

IN THE SUPREME COURT OF THE STATE OF NEVADA

 Electronically Filed
 Mar 30 2016 11:40 a.m.
 Tracie K. Lindeman
 Clerk of Supreme Court

WARTZ, in his capacity)

DAN SCHWARTZ, in his capacity
as Treasurer of the State of Nevada,

Appellant,

V.

HELLEN QUAN LOPEZ, *et al.*,

Respondents.

Supreme Court No.: 69611

Dist. Ct. No.: 15-OC-00207-1B

**NOTICE PURSUANT TO
NRAP 29(a) OF PARTIES’
CONSENT TO FILING OF
AMICUS BRIEF**

Francis C. Flaherty, Bar No. 5303
Casey A. Gillham, Bar No. 11971
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*Attorneys for Amici Curiae Nevada State
Education Association and National
Education Association*

COME NOW, *Amici Curiae* Nevada State Education Association and National Education Association by and through their attorneys of record, and submit this Notice pursuant to Nevada Rule of Appellate Procedure 29(a) that the parties to the above captioned matter have consented in writing to the filing of the *Amicus* brief, filed contemporaneously herewith, by *Amici*. A true and correct copy of the emails wherein such written consent is documented are attached hereto as Exhibits A, B and C.

DATED this 29th day of March, 2016



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*Attorneys for Amici Curiae Nevada State
Education Association and National
Education Association*

CERTIFICATE OF SERVICE

I hereby certify pursuant to NRCP 5(b) that, on this 29th day of March, 2016, I caused the foregoing NOTICE PURSUANT TO NRAP 29(a) OF PARTIES' CONSENT TO FILING OF *AMICUS* BRIEF to be electronically filed with the Court and, therefore, to be served by way of the Court's eFlex electronic filing system to the parties listed below:

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jjones@wrslawyers.com
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Attorneys for Amici Curiae Aimee Hairr, Aurora Espinoza, Elizabeth Robbins, Lara Allen, Jeffrey Smith and Trina Smith

And to be served by causing the same to be deposited in the U.S. Mail, first class postage prepaid and, for those for whom email addresses are indicated below, to be sent electronically to the following:

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Laura E. Mathe
Samuel T. Boyd
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Francis C. Flaherty

EXHIBIT "A"

EXHIBIT "A"

EXHIBIT "A"

Frank Flaherty

From: Lawrence VanDyke <LVanDyke@ag.nv.gov>
Sent: Friday, March 25, 2016 1:57 PM
To: Frank Flaherty; Joseph F. Tartakovsky; Don Springmeyer
Cc: Casey Gillham; Ketan D. Bhirud; Jordan T. Smith
Subject: RE: Amicus Brief; Schwartz v. Lopez

Thank you Frank. We do not object as long as your brief is filed no later than March 29th.

Have a great weekend.

Lawrence VanDyke
Nevada Solicitor General

100 North Carson Street
Carson City, Nevada 89701
T: (775) 684-1233 • LVanDyke@ag.nv.gov

From: Frank Flaherty [<mailto:FFlaherty@dyerlawrence.com>]
Sent: Thursday, March 24, 2016 4:32 PM
To: Lawrence VanDyke; Joseph F. Tartakovsky; Don Springmeyer
Cc: Casey Gillham
Subject: RE: Amicus Brief; Schwartz v. Lopez

We will file no later than March 29th.

Francis C. Flaherty
Dyer-Lawrence Law Firm
2805 Mountain Street
Carson City, Nevada 89703
(775) 885-1896
FAX: (775) 885-8728

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From: Lawrence VanDyke [<mailto:LVanDyke@ag.nv.gov>]
Sent: Thursday, March 24, 2016 4:19 PM
To: Frank Flaherty; Joseph F. Tartakovsky; Don Springmeyer
Cc: Casey Gillham
Subject: RE: Amicus Brief; Schwartz v. Lopez

Frank – when do you plan to file? I ask because, as you probably know, this case is on an expedited briefing schedule and our biggest concern is whether your brief would prejudice us in our ability to both stick to the expedited briefing schedule and have adequate time to address and respond to any points made in your amicus.

