

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAN SCHWARTZ, NEVADA  
STATE TREASURER, in his official  
capacity,

Appellant,

vs

HELLEN QUAN LOPEZ, individually  
and on behalf of her minor child, C.Q;  
MICHELLE GORELOW, individually  
and on behalf of her minor children,  
A.G. and H.G.; ELECTRA  
SKRYZDLEWSKI, individually and  
on behalf of her minor child, L.M.;  
JENNIFER CARR, individually and on  
behalf of her minor children, W.C.,  
A.C., and E.C.; LINDA JOHNSON,  
individually and on behalf of her minor  
child, K.J.; SARAH and BRIAN  
SOLOMON, individually and on  
behalf of their minor children, D.S. and  
K.S.,

Respondents.

Supreme Court Case No. 69611

Electronically Filed  
Mar 15 2016 02:25 p.m.

Tracie K. Lindeman  
Clerk of Supreme Court

First Judicial District Court

Case No. 15-0C-0020701-B

**AMICI AIMEE HAIRR, AURORA  
ESPINOZA, ELIZABETH ROBBINS,  
LARA ALLEN, JEFFREY SMITH,  
and TRINA SMITH'S MOTION TO  
ASSOCIATE COUNSEL**

MATTHEW T. DUSHOFF, ESQ.

Nevada Bar No. 004975

LISA J. ZASTROW, ESQ.

Nevada Bar No. 009727

**KOLESAR & LEATHAM**

400 S. Rampart Blvd., Ste. 400, Las Vegas, Nevada 89145

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[mdushoff@klnevada.com](mailto:mdushoff@klnevada.com)

[lzastrow@klnevada.com](mailto:lzastrow@klnevada.com)

Attorneys for Amici Aimee Hairr; Aurora Espinoza; Elizabeth Robbins; Lara Allen;  
Jeffrey Smith; and Trina Smith

Amici Lara Allen; Aurora Espinoza; Aimee Hairr; Elizabeth Robbins; and Jeffrey and Trina Smith, hereby move the Court for an order permitting Timothy D. Keller, Esq., an attorney with the Institute for Justice, to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (“SCR 42”). This motion is supported by the attached Verified Application for Association of Counsel (attached as **Exhibit “A”**), Certificate of Good Standing from the State Bar of Arizona (attached as **Exhibit “B”**), and the “State Bar of Nevada Statement” (attached as **Exhibit “C”**). Also attached to this motion is a “[Proposed] Order Admitting to Practice” (attached as **Exhibit “D”**).

DATED this 15th day of March, 2016.

**KOLESAR & LEATHAM**

/s/ Lisa J. Zastrow, Esq.

MATTHEW T. DUSHOFF, ESQ.

Nevada Bar No. 004975

LISA J. ZASTROW, ESQ.

Nevada Bar No. 009727

400 S. Rampart Blvd., Ste. 400

Las Vegas, Nevada 89145

Telephone: (702) 362-7800

Facsimile: (702) 362-9472

Attorneys for Amici Aimee Hairr; Aurora  
Espinoza; Elizabeth Robbins; Lara Allen;  
Jeffrey Smith; and Trina Smith

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Kolesar & Leatham, and that on the 15th day of March, 2016, I caused to be served a true and correct copy of the foregoing **AMICI AIMEE HAIRR; AURORA ESPINOZA; ELIZABETH ROBBINS; LARA ALLEN; JEFFREY SMITH; and TRINA SMITH's MOTION TO ASSOCIATE COUNSEL** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Rule 5(D) of the Nevada Rules of Civil Procedure, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to the parties listed below at their last-known mailing addresses, on the date above written:

Adam Paul Laxalt, Esq.  
Lawrence VanDyke, Esq.  
Joseph Tartakovsky, Esq.  
Ketan Bhirud, Esq.  
**OFFICE OF THE ATTORNEY GENERAL**  
100 N. Carson Street  
Carson City, Nevada 89701  
Telephone: (775) 684-1100  
Email: [lvandyke@ag.nv.gov](mailto:lvandyke@ag.nv.gov)  
[jtartakovsky@ag.nv.gov](mailto:jtartakovsky@ag.nv.gov)  
[kbhirud@ag.nv.gov](mailto:kbhirud@ag.nv.gov)  
*Attorneys for Defendants*

