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6 *Attorney for Plaintiffs*

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8 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR CARSON CITY

10 DAVID & CARLY HELD individually and
11 on behalf of their minor child N.H.;
12 VERONICA BERRY individually and on
13 behalf of her minor child J.B.; RED AND
14 SHEILA FLORES individually and on behalf
15 of their minor child C.F.; JAOUAD AND
16 NAIMI BENJELLOUN, individually and on
17 behalf of their minor children N.B.1, N.B.2,
18 and N.B.3; KIMBERLY AND CHARLES
19 KING individually and on behalf of their
20 minor children L.K.1 and L.K.2; NEVADA
21 CONNECTIONS ACADEMY,

22 Plaintiffs,

23 v.

24 STATE OF NEVADA, ex rel. STATE
25 PUBLIC CHARTER SCHOOL
26 AUTHORITY, a political subdivision of the
27 State of Nevada, and PATRICK GAVIN, in
28 his official capacity as Director of the State
Public Charter School Authority,

Defendants.

Case No. 16 OC 00249 1B

Dept. No. I

**EX PARTE MOTION FOR ORDER
GRANTING PERMISSION FOR
WITNESS TO TESTIFY AT HEARING
TELEPHONICALLY**

24 COMES NOW, Plaintiffs, David & Carly Held individually and on behalf of their minor
25 child N.H.; Veronica Berry individually and on behalf of her minor child J.B.; Red and Sheila
26 Flores individually and on behalf of their minor child C.F.; Jaouad and Naimi Benjelloun,
27 individually and on behalf of their minor children N.B.1, N.B.2, and N.B.3; Kimberly and

1 Charles King individually and on behalf of their minor children L.K.1 and L.K.2; and Nevada
2 Connections Academy (“NCA” and collectively “Plaintiffs”), by and through their undersigned
3 counsel, Davis Graham & Stubbs LLP, and hereby submit this ex parte application for an order
4 allowing Plaintiffs’ witness to testify at the hearing on Plaintiffs’ Motion for Temporary
5 Restraining Order/Preliminary Injunction (“Injunction Motion”) on November 30, 2016 by
6 telephone. This application is made in good faith and based upon the Memorandum of Points
7 and Authorities and all papers and pleadings filed in this action.

8 MEMORANDUM OF POINTS AND AUTHORITIES

9 I. ARGUMENT

10 On November 15, 2016, the Court set the hearing on Plaintiff’s Injunction Motion for
11 November 30, 2016 at 3:00 PM. One of Plaintiffs’ witnesses, Jafeth Sanchez, NCA governing
12 board member, is unavailable to attend the hearing personally due to a previously-scheduled
13 meeting and a prior commitment related to her teaching duties at the University of Nevada,
14 Reno. Ms. Sanchez can, however, be available to testify telephonically at the hearing, and will
15 be prepared to do so.

16 As President of the Nevada Connection Academy’s Governing Board, Ms. Sanchez’s
17 testimony is important because she has met with the Authority Director, Patrick Gavin, to discuss
18 the graduation rate issue and has material information relevant to that meeting and also has been
19 intimately involved in the Authority proceedings at issue and the school’s development and
20 implementation of the relevant graduation rate improvement plan. Ms. Sanchez is one of the
21 governing board members Director Gavin seeks to potentially replace without the school having
22 any right to judicial review of such a decision. She also can speak to the NCA governing board’s
23 qualifications relevant to the Authority’s suggestion that removal of the entire board is an
24 appropriate action to “cure” or “correct” the four-year cohort high school graduation rate issue.

25 This motion is not interposed for the purpose of delay or any other improper purpose. No
26 party will be prejudiced by the requested relief. A proposed order is being submitted
27 concurrently with this motion. Plaintiffs’ counsel was provided with a copy of this motion and
28 proposed order by email on November 22, 2016.

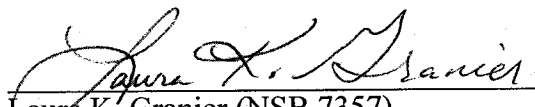
1 In light of all the above, Plaintiffs respectfully request that the Court allow to Ms.
2 Sanchez to testify telephonically at the hearing on November 30, 2016.

3 **II. CONCLUSION**

4 For the foregoing reasons, Plaintiffs requests that this Court enter an Order granting
5 permission for Ms. Sanchez to testify telephonically at the hearing on November 30, 2016.

6 Respectfully submitted this 22nd day of November, 2016.

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8 DAVIS GRAHAM & STUBBS LLP

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18 *Attorneys for Plaintiffs*
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1 CERTIFICATE OF SERVICE

2 Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Davis Graham & Stubbs
3 LLP and not a party to, nor interested in, the within action; that on November 16, 2016, a true
4 and correct copy of the foregoing document was enclosed in a sealed envelope, and served as
5 listed below:
6

7 Gregory D. Ott, Esq.
8 Deputy Attorney General
9 100 N. Carson Street
10 Carson City, NV 89701

VIA U.S. MAIL AND EMAIL

Attorneys for Defendants

11 
12 Jeanette Sparks

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

DAVID & CARLY HELD individually and
on behalf of their minor child N.H.;
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behalf of her minor child J.B.; RED AND
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and N.B.3; KIMBERLY AND CHARLES
KING individually and on behalf of their
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v.

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AUTHORITY, a political subdivision of the
State of Nevada, and PATRICK GAVIN, in
his official capacity as Director of the State
Public Charter School Authority,

Defendants.

Case No. 16 OC 00249 1B

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**ORDER GRANTING PERMISSION
FOR WITNESS TO TESTIFY AT
HEARING TELEPHONICALLY**

Based upon Plaintiffs' Ex Parte Motion Order Granting Permission For Witness To
Testify At Hearing Telephonically, and good cause appearing therefore,

IT IS HEREBY ORDERED that Jafeth Sanchez may testify telephonically as a witness at
the hearing scheduled on November 30, 2016.

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IT IS FURTHER ORDERED that a day prior to the hearing, Plaintiffs' counsel shall contact the Court's Judicial Assistant (775-882-1996) to provide contact information for Ms. Sanchez.

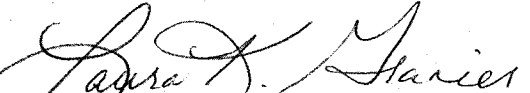
IT IS SO ORDERED.

Dated this _____ day of November, 2016.

DISTRICT COURT JUDGE

Submitted by:

DAVIS GRAHAM & STUBBS LLP

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