From: Frank Flaherty [<mailto:FFlaherty@dyerlawrence.com>]
Sent: Thursday, March 24, 2016 3:29 PM
To: Lawrence VanDyke; Joseph F. Tartakovsky; Don Springmeyer
Cc: Casey Gillham
Subject: Amicus Brief; Schwartz v. Lopez

Gentlemen:

I send this email pursuant to NRAP 29(a) to ask if your clients will consent to the Nevada State Education Association and the National Education Association filing an amicus brief in support of Respondents in this matter.

Please advise; thank you.

Frank Flaherty

Francis C. Flaherty
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EXHIBIT "B"

EXHIBIT "B"

EXHIBIT "B"

Frank Flaherty

From: Don Springmeyer <DSpringmeyer@wrslawyers.com>
Sent: Thursday, March 24, 2016 5:00 PM
To: Frank Flaherty
Cc: Lawrence VanDyke; Joseph F. Tartakovsky; Casey Gillham
Subject: Re: [Respondents' Consent] Amicus Brief; Schwartz v. Lopez

Frank,

We consent.

Don

On Mar 24, 2016, at 4:31 PM, Frank Flaherty <FFlaherty@dyerlawrence.com> wrote:

We will file no later than March 29th.

Francis C. Flaherty
Dyer-Lawrence Law Firm
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From: Lawrence VanDyke [<mailto:LVanDyke@ag.nv.gov>]
Sent: Thursday, March 24, 2016 4:19 PM
To: Frank Flaherty; Joseph F. Tartakovsky; Don Springmeyer
Cc: Casey Gillham
Subject: RE: Amicus Brief; Schwartz v. Lopez

Frank – when do you plan to file? I ask because, as you probably know, this case is on an expedited briefing schedule and our biggest concern is whether your brief would prejudice us in our ability to both stick to the expedited briefing schedule and have adequate time to address and respond to any points made in your amicus.

From: Frank Flaherty [<mailto:FFlaherty@dyerlawrence.com>]
Sent: Thursday, March 24, 2016 3:29 PM
To: Lawrence VanDyke; Joseph F. Tartakovsky; Don Springmeyer
Cc: Casey Gillham
Subject: Amicus Brief; Schwartz v. Lopez

Gentlemen:

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Please advise; thank you.

Frank Flaherty

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EXHIBIT "C"

EXHIBIT "C"

EXHIBIT "C"

Frank Flaherty

From: Hollar, Kristen [NEA] <KHollar@nea.org>
Sent: Monday, March 28, 2016 10:28 AM
To: Frank Flaherty; Sue Matuska; Casey Gillham
Subject: FW: Consent for Amicus

FYI.

--

Kristen L. Hollar
Staff Counsel
National Education Association
1201 16th Street, N.W.
Washington, DC 20036
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Fax: (202) 822-7033
khollar@nea.org

From: David Sciarra [<mailto:DSciarra@EdlawCenter.org>]
Sent: Monday, March 28, 2016 12:42 PM
To: Tamerlin.Godley@mto.com; Hollar, Kristen [NEA]
Subject: Re: Consent for Amicus

Yes.

David G. Sciarra, Executive Director
Education Law Center
60 Park Place, Suite 300
Newark, NJ 07102
973-624-1815, ext. 16
973-624-7339 (fax)
www.edlawcenter.org

CONFIDENTIALITY NOTICE

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>>> "Hollar, Kristen [NEA]" <KHollar@nea.org> 3/28/2016 12:30 PM >>>
David and Tammy,

I wanted to confirm that you consent to us filing the attached amicus brief, which we plan to submit to the Nevada Supreme Court tomorrow. We have already obtained consent from the State.

Thanks,

--

Kristen L. Hollar
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