be**
11 **disbursed as in our case, through the office of the State Treasurer.**

12
13 **The State Treasurer took it all in, and on his own authority and**
14 **interpretation concluded that the funding was sufficient to fund not**
15 **only the earmarked public school system, but also could be available**
16 **to fund educational savings accounts for parents to subsidize non-**
17 **public educational opportunities similar to the ones in our case.**

18
19
20 **The High Court determined that Senate Bill 302 on its face, or in**
21 **combination with Senate Bill 515 --- by any inference ---- cannot be**
22 **construed as an appropriation measure, specifically designed to be**
23 **used to serve private schooling, tutoring and other non-public**
24 **educational opportunities.**
25
26
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1 **Although the statutes under examination are markedly different**
2 **from Senate Bill 385 in our case, the *Schwartz* Decision suggests that**
3 **there is nothing impermissible about the Legislature funding a program**
4 **for a so-called “sectarian purpose”, like private schooling.**

5
6 **But an absolutely essential ingredient for inclusion in the statute**
7 **is the specific directive to identify a revenue source by the Legislature**
8 **contemporaneous with the establishment of the administrative**
9 **program to use the funding.**

10
11 **To this extent, *Schwartz* is entirely consistent and represents a**
12 **guidepost to come to a conclusion about essential issues that achieve**
13 **a budget balance.**

14
15 **A specific directive to appropriate revenue for the educational**
16 **programs proffered by the Intervenor/Defendants is essential to the**
17 **viability of the statute.**

18
19 **The *Schwartz* case has very recently been modified to recognize**
20 **that a “public importance” exception applies when a representative**
21 **citizen sues to protect public funds by challenging a legislative**
22 **appropriation.**

1 ***Nevada Policy Research Institution v. Cannizzaro*, 138 Nev. Adv.**

2 **Op. 28, April 21, 2022.**

3 **Obviously, the issue in *Nevada Policy Research Institute, supra*,**
4
5 **involve standing issues and separation of power issues that are not**
6
7 **present in the instant case.**

8 **Accordingly, the *Schwartz* case is inapposite except that it may**
9
10 **imply a duty that confirms that both Plaintiffs and Defendant in our**
11 **case have been demonstrating a public-importance role that notches**
12 **up the level of scrutiny when considering a specific provision in the**
13 **Nevada Constitution.**

14 **The Intervenor/Defendant's challenge falls short of the mark.**
15
16 **The statute fails from the lack of a funding directive.**

17
18 **PART B**

19
20 **ORDER ENJOINING PETITION**

21 **Like its counterpart, REID I, the Intervenor has made an honest**
22
23 **and thoughtful effort to create an opportunity for a substantial public**
24 **forum to amend a statute that purports to administer and fund**
25
26 **educational opportunities for children across the State whose parents**

1 wish, for whatever reason, to eschew participation in the traditional
2 school district.

3
4 Unfortunately for the Intervenor, this initiative — the one they
5 rely upon---- impermissibly commands the Nevada Legislature to
6 amend a scheme of education “status-900” and install an unproven
7 program that violates the deliberative functions of the Legislature.
8

9
10 IT IS THEREFORE ORDERED and declared that Initiative Petition
11 C-04-2022 is legally deficient because of a glaring but curable
12 omission in the Declaration of Effect; and because it violates the
13 prohibition against imposing administrative functions, which also may
14 be curable.
15

16
17 What the Court finds and rules as incurable comes from the
18 patently obvious command in Section 6 of Article 19 of the Nevada
19 Constitution to contemporaneously link the proposal to a viable
20 identified funding source in order to have Constitutional footing to go
21 on with it.
22

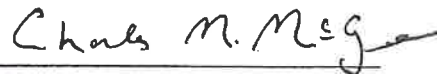
23
24 IT IS FURTHER ORDERED and declared that Intervenor-Defendant
25 Education Freedom PAC, its proponents, officers, or agents, are hereby
26 enjoined from collecting signatures in support of the Petition and from
27
28

1 submitting any signatures for verification pursuant to NRS 293.1276,
2 and any signatures previously collected are declared invalid.
3

4 IT IS FURTHER ORDERED and declared that Defendant Secretary
5 of State Barbara Cegavske is enjoined from placing the Petition on the
6 ballot.
7

8 IT IS SO ORDERED.
9

10 DATED this 25th day of April, 2022.
11

12 
13

14 CHARLES M. MCGEE
15 Senior Judge on Assignment
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1 **CERTIFICATE OF SERVICE**

