

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

NEVADANS FOR
REPRODUCTIVE
FREEDOM, A POLITICAL
ACTION COMMITTEE,

Appellant,

v.

DONNA WASHINGTON,
AN INDIVIDUAL;
COALITION FOR
PARENTS AND
CHILDREN, A POLITICAL
ACTION COMMITTEE,
AND FRANCISCO V.
AGUILAR, IN HIS
OFFICIAL CAPACITY AS
THE NEVADA
SECRETARY OF STATE,

Respondents.

Docket No. 87681

LIMITED OPPOSITION TO
APPELLANT'S MOTION FOR
EXPEDITED CONSIDERATION
OF APPEAL

Respondents Donna Washington and Coalition for Parents and Children ("Respondents"), by and through counsel of record Jason D. Guinasso, Esq., of the law firm Hutchison & Steffen, PLLC, hereby submit,

pursuant to Nevada Rule of Appellate Procedure (“NRAP”) 2, this Limited Opposition to Appellant Nevadans for Reproductive Freedom’s (“Appellant”) Motion for Expedited Consideration of Appeal, which was filed in this Court on December 8, 2023. While Respondents do not object to expediting this appeal, the schedule proposed by Appellant cannot be accommodated by undersigned counsel for two reasons.

First, undersigned counsel is unavailable for oral argument in January 2024. This is because undersigned counsel will be out of the United States in January 2024 due to a preexisting obligation that cannot be moved. Thus, undersigned counsel asks for Oral Argument to be set in February 2024 or as soon thereafter as this Court’s docket will permit.

Second, Appellant’s proposed expedited briefing schedule gives Respondents only 14 days to prepare an Answering Brief in this complex matter during holiday season. Respondents ask for a full 30 days to brief this matter given the voluminous nature of Appellant’s Opening Brief. Appellant filed a 49-page Opening Brief and Respondents need more time to file an Answering Brief. Thus, Respondents ask this Court to order that Respondents have up to and including January 8, 2024, to file the Answering Brief.

NRAP 2 provides that “[o]n the court’s own or a party’s motion, the court *may*—to expedite its decision or for other good cause—suspend any provision of these Rules in a particular case and order proceedings as the court direct” (Emphasis added.) Here, this Court should exercise its discretion to modify the expedited briefing schedule set forth by Appellant.

Appellant concedes that it has up to and including June 26, 2024, to collect signatures if the district court’s decision to invalidate Initiative Petition C-01-2023 (the “Petition”) is reversed on appeal. Thus, *if* this Court rendered relief to Appellant in April, there would still be two months to collect signatures for the Petition. Thus, oral argument can realistically take place in February 2024 and still give the Appellant time to collect signatures *if* it prevails on appeal.

Second, Appellant already filed a new Notice of Intent to Circulate Initiative Petition C-05-2023 (the “New Petition”) with the Secretary of State on December 6, 2023. The New Petition removes material from the Petition that the district court found to be unlawful under NRS Chapter 295. Thus, as of December 6, 2023, Appellant can collect signatures on the New Petition. Due to the filing of the New Petition, extending the briefing deadlines as described herein will not prejudice Appellant.

By attempting to mandate that Respondents file an Answering Brief to a 48-page Opening Brief in only 14 days, Appellant is effectively placing an undue hardship on Respondents. This is unfair, and additional time is needed for the briefing, especially given the holiday season. Moreover, it is necessary to repeat that undersigned counsel is unavailable in January.

In sum, Respondents respectfully ask for this expedited schedule:

(1) Respondents will file their Answering Briefs up to and including January 8, 2023.

(2) Appellant will file its Reply Brief by January 15, 2023.

(3) Respondents respectfully ask this Court to place this appeal on the February 2024 argument calendar, or as soon thereafter as the Court's docket may permit.

DATED: December 13, 2023.

HUTCHISON & STEFFEN, PLLC

By: /s/ Jason D. Guinasso

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Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that that this LIMITED OPPOSITION TO 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.

DATED: December 13, 2023.

HUTCHISON & STEFFEN, PLLC

By: /s/ Anthea Kruik
An employee of Hutchison & Steffen, PLLC