Tamerlin J. Godley, Esq.  
Thomas Paul Clancy, Esq.  
Laura E. Mathe, Esq.  
Samuel T. Boyd, Esq.  
**MUNGER, TOLLES & OLSON LLP**  
355 South Grand Avenue, 35<sup>th</sup> Floor  
Los Angeles, CA 90071-1560

First Judicial District Court  
885 E. Musser St., Ste. 3031  
Carson City, Nevada 89701  
Attention: Honorable Judge James E. Wilson  
**VIA U.S. CERTIFIED MAIL – RETURN RECEIPT**

Don Springmeyer, Esq.  
Justin C. Jones, Esq.  
Bradley S. Schrager, Esq.  
Wolf, Rifkin, Shapiro et al.  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120  
Email: [dspringmeyer@wrslawyers.com](mailto:dspringmeyer@wrslawyers.com)  
[bschrager@wrslawyers.com](mailto:bschrager@wrslawyers.com)  
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David G. Sciarra, Esq.  
Amanda Morgan, Esq.  
Education Law Center  
60 Park Place, Suite 300  
Newark, NJ 07102

*Attorneys for Plaintiffs*

---

An Employee of KOLESAR & LEATHAM

**EXHIBIT A**

**EXHIBIT A**

Timothy D. Keller  
(AZ Bar No. 019844)  
**INSTITUTE FOR JUSTICE**  
398 South Mill Avenue, Suite 301  
Tempe, AZ 85281  
Telephone: 480.557.8300  
Email: tkeller@ij.org

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

DAN SCHWARTZ, NEVADA  
STATE TREASURER, in his official  
capacity,

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vs

HELLEN QUAN LOPEZ, individually  
and on behalf of her minor child, C.Q;  
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SOLOMON, individually and on  
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K.S.,

Respondents.

**Supreme Court Case No. 69611**

First Judicial District Court

Case No. 15-0C-0020701-B

**VERIFIED APPLICATION FOR  
ASSOCIATION OF COUNSEL  
UNDER NEVADA SUPREME  
COURT RULE 42**

**VERIFIED APPLICATION FOR ASSOCIATION  
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

Timothy David Keller, Petitioner, respectfully represents:  
First Middle Name Last

1. Petitioner resides at 2411 E. Coconino Dr.  
Street Address  
Chandler, Maricopa, AZ, 85249  
City County State Zip Code  
(480 ) 250-7149  
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Institute for Justice  
with offices at 398 S. Mill Ave., Ste. 301  
Street Address  
Tempe, Maricopa, AZ, 85281  
City County State Zip Code  
(480 ) 557-8300, tkeller@ij.org  
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Lara Allen, Aimee Hairr, Elizabeth Robbins, Aurora Espinoza, Jeffrey and Trina Smith to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since October 25 of 1999, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Arizona where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

U.S. Supreme Court

March 24, 2003

U.S. Court of Appeals – 9<sup>th</sup> Circuit

April 20, 2005

U.S. District Court of Arizona

June 16, 2003

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>September 14, 2015</u>	<u>Lopez v. Schwartz</u>	<u>First Judicial Dist. Court of Nevada</u>	<u>Denied</u>
<u>September 1, 2015</u>	<u>Duncan v. State of Nevada</u>	<u>Clark County Dist. Court</u>	<u>Granted</u>

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:  
(must be the same as the signature on the Nevada Counsel consent page)

<u>Lisa</u>	<u>J.</u>	<u>Zastrow</u>	<u>009727</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Kolesar & Leatham,  
Firm Name/Company

<u>400 S. Rampart Blvd., Ste. 400</u>	<u>Las Vegas</u>	<u>Clark</u>
Street Address	City	County

<u>89145</u>	<u>( 702 ) 362-7800</u>
Zip Code	Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each



counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

See attached Exhibit 1.

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14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Timothy D. Keller, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained

therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;

(E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and

(F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 2nd day of February, 2016

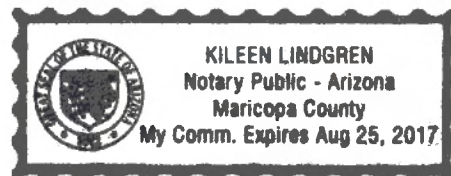
[Signature]  
Petitioner/Affiant

If this signature is not in blue ink, you have a copy.