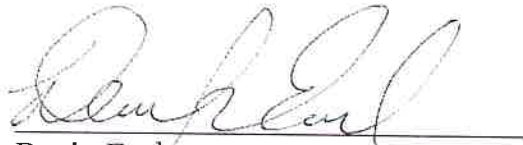
2 I certify that I am an employee of the First Judicial District Court of Nevada; that
3 on the 26 day of April 2022, I served a copy of this document by placing a true copy
4 in an envelope addressed to:

5 Lucas Foletta, Esq.
6 100 West Liberty St. 10th Floor
7 Reno, NV 89501

8 Bradley Schrager, Esq.
9 3773 Howard Hughes Parkway,
Suite 590 South
Las Vegas, NV 89169

Craig Newby, Esq.
State of Nevada
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101

10 the envelope sealed and then deposited in the Court's central mailing basket in the court
11 clerk's office for delivery to the USPS at 1111 South Roop Street, Carson City, Nevada, for
12 mailing.

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17 Devin Earl
18 Law Clerk
19
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22
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24
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ORIGINAL

REC'D & FILED

2022 MAY 14 AM 10:42

ROBERT ROWLATT
CLERK

BY

DEPUTY

BRADLEY S. SCHRAGER, ESQ. (NSB 10217)
JOHN SAMBERG, ESQ. (NSB 10828)
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Attorneys for Plaintiffs

IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR CARSON CITY

BEVERLY ROGERS, an individual;
RORY REID, an individual

Plaintiffs,

vs.

BARBARA CEGAVSKE, in her official
capacity as NEVADA SECRETARY OF
STATE,

Defendant,

and

EDUCATION FREEDOM PAC

Intervenor Defendant.

Case No.: 22 OC 00027 1B
Dept.: II

NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that the DECISION INVALIDATING
PETITION TO CREATE A STATUTE TO GOVERN FUTURE APPROPRIATIONS
TO AN EDUCATIONAL SYSTEM OUTSIDE THE SCHOOL DISTRICTS and
INJUNCTION PREVENTING THE FORWARD PROGRESS OF THIS INITIATIVE
was entered in the above-captioned matter on the 26th day of April, 2022.

1 A true and correct copy is attached hereto as Exhibit 1.

2 **AFFIRMATION**

3 The undersigned hereby affirm that the foregoing document does not contain
4 the social security number of any person.

5
6 DATED this 30 day of April, 2022

7 **WOLF, RIFKIN, SHAPIRO,**
8 **SCHULMAN & RABKIN, LLP**

9 By: 

10 BRADLEY S. SCHRAGER, ESQ. (NSB 10217)
11 JOHN SAMBERG, ESQ. (NSB 10828)
12 DANIEL BRAVO, ESQ. (NSB 13078)
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16 bschrager@wrslawyers.com
17 jsamberg@wrslawyers.com
18 dbravo@wrslawyers.com

19 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2022, a true and correct copy of the **NOTICE OF ENTRY OF ORDER** was served upon all parties via U.S. Mail postage pre-paid, Las Vegas, Nevada and via electronic mailing to the following:

Craig A. Newby, Esq.
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Attorney for Barbara Cegauske

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Freedom PAC*

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By


Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP

INDEX OF EXHIBITS

Exhibit No.	Documents	Pages
1	Decision Invalidating Petition To Create A Statute To Govern Future Appropriations To An Educational System Outside The School Districts And Injunction Preventing The Forward Progress Of This Initiative	16

EXHIBIT 1

EXHIBIT 1

REC'D & FILED

2022 APR 26 AM 10:30

AUGREY ROWLATT

CLERK

BY

[Signature]

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

BEVERLY ROGERS, AN INDIVIDUAL.

AND RORY REID, AN INDIVIDUAL,

CASE NO.: 220C0027 1B

Plaintiffs,

DEPT. NO. II

Vs.

