

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

NEVADANS FOR  
REPRODUCTIVE FREEDOM, a  
political action committee,

Appellant,

vs.

DONNA WASHINGTON, an  
individual; COALITION FOR  
PARENTS AND CHILDREN, a  
political action committee; and  
FRANCISCO V. AGUILAR, in his  
official capacity as NEVADA  
SECRETARY OF STATE,

Respondents.

Electronically Filed  
Dec 08 2023 01:10 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No.: 87681

First Judicial District Court  
Case No.: 23 OC 00115 1B

**APPELLANT'S MOTION FOR  
EXPEDITED CONSIDERATION OF APPEAL**

BRADLEY S. SCHRAGER, ESQ. (NSB 10217)

DANIEL BRAVO, ESQ. (NSB 13078)

**BRAVO SCHRAGER LLP**

6675 S. Tenaya Way, Suite 200

Las Vegas, Nevada 89113

*(additional counsel on following page)*

ELISABETH C. FROST, ESQ. (*pro hac vice forthcoming*)

DAVID R. FOX, ESQ. (NSB 16536)

DANIEL J. COHEN, ESQ. (*pro hac vice forthcoming*)

**ELIAS LAW GROUP LLP**

250 Massachusetts Avenue NW, Suite 400

Washington, D.C. 20001

JONATHAN P. HAWLEY, ESQ. (*pro hac vice forthcoming*)

**ELIAS LAW GROUP LLP**

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

*Attorneys for Appellant*

### **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.

The following law firms have appeared and/or are expected to appear in this Court on behalf of Appellant:

Bradley Schrager, Esq. and Daniel Bravo, Esq. of Bravo Schrager LLP.

Elisabeth C. Frost, Esq.; David R. Fox, Esq.; Daniel J. Cohen. Esq.; and Jonathan P. Hawley, Esq. of Elias Law Group LLP.

Dated this 8th day of December, 2023.

### **BRAVO SCHRAGER LLP**

By: /s/ Bradley S. Schrager  
Bradley S. Schrager, Esq. (NSB 10217)  
Daniel Bravo, Esq. (NSB 13078)  
6675 South Tenaya Way, Suite 200  
Las Vegas, Nevada 89113  
Tele.: (702) 996-1724  
Email: [bradley@bravoschrager.com](mailto:bradley@bravoschrager.com)  
Email: [daniel@bravoschrager.com](mailto:daniel@bravoschrager.com)

Elisabeth C. Frost, Esq. (*pro hac vice  
forthcoming*)

David R. Fox, Esq. (NSB 16536)

Daniel J. Cohen, Esq. (*pro hac vice  
forthcoming*)

**ELIAS LAW GROUP LLP**

250 Massachusetts Avenue NW, Suite 400  
Washington, D.C. 20001

Tele.: (202) 968-4490

Email: efrost@elias.law

Email: dfox@elias.law

Email: dcohen@elias.law

Jonathan P. Hawley, Esq. (*pro hac vice  
forthcoming*)

**ELIAS LAW GROUP LLP**

1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101

Tele: (206) 656-0179

Email: jhawley@elias.law

*Attorneys for Appellant*

Appellant Nevadans for Reproductive Freedom, a political action committee, respectfully requests that this Court expedite the consideration and resolution of this appeal so that it can be decided in time to qualify Initiative Petition C-01-2023, which is the subject matter of the appeal, for the 2024 general election. This motion is based on the following Memorandum of Points and Authorities and the papers on file with this Court.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. INTRODUCTION**

On September 14, 2023, Lindsey Harmon, on behalf of Appellant Nevadans for Reproductive Freedom, filed Initiative Petition C-01-2023 (the “Petition”). The Petition seeks to add a new section to Article I of the Nevada Constitution establishing a fundamental right to reproductive freedom.

On October 5, 2023, Respondents Donna Washington and Coalition for Parents And Children initiated the underlying action by filing a complaint pursuant to NRS 295.061.

On November 21, 2023, the district court issued its order granting declaratory and injunctive relief, declaring that the Petition was invalid

under Nevada law and enjoining the Nevada Secretary of State from placing the Petition on the 2024 general-election ballot. Appellant timely filed an appeal on November 30.

## II. ARGUMENT

The People's power to legislate by initiative and referendum petitions is "one of the basic powers enumerated in this state's constitution." *Nevadans for Prot. of Prop. Rts., Inc. v. Heller*, 122 Nev. 894, 912, 141 P.3d 1235, 1247 (2006) (quoting *Univ. & Cmty. Coll. Sys. v. Nevadans for Sound Gov't*, 120 Nev. 712, 734, 100 P.3d 179, 195 (2004) (per curiam)). For that reason, this Court has "ma[de] every effort to sustain and preserve the people's constitutional right to amend their constitution through the initiative process." *Id.*, 141 P.3d at 1247.