STATE OF Arizona )  
COUNTY OF Maricopa ) ss

Subscribed and sworn to before me

this 2nd day of February, 2016  
[Signature]  
Notary Public



## DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I, Lisa J. Zastrow, hereby agree to associate with Petitioner referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 16<sup>th</sup> day of March, 20 16

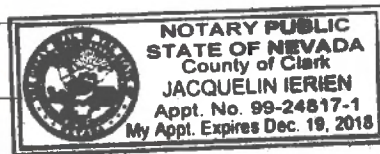
[Signature]  
Nevada Counsel of Record (blue ink)

STATE OF Nevada )  
COUNTY OF Clark ) ss

Subscribed and sworn to before me

this 16<sup>th</sup> day of March, 20 16

[Signature]  
Notary Public



# Exhibit 1

In response to Section 13 above, to the best of our ability, the names and addresses of each party and associated counsel are provided below:

Plaintiffs

Hellen Quan Lopez  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120

Michelle Gorelow  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120

Electra Skryzdlewski  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120

Jennifer Carr  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120

Linda Johnson  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120

Sarah and Brian Solomon  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120

Don Springmeyer  
Justin C. Jones  
Bradley S. Schrager  
Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP  
3556 E. Russell Road, Second Floor  
Las Vegas, NV 89120  
*Attorneys for Plaintiffs*

Tamerlin J. Godley  
Thomas Paul Clancy  
Laura E. Mathe  
Samuel T. Boyd  
**MUNGER, TOLLES & OLSON LLP**  
355 South Grand Avenue, Thirty-Fifth Floor  
Los Angeles, CA 90071  
*Attorneys for Plaintiffs*

David G. Sciarra  
Amanda Morgan  
Education Law Center  
60 Park Place, Suite 300  
Newark, NJ 07102  
*Attorneys for Plaintiffs*

Defendant

Dan Schwartz, Nevada State Treasurer  
Office of the State Treasurer of Nevada  
101 N. Carson Street, Suite 4  
Carson City, NV 89701

Adam Paul Laxalt  
Lawrence VanDyke  
Ketan Bhirud  
**OFFICE OF THE ATTORNEY GENERAL**  
100 N. Carson Street  
Carson City, Nevada 89701  
Telephone: (775) 684-1100  
Email: lvandyke@ag.nv.gov  
jtartakovsky@ag.nv.gov  
kbhirud@ag.nv.gov  
*Attorneys for Defendants*

# **EXHIBIT B**

**EXHIBIT B**

**CERTIFICATE OF THE CLERK OF THE SUPREME COURT  
OF THE  
STATE OF ARIZONA**

---

*I, Janet Johnson, Clerk of the Supreme Court of the State of Arizona, hereby certify that,  
according to the records of my office and upon the recommendation of the Disciplinary  
Clerk of the Supreme Court of Arizona*

***TIMOTHY DAVID KELLER***

*was on the 25th day of October, 1999 duly admitted to practice as an Attorney and  
Counselor at Law in all the courts of Arizona; that no disciplinary proceedings are  
pending against this attorney in the Arizona Supreme Court as of the date of this  
certificate; and that this name now appears on the Roll of Attorneys in this office as an  
active member of the Bar in good standing.*



*Given under my hand and the seal of  
said Court this 9th day of March,  
2016.*

*JANET JOHNSON, Clerk*

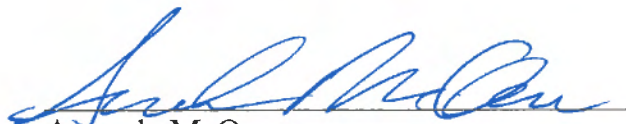
By *Allison D. Carro*  
*Allison D. Carro*  
*Deputy Clerk Specialist*



CERTIFICATE OF GOOD STANDING  
ISSUED BY THE DISCIPLINARY CLERK  
FOR AND ON BEHALF OF  
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **TIMOTHY DAVID KELLER** was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on October 25, 1999 and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.

Given under the seal of the Disciplinary  
Clerk of the Supreme Court of Arizona  
this March 9, 2016.



Amanda McQueen  
Disciplinary Clerk

**EXHIBIT C**

**EXHIBIT C**

1 STAT

2 SUPREME COURT OF NEVADA

3 Case No. 69611

4  
5 Aimee Hairr

6 vs.