PART A

**BARBARA CEGAVSKE, in her
Official capacity as NEVADA
SECRETARY OF STATE,**

**DECISION INVALIDATING
PETITION TO CREATE A
STATUTE TO GOVERN FUTURE
APPROPRIATIONS TO AN
EDUCATIONAL SYSTEM
OUTSIDE THE SCHOOL
DISTRICTS.**

Defendant,

EDUCATION FREEDOM PAC,

PART B

**Intervenor, aligned
as Defendant.**

**INJUNCTION PREVENTING THE
FORWARD PROGRESS OF THIS
INITIATIVE**

PART A:

DISCUSSION

This opinion presents the second of two Decisions addressing

1 two of three initiatives filed by the Intervenor, Education Freedom PAC
2 ("EFP"), who are proposing sweeping changes in the way public
3 education is administered here in the State of Nevada.
4

5 A Decision and Order has already been filed in the first case,
6 which is captioned RORY REID, an individual; BEVERLY ROGERS, an
7 individual, Plaintiffs versus BARBARA CEGAVSKE, in her official
8 capacity as NEVADA SECRETARY OF STATE, Defendant; Case No. 22
9
10 OC 00028 1B ("Reid I").
11

12 EFP intervened and was joined as a party defendant in both
13 cases.
14

15 The case at hand reverses the order of the Plaintiffs' names so
16 that Beverly Rogers' name appears first.
17

18 Like it did in Reid I, Intervenor sought dismissal for claimed
19 unnecessary delays which they attributed to the Plaintiffs. For the
20 reasons set forth in the Reid I Decision, that motion MAY BE AND
21
22
23 HEREBY IS DENIED.

24 So, while there are a host of similarities, these two cases have
25 not been consolidated because more important differences exist than
26 similarities.
27
28

1 **The biggest difference is that the Education Freedom PAC was**
2 **seeking a full-blown Constitutional Amendment in Reid I.**

3
4 **By contrast, the instant case proposes by initiative to bring into**
5 **existence a very detailed statute and administrative plan which places**
6 **the State Treasurer in a position where he or she, in the future, may be**
7 **in charge of maintaining accounts and dispersing grants to educators**
8 **given standing by the statute.**

9
10
11 **The statute itself is a full twenty-two (22) pages, single spaced,**
12 **small font.**

13
14 **“EFP” filed the petition at the end of January and if eventually**
15 **funded, it would authorize parents to earmark accounts for**
16 **educational expenses outside the school district, including tuition and**
17 **fees for participating entities and private schools.**

18
19
20 **To demonstrate the breadth of this legislation, the Court has**
21 **edited more than a dozen of the headings by Section as follows:**

22
23 **Section 9.2 accounts maintained by a financial management firm;**

24 **Sec. 9.10 bars funding for home schooling; however, under**
25 **Section 13.1(e) a parent can be an eligible entity;**

26 **Sec. 10.2 the funding is permissive within the Legislature;**
27
28

1 **Sec. 10.3** if funded the percent is 90%;

2 **Sec. 10.6** 4% set aside for administrative costs;

3 **Sec. 11** limitations on spending;

4 **Sec. 14** Testing and achievement examinations and
5 Reporting;

6 **Sec. 16** Questionably effective anti-liability provisions;

7 **Sec. 19** an innovative proposal: Senate-centered Youth
8 Legislature;

9 **Sec. 21** Interscholastic Activities made workable;

10 **Sec. 29.7** Eligibility for interscholastic activities;

11 **Sec. 34** Malfeasance and disciplines;

12 **Sec. 35** Yet another disclaimer, as follows:

13 *"Nothing herein shall require the*
14 *Legislature to appropriate money to*
15 *fund education freedom accounts or*
16 *any expenses related thereto."*

17 One striking similarity with Reid I is the arguments over the
18 language in the requisite Declaration of Effect ("DOE"). Once again,
19 the main stakeholders argue strenuously their respective opinions
20 over whether or not the DOE already provides legally sufficient clarity,
21
22
23
24
25
26
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28

1 or, as Plaintiffs argue, whether or not it should be amended to add
2 language making it clearer.

3
4 Unlike Reid I, and with one glaring impasse, this Court believes
5 that if the Court and counsel would spend a day massaging the
6 language of the DOE, there is a very realistic probability that the
7 document could be revised in a manner that is satisfactory to both
8 sides.
9

10
11 However, the glaring impasse with the DOE in this case, as in
12 Reid I, is an insufficient explanation of the affect of the initiative on
13 the budgets of all the school districts in the State and/or the need to
14 draw revenues from the General Fund.
15

16
17 Before going further, the Court wishes to acknowledge that the
18 intervenor, EFP, used somebody, or more likely a whole bunch of
19 somebodies, who spent a heroic amount of time in an effort to forge a
20 non-public school learning program under the auspices of an amended
21 Chapter 385 of the Nevada Revised Statutes.
22

23
24 The Intervenor, EFP, feels that they have "sanitized" their
25 initiative from claimed defects causing confusion in the language in
26 the DOE, and should be allowed to proceed.
27
28

1 **A critical related factor, also found in Reid I, urges a conclusion**
2 **that the scheme does not represent an unfunded mandate and, that it**
3 **is self-proving.**