One of the factors that can potentially limit the constitutional right to qualify referendum petitions is a short timeframe between the date a petition can be placed on file with the Secretary of State and the date by which signatures must be submitted for verification—compression that is exacerbated when a legal challenge to the petition is filed. Here, to qualify the Petition for the 2024 general-election ballot, a number of valid signatures equal to at least 10% of the number of voters who voted at the

last general election must be collected and submitted to the various county clerks and registrars of voters by *June 26, 2024*. See Nev. Const. art. 19, § 1(2); N.R.S. 295.056. Appellant therefore asks this Court for expedited consideration of this appeal given the short timeframe to collect signatures.

This Court has recognized on numerous occasions the need for prompt resolution of appeals regarding initiative and referendum petitions by granting motions to expedite. See, e.g., *Helton v. Nev. Voters First PAC*, Docket No. 84110 (2022) (granting motion to expedite and setting briefing schedule); *Prevent Sanctuary Cities v. Haley*, Docket No. 74966 (2018) (granting motion to expedite and setting briefing schedule); *Coal. for Nev.'s Future v. RIP Com. Tax, Inc.*, Docket No. 69501 (2016) (granting motion to expedite); *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, Docket No. 61996 (2013) (issuing order to show cause why matter should not be decided on district court record).

This appeal merits the same expediency. Accordingly, Appellant asks this Court to process this appeal on an expedited basis, including the consideration and resolution of the matter on the district court record if this Court deems it appropriate to do so. If the Court declines to

consider the matter on the district court record, Appellant proposes the following schedule for submission of briefs and hearing of oral arguments:

1. Appellant will file its Opening Brief and the entire record before the district court by December 8, 2023.
2. Respondents will file their respective Answering Briefs by December 22, 2023.
3. Appellant will file its Reply Brief by December 29, 2023.
4. Appellant respectfully asks the Court for placement on the January 2024 argument calendar, or as soon thereafter as the Court's docket permits.

Each of the parties briefed the issues in this appeal before the district court. Accordingly, these expedited schedules do not impose any undue hardship on the parties.

Dated this 8th day of December, 2023.

**BRAVO SCHRAGER LLP**

By:           /s/ Bradley S. Schrager            
Bradley S. Schrager, Esq. (NSB 10217)  
Daniel Bravo, Esq. (NSB 13078)  
6675 South Tenaya Way, Suite 200  
Las Vegas, Nevada 89113



Elisabeth C. Frost, Esq.  
*(pro hac vice forthcoming)*  
David R. Fox, Esq. (NSB 16536)  
Daniel J. Cohen, Esq.  
*(pro hac vice forthcoming)*  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Avenue NW, Suite 400  
Washington, D.C. 20001

Jonathan P. Hawley, Esq.  
*(pro hac vice forthcoming)*  
**ELIAS LAW GROUP LLP**  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101

*Attorneys for Appellant*

## **CERTIFICATE OF COMPLIANCE**

1. I certify that this Motion complies with the formatting requirements of N.R.A.P. 32(a)(4), the typeface requirements of N.R.A.P. 32(a)(5) and the type style requirements of N.R.A.P. 32(a)(6) because it has been prepared in a proportionally-spaced typeface, size 14, Century Schoolbook.

2. I further certify that this Motion complies with the type-volume limitations of N.R.A.P. 32(a)(7) because, excluding the parts of the Motion exempted by N.R.A.P. 32(a)(7)(C), it contains 795 words.

3. Finally, I hereby certify that I have read this Motion, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Motion complies with all applicable Nevada Rules of Appellate Procedure, in particular N.R.A.P. 28(e)(1), which requires every assertion in the Motion regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to

///

///

sanctions in the event that the Motion is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 8th day of December, 2023.

**BRAVO SCHRAGER LLP**

By: /s/ Bradley S. Schrager  
Bradley S. Schrager, Esq. (NSB 10217)  
Daniel Bravo, Esq. (NSB 13078)  
6675 South Tenaya Way, Suite 200  
Las Vegas, Nevada 89113  
Tele.: (702) 996-1724  
Email: bradley@bravoschrager.com  
Email: daniel@bravoschrager.com

Elisabeth C. Frost, Esq.  
(*pro hac vice forthcoming*)  
David R. Fox, Esq. (NSB 16536)  
Daniel J. Cohen, Esq.  
(*pro hac vice forthcoming*)  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Avenue NW, Suite 400  
Washington, D.C. 20001  
Tele.: (202) 968-4490  
Email: efrost@elias.law  
Email: dfox@elias.law  
Email: dcohen@elias.law

Jonathan P. Hawley, Esq.  
(*pro hac vice forthcoming*)  
**ELIAS LAW GROUP LLP**  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
Tele: (206) 656-0179  
Email: jhawley@elias.law

*Attorneys for Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of December, 2023, a true and correct copy of **APPELLANT’S MOTION FOR EXPEDITED CONSIDERATION OF 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  
BRAVO SCHRAGER LLP