7 The First Judicial District  
8 Court of the State of Nevada

9 \_\_\_\_\_ /  
10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE  
11 42(3)(b)

12 THE STATE BAR OF NEVADA, in response to the application of  
13 Petitioner, submits the following statement pursuant to SCR42(3):

14 SCR42(6)**Discretion.** The granting or denial of a motion to associate  
15 counsel pursuant to this rule by the court is discretionary. The  
16 court, arbitrator, mediator, or administrative or governmental  
17 hearing officer may revoke the authority of the person permitted to  
18 appear under this rule. Absent special circumstances, repeated  
19 appearances by any person or firm of attorneys pursuant to this rule  
20 shall be cause for denial of the motion to associate such person.

18 (a) **Limitation.** It shall be presumed, absent special  
19 circumstances, and only upon showing of good cause, that  
20 more than 5 appearances by any attorney granted under  
21 this rule in a 3-year period is excessive use of this  
22 rule.

21 (b) **Burden on applicant.** The applicant shall have the  
22 burden to establish special circumstances and good cause  
23 for an appearance in excess of the limitation set forth  
24 in subsection 6(a) of this rule. The applicant shall set  
25 forth the special circumstances and good cause in an  
26 affidavit attached to the original verified application.

25 1. DATE OF APPLICATION: March 11, 2016

26 2. APPLYING ATTORNEY: Timothy David Keller, Esq.

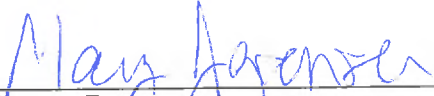
27 3. FIRM NAME AND ADDRESS: Institute for Justice, 398 S. Mill  
28 Avenue, Suite 301, Tempe, AZ 85281

1 4. NEVADA COUNSEL OF RECORD: Lisa J. Zastrow, Esq., Kolesar &  
2 Leatham, 400 S Rampart Blvd, Suite 400, Las Vegas, NV 89145

3 5. In addition to the present application, petitioner made the  
4 following previous applications within the last three years:

5 09/11/2015          ADMISSION STATUS NOT REPORTED TO THE STATE BAR  
6 09/15/2015          ADMISSION STATUS NOT REPORTED TO THE STATE BAR

7 DATED this March 15, 2016

8  
9   
10 Mary Jorgensen  
11 Member Services Manager  
12 Pro Hac Vice Processor  
13 STATE BAR OF NEVADA  
14  
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**EXHIBIT D**

**EXHIBIT D**

MATTHEW T. DUSHOFF, ESQ.  
Nevada Bar No. 004975  
LISA J. ZASTROW, ESQ.  
Nevada Bar No. 009727  
**KOLESAR & LEATHAM**  
400 S. Rampart Blvd., Ste. 400  
Las Vegas, Nevada 89145  
Telephone: (702) 362-7800  
[mdushoff@klnevada.com](mailto:mdushoff@klnevada.com)  
[lzastrow@klnevada.com](mailto:lzastrow@klnevada.com)  
Attorneys for Petitioners

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TREASURER, in his official capacity,

Appellant.

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GORELOW, individually and on behalf of her  
minor children, A.G. and H.G.; ELECTRA  
SKRYZDLEWSKI, individually and on behalf  
of her minor child, L.M.; JENNIFER CARR,  
individually and on behalf of her minor  
children, W.C., A.C., and E.C.; LINDA  
JOHNSON, individually and on behalf of her  
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SOLOMON, individually and on behalf of their  
minor children, D.S. and K.S.,

Respondents.

**Supreme Court Case No.  
69611**

First Judicial District Court  
Case No. 15-0C-0020701-B

**[PROPOSED] ORDER  
ADMITTING TO  
PRACTICE**

**ORDER ADMITTING TO PRACTICE**

TIMOTHY D. KELLER, ESQ., having filed his Motion to Associate  
Counsel under Nevada Supreme Court Rule 42, together with a Verified  
Application for Association of Counsel, a Certificate of Good Standing for the  
state of Arizona, and the State Bar of Nevada Statement; said application having

been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and TIMOTHY D. KELLER, ESQ. is hereby admitted to practice in the above-entitled Court for the purposes of the above entitled matter only.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

---

DISTRICT JUDGE

Submitted by:  
**KOLESAR & LEATHAM**

/s/ Lisa J. Zastrow, Esq.

LISA J. ZASTROW, ESQ.

Nevada Bar No. 009727

400 S. Rampart Blvd., Ste. 400

Las Vegas, Nevada 89145

Telephone: (702) 362-7800

Facsimile: (702) 362-9472

Attorneys for Petitioners