4
5 **As the argument goes, there cannot be an unfunded mandate**
6 **because there is no funding, period!**

7
8 **Funding is left to the Legislature.**

9
10 **Quoted directly from the language in the proposed order**
11 **submitted by EFP, on page 3, lines 7 through 15, EFP urges as follows:**

12 **“The Petition neither contains an appropriate or an**
13 **expenditure of money. The EFA program is contingent**
14 **upon an appropriation by the Legislature to fund it;**
15 **Section 37 of the Petition states specifically, “[t]he**
16 **provisions of this act become effective upon an**
17 **appropriation by the Legislature to fund the educational**
18 **freedom accounts.” (Exhibit 1 at Sec. 37.) And Section 35**
19 **states that “[n]othing herein shall require the**
20 **Legislature to appropriate money to fund education**
21 **freedom accounts or any expenses related thereto.”**
22 **(*Id.* At Sec. 35.) What’s more, Section 10(2) states**
23 **“[n]othing herein shall require the Legislature to**
24 **appropriate money to fund the grants described in this**
25 **section. The availability of grants is subject to the**
26 **availability of funds as determined by the Legislature.”**
27 **(*Id.* At Sec. 10(2).)**

28 **See page 4 above where Section 35 of the proposed statute is**
again quoted in full.

1 Put another way, the fact that the funding is entirely
2 discretionary with a future Legislature, could mean that the State
3 Treasurer would not award a single grant and Nevada would have a
4 new law "on the books" so to speak, but also have a "toothless tiger,"
5 on the books, so to speak, because the plan goes nowhere without
6 funding.
7

8
9 Finally, EFP submits, that the scheme does not constitute an
10 unfunded mandate because there is no mandate at all.
11

12 And, if there isn't a mandate, it has to be "precatory", a wish or a
13 request.
14

15 This author thinks the entire conversation begs the question and
16 presents the very same kind of sleight of hand that was true for the
17 proposed Constitutional Amendment in Reid I.
18

19 The Court sees no interpretation other than that the initiative
20 contains the same defect posited in Reid I: it is a non-
21 contemporaneous directive to the Legislature to consider funding the
22 initiative at a later session, and, as such cannot withstand the scrutiny
23 of the Constitution.
24
25
26
27
28

1 **Once again, it is a literal read of Section 6, Article 9, of the**
2 **Constitution which discloses the main flaw in the Petitioner's**
3 **argument. Consider removing a few words, and emphasizing one key**
4 **word, and Section 6 [the Constitution] reads like this:**

5
6 **"[This Section]...does not permit a proposal of any statute or**
7 **statutory amendment which...recognizes the expenditure of money,**
8 **unless *SUCH* statute...imposes a sufficient**
9 **tax...or...otherwise...provides for raising the necessary**
10 **revenues". (emphasis supplied)**

11 **It says nothing about the right or latitude to postpone funding to**
12 **a date out in the future, which will require forging yet another statute.**

13
14 **What it does say, is that this Bill, any Bill, that creates a statute**
15 **MUST simultaneously, impose a tax, or identify a legal revenue**
16 **source!**

17
18
19 **The Intervenor's effort to amend Senate Bill 385 cannot be**
20 **permitted because there is no contemporaneous identification of a**
21 **finite revenue source to fund the proposal.**

22
23
24 **Put another way, Section 6 simply does not allow funding to be**
25 **postponed until a future Legislature convenes and then look for a**
26
27
28

1 revenue source, while it is trying to balance the rest of the State
2 budget.

3
4 In this Judge's view, no other interpretation of the legislative
5 scheme is plausible.

6
7 Three final issues must be addressed:

8
9 1. Pre-election Petition;

10 2. Administrative Matters Excluded;

11 3. Schwartz Reviewed;

12
13 **PRE-ELECTION PETITION:**

14 The first issue addresses the caution contained in *Herbst Gaming*
15 *Inc. v Secretary of State*, 122 Nev. 877, 141 P.3d 1224 (2006) that
16
17 limits challenges available when contesting the scope of "pre-
18 election" initiatives – that is, challenges coming in front of the actual
19 ballot – which must implicate very narrow and specific constitutional
20 requirements.
21

22
23 Other due process and equal protection claims are not ripe for
24 challenge until the election itself has resulted in passage.
25

26 Here Article 6, Section 19, once again, legitimates a pre-emptive
27 limited constitutional challenge requiring up front that the initiative
28

