

**In the
Supreme Court of the State of Nevada**

Electronically Filed
May 20 2022 02:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EDUCATION FREEDOM PAC, a
Nevada committee for political
action,

Appellant,

vs.

RORY REID, an individual;
BEVERLY ROGERS, an
individual; and BARBARA
CEGAVSKE, in her official
capacity as NEVADA SECRETARY
OF STATE,

Respondents.

Case No.: 84736

First Judicial District Court
Case No.: 22 OC 00028 1B

RESPONDENTS' MOTION FOR AN ORDER TO SHOW CAUSE

BRADLEY S. SCHRAGER, ESQ. (NSB 10217)
JOHN SAMBERG, ESQ. (NSB 10828)
DANIEL BRAVO, ESQ. (NSB 13078)
WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP
3773 Howard Hughes Parkway, Suite 590 South
Las Vegas, Nevada 89169

*Attorneys for Respondents,
Rory Reid and Beverly Rogers*

N.R.A.P. 26.1 DISCLOSURE

Pursuant to N.R.A.P. 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in N.R.A.P. 26.1(a) that must be disclosed.

DATED this 20th day of May, 2022.

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

By: /s/ Bradley S. Schrager

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MEMORANDUM OF POINTS & AUTHORITIES

Pursuant to NRAP 27, Respondents move this Court for an order to show cause, directed to Appellants, why this appeal should proceed.

Appellant filed a constitutional initiative with the Secretary of State, which the district court invalidated for numerous reasons in the order which is the subject of this appeal. That order was entered on April 19, 2022. The appeal period, therefore, ran until May 19, 2022, the day the notice of appeal was filed in district court.

This election cycle, proponents of an initiative proposing an amendment to the Nevada Constitution are required to submit 140,777 valid signatures, spread equally across four statewide petition districts, by **June 29, 2022**. That is 40 days from the time of this writing.

Appellant has been enjoined, by order of the district court, from gathering signatures since April 19, 2022. It sought no stay of the district court's order while this appeal was contemplated. There is little indication it had been gathering signatures in anything but a token effort prior to the resolution of the litigation below.

The Court should inquire as to the likelihood of Appellants gathering the required signatures in the scant time remaining to do so.

As this Court stated in *Nevada Mining Association, Inc. v. Fulkerson, et al.* Nevada Supreme Court Case No. 55732, Document No. 10-15662, wherein it asked for a showing by an initiative proponent that signatures were or could be garnered before the deadline, “This court’s duty is to decide actual controversies, not to give opinions on moot questions.” *Id.*, *1 (quoting *NCAA v. University of Nevada*, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981)).¹

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¹ Respondents draw the Court’s attention to this order merely to demonstrate the procedural propriety and precedence of the request for Appellants to show cause.

Before the Court invests its own resources in resolving this appeal, in what Appellants will surely demand be a highly expedited proceeding, Appellants should be requested to demonstrate that the effort will not shortly be mooted by the passage of time. Respondents ask the Court to issue an order to show cause to Appellants delineating the status of the signature-gathering effort to date.

Respectfully submitted,

DATED this 20th day of May, 2022.

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

By: /s/ Bradley S. Schrager

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CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of May, 2022, a true and correct copy of the **APPELLANTS' MOTION FOR AN ORDER TO SHOW CAUSE** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system:

By: /s/ Dannielle Fresquez
Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP