**IN THE SUPREME COURT**
**OF THE STATE OF NEVADA**

* * * * *

JOHN DOE,

*Petitioner,*

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE; and THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE, DEPT. 15,

*Respondents,*

and,

HILLARY SCHIEVE; VAUGHN HARTUNG, DAVID MCNEELY; and 5 ALPHA INDUSTRIES, LLC.

*Real Parties in Interest.*

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Clerk of Supreme Court

Case No.: 89277

District Court Case No.: CV22-02015

# OPPOSITION TO PETITIONER JOHN DOE'S EMERGENCY MOTION FOR STAY OF REMITTITUR UNDER NRAP 41(D)(3)

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*Hillary Schieve and Vaughn Hartung*

Real Parties in Interest Hillary Schieve ("Schieve") and Vaughn Hartung ("Hartung") hereby submit this *Opposition to Petitioner John Doe's Emergency Motion for Stay of Remittitur Under NRAP 41(D)(3)* ("Motion") filed April 25, 2025.

**MEMORANDUM OF POINTS AND AUTHORITIES**

This case has been stayed or effectively stayed for nearly two and a half years due to John Doe's futile efforts to remain anonymous. The Court should deny John Doe's request for a further stay based on his potential application for certiorari to the United States Supreme Court. Under NRAP 41(d)(3), John Doe's motion to stay must establish "good cause for a stay and that the petition would present a substantial federal question." He cannot satisfy either factor.

First, as to good cause, John Doe simply avers that absent a stay "no court will be able to remedy his injury." Mot. 6. Yet John Doe fails to identify any actual injury. To date, John Doe has still not articulated an actual basis for needing to remain anonymous that would not also be the same for any other litigant.

Second, as to whether this case presents a substantial federal question, this Court already held unanimously in an en banc decision

that "the conduct at issue was non-expressive in nature and not subject to First Amendment protection." John Doe should not be permitted to stay proceedings by inventing a federal question where one does not actually exist.

Finally, to the extent that the Court does find that a stay is warranted under NRAP 41(d)(3), then at a minimum it should still issue remittitur immediately if John Doe does not file the petition for writ of certiorari by May 19, 2025 as he has represented to the Court.

DATED: May 2, 2025.

McDONALD CARANO LLP

By */s/ Adam Hosmer-Henner*

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## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP and that on May 2, 2025, I served the foregoing document on the parties in said case by electronically filing via the Court's e-filing system.

DATED: May 2, 2025.

By: */s/ Adam Hosmer-Henner*
An Employee of McDonald Carano