1 **must be tied to a revenue source to go forward. Thus, it falls into the**
2 **range of permissible challenges.**

4 **ADMINISTRATIVE ISSUES**

5 ***Herbst, supra*, can also be cited for the principle, urged by the**
6 **Plaintiffs, that initiatives like the one under scrutiny are not to involve**
7 **themselves in administrative matters as opposed to legislative acts,**
8 ***Id.* 122 Nev. Pp. 883 et seq.**

11 **The Plaintiffs are right. The 22-page bill under scrutiny is replete**
12 **with administrative criteria, which will have to be culled before going**
13 **to the ballot.**

15 **In that sense, it is similar to the DOE previously discussed, which**
16 **needs some serious editing to properly notice the financial impact**
17 **before it is tendered to prospective voters.**

20 **So, the Court suggests that those shortcomings are both**
21 **“curable” matters that require effort but can be “fixed”.**

23 **Unfixable is the revenue source component.**

24 **SCHWARTZ DISCUSSION**

26 **This case, which is factually closer to our case than any other,**
27 **was handed down by the Nevada Supreme Court on September 29,**
28

1 2016. Although it goes by *Schwartz v. Lopez*, 132 Nev. 732, 382 P.3d
2 386 (2016), the opinion actually subsumes two cases; the second is
3
4 *Duncan v. State* which has almost identical issues.

5 In both cases, the Plaintiffs challenged the constitutionality of a
6
7 pair of bills enacted previously known as Senate Bill 302 and Senate
8 Bill 515.

9
10 This legislation appropriated a Two Billion Dollar lump sum to be
11 disbursed as in our case, through the office of the State Treasurer.

12
13 The State Treasurer took it all in, and on his own authority and
14 interpretation concluded that the funding was sufficient to fund not
15 only the earmarked public school system, but also could be available
16 to fund educational savings accounts for parents to subsidize non-
17 public educational opportunities similar to the ones in our case.
18
19

20 The High Court determined that Senate Bill 302 on its face, or in
21 combination with Senate Bill 515 -- by any inference --- cannot be
22 construed as an appropriation measure, specifically designed to be
23 used to serve private schooling, tutoring and other non-public
24 educational opportunities.
25
26
27
28

1 **Although the statutes under examination are markedly different**
2 **from Senate Bill 385 in our case, the *Schwartz* Decision suggests that**
3
4 **there is nothing impermissible about the Legislature funding a program**
5 **for a so-called “sectarian purpose”, like private schooling.**

6
7 **But an absolutely essential ingredient for inclusion in the statute**
8 **is the specific directive to identify a revenue source by the Legislature**
9
10 **contemporaneous with the establishment of the administrative**
11 **program to use the funding.**

12
13 **To this extent, *Schwartz* is entirely consistent and represents a**
14 **guidepost to come to a conclusion about essential issues that achieve**
15 **a budget balance.**

16
17 **A specific directive to appropriate revenue for the educational**
18 **programs proffered by the Intervenor/Defendants is essential to the**
19
20 **viability of the statute.**

21
22 **The *Schwartz* case has very recently been modified to recognize**
23 **that a “public importance” exception applies when a representative**
24 **citizen sues to protect public funds by challenging a legislative**
25 **appropriation.**

1 ***Nevada Policy Research Institution v. Cannizzaro*, 138 Nev. Adv.**
2 **Op. 28, April 21, 2022.**

3 **Obviously, the issue in *Nevada Policy Research Institute, supra*,**
4
5 **involve standing issues and separation of power issues that are not**
6
7 **present in the instant case.**

8 **Accordingly, the *Schwartz* case is inapposite except that it may**
9
10 **imply a duty that confirms that both Plaintiffs and Defendant in our**
11
12 **case have been demonstrating a public-importance role that notches**
13
14 **up the level of scrutiny when considering a specific provision in the**
15 **Nevada Constitution.**

16 **The Intervenor/Defendant's challenge falls short of the mark.**
17 **The statute fails from the lack of a funding directive.**

18 **PART B**

19
20 **ORDER ENJOINING PETITION**

21 **Like its counterpart, REID I, the Intervenor has made an honest**
22
23 **and thoughtful effort to create an opportunity for a substantial public**
24
25 **forum to amend a statute that purports to administer and fund**
26 **educational opportunities for children across the State whose parents**
27
28

1 wish, for whatever reason, to eschew participation in the traditional
2 school district.

