

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

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May 26 2022 09:07 a.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

RESPONSE TO EMERGENCY MOTION TO EXPEDITE APPEAL

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MEMORANDUM OF POINTS & AUTHORITIES

Appellants Education Freedom PAC (“EFP”) have moved this Court to resolve this appeal at breakneck speed, but their motion fails to inform on several pertinent matters.

First, the matter concerns a constitutional, not a statutory, initiative, meaning EFP could have filed their petition with the Secretary of State as early as September 1, 2021. Instead it waited a full five months to do so, until January 31, 2022, presumably knowing the timelines of signature gathering and potential legal challenges, and therefore made the crisis it complains of now.

Second, the notice of entry of appeal in this matter was filed on April 19, 2022, but EFP waited until May 19, 2022 to file its notice of appeal, a delay that now, again, manufactures a temporal crisis where none needed to exist.

Third, pending before the Court is Respondents’ motion for an order to show cause why this appeal should proceed at all, filed May 20, 2022. The deadline for submission of 140,777 valid signatures in support of EFP’s petition is now one month away, June 29, 2022, and there is no reason to believe EFP has any capacity to meet that deadline—both

because EFP started late in the process after filing their petition so late, and because they have been enjoined from gathering signatures since the district court invalidated their petition. EFP requested no stay of the order below.

EFP now demands this Court burden itself and Respondents with emergency action, but the Court is not a vehicle for advisory questions on matters that cannot be maintained as live controversies. The Court should resolve, to its satisfaction, the motion for order to show cause before entertaining a motion to expedite the appeal.

Respectfully submitted,

DATED this 26th 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 26th day of May, 2022, a true and correct copy of the **RESPONSE TO MOTION TO EXPEDITE APPEAL** 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,
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