3
4 Unfortunately for the Intervenor, this initiative — the one they
5 rely upon---- impermissibly commands the Nevada Legislature to
6 amend a scheme of education “status-900” and install an unproven
7 program that violates the deliberative functions of the Legislature.
8

9
10 IT IS THEREFORE ORDERED and declared that Initiative Petition
11 C-04-2022 is legally deficient because of a glaring but curable
12 omission in the Declaration of Effect; and because it violates the
13 prohibition against imposing administrative functions, which also may
14 be curable.
15

16
17 What the Court finds and rules as incurable comes from the
18 patently obvious command in Section 6 of Article 19 of the Nevada
19 Constitution to contemporaneously link the proposal to a viable
20 identified funding source in order to have Constitutional footing to go
21 on with it.
22

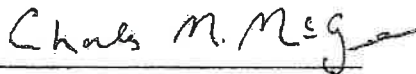
23
24 IT IS FURTHER ORDERED and declared that Intervenor-Defendant
25 Education Freedom PAC, its proponents, officers, or agents, are hereby
26 enjoined from collecting signatures in support of the Petition and from
27
28

1 submitting any signatures for verification pursuant to NRS 293.1276,
2 and any signatures previously collected are declared invalid.

3
4 **IT IS FURTHER ORDERED** and declared that Defendant Secretary
5 of State Barbara Cegavske is enjoined from placing the Petition on the
6
7 ballot.

8 **IT IS SO ORDERED.**

9
10 DATED this 25th day of April, 2022.

11
12 
13 **CHARLES M. McGEE**
14 **Senior Judge on Assignment**
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1 CERTIFICATE OF SERVICE

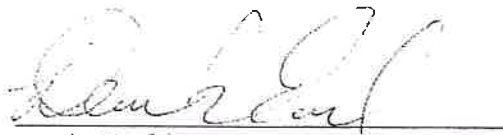
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3 on the 2nd day of April 2022, I served a copy of this document by placing a true copy
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5 Lucas Foletta, Esq.
6 100 West Liberty St. 10th Floor
7 Reno, NV 89501

8 Bradley Schrager, Esq.
9 3773 Howard Hughes Parkway,
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Las Vegas, NV 89169

Craig Newby, Esq.
State of Nevada
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10 the envelope sealed and then deposited in the Court's central mailing basket in the court
11 clerk's office for delivery to the USPS at 1111 South Roop Street, Carson City, Nevada, for
12 mailing.

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17 Devin Earl
18 Law Clerk
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FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 22 OC 00028 1B

TITLE: RORY REID AND BEVERLY ROGERS
VS BARBARA CEGAVSKE

CASE NO. 22 OC 00027 1B

TITLE: BEVERLY ROGERS AND RORY REID
VS

03/29/22 – DEPT. II – HONORABLE CHARLES MCGEE
V. Alegria, Clerk – Not Reported

EVIDENTIARY HEARING

Present: Petitioner's, via telephone, with counsel Bradley Schrager; Lucas Foletta, counsel for Intervenor; Craig Newby, via telephone, counsel for Respondent.

Statements were made by Court and counsel.

Opening statements were made by Schrager, Foletta and Newby.

Court disclosed prior acquaintance with a party involved in the School District. Upon inquiry by Court, counsel had no problem with the Court and that affiliation.

Court, Foletta and Schrager discussed unfunded mandates in the Public Education System and the Nevada Constitution article 19 section 6. Statements were made by Court, Schrager and Foletta regarding whether the disposition in one case is the disposition on the other. Schrager requested for each case to be considered but handled separately. Statements were made by Court. Matter taken under submission.

Foletta requested to proceed with today's hearing on case number 22 OC 00027 1B.

Opening Statements were made by Schrager and Foletta.

Statements were made by Court and counsel.

Matter taken under submission.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

DISTRICT COURT CIVIL COVER SHEET

Carson City County, Nevada

Case No. 22-000027-19

(Assigned by Clerk's Office)

REC'D & FILED

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

BEVERLY ROGERS, an individual; RORY REID, an individual

BARBARA CEGAVSKE, in her official
capacity as NEVADA SECRETARY OF STATE

Attorney (name/address/phone):

Attorney (name/address/phone):

Bradley S. Schrager, Esq., John Samberg, Esq., Daniel Bravo, Esq.

Unknown

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

3773 Howard Hughes Parkway, Suite 590 South Las Vegas, Nevada 89169 (702) 341-5200

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Foreclosure Mediation Assistance <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-\$20,000 <input type="checkbox"/> \$2,500 or less	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

2-22-22

Date


 Signature of initiating party or representative

See other side for family-related case filings.