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5 *Attorneys for the State of Nevada,  
State Public Charter School Authority*

REC'D & FILED  
2016 NOV 29 PM 2:38  
SUSAN MERRIWETHER  
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7 **IN THE FIRST JUDICIAL DISTRICT COURT OF**  
8 **THE STATE OF NEVADA IN AND FOR CARSON CITY**

9 DAVID & CARLY HELD individually  
and on behalf of their minor child N.H.;  
10 VERONICA BERRY individually and on  
behalf of her minor child J.B.; RED AND  
11 SHEILA FLORES individually and on  
behalf of their minor child C.F.;  
12 JAOUAD AND NAIMI BENJELLOUN,  
individually and on behalf of their minor  
13 children L.K.1 and L.K.2.; NEVADA  
CONNECTIONS ACADEMY,

CASE NO. 16 OC 002491 B

DEPT. NO. I

14 Plaintiffs,

**EX PARTE MOTION FOR ORDER  
SHORTENING TIME**

15 vs.

16 STATE OF NEVADA, ex rel., STATE  
PUBLIC CHARTER SCHOOL  
17 AUTHORITY, a political subdivision of  
the STATE OF NEVADA, and PATRICK  
18 GAVIN, in his official capacity as  
Executive Director of the STATE  
19 PUBLIC CHARTER SCHOOL  
AUTHORITY,

21 Respondents.

22 **MOTION FOR ORDER SHORTENING TIME**

23 Defendants STATE OF NEVADA, ex rel., STATE PUBLIC CHARTER SCHOOL  
24 AUTHORITY (the "Authority"), and PATRICK GAVIN ("Mr. Gavin"), hereby move this  
25 Court for an order shortening time for Plaintiffs' Nevada Connection Academy (NCA) to  
26 respond to Defendants' motion for protective order, filed concurrently with this Motion.

27 This Motion is based upon the attached declaration of Gregory D. Ott and the  
28 following points and authorities, and the papers and pleadings on file herein.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Pursuant to Nevada Rules of Civil Procedure (NRCP) 6(d), the time for hearing a  
3 written motion may be altered by an order of the Court for good cause shown and may be  
4 made on *ex parte* application. First Judicial District Court Rule 18 likewise authorizes  
5 *ex parte* motions and orders.

6 Undersigned counsel is informed and believes that Dr. Steve Canavero (Dr.  
7 Canavero), a non-party witness in this litigation, was served with a subpoena on  
8 November 18, 2016. His presence and testimony are commanded for the hearing set for  
9 November 30, 2016.<sup>1</sup> Defendants have moved—together with this Motion—for a  
10 protective order to preclude his testimony on the basis that it is irrelevant to the hearing,  
11 fails to give reasonable time for compliance, and subjects a third-party witness to an  
12 undue burden and harassment.<sup>2</sup> An Order Shortening Time is necessary to allow NCA  
13 time to oppose or otherwise respond, and for the Court to consider and decide the motion  
14 before Dr. Canavero is inconvenienced by attending a hearing at which he has no relevant  
15 testimony to provide.

16 **CONCLUSION**

17 This Court should issue an Order Shortening Time for Plaintiffs' to respond to the  
18 Authority's Motion for Protective Order so that the Court can issue a ruling on testimony  
19 from Dr. Canavero prior to its November 30, 2016 hearing.

20 DATED this 29th day of November, 2016.

21  
22 ADAM PAUL LAXALT  
23 Attorney General

24 By: 

25 GREGORY D. OTT  
26 Deputy Attorney General  
27 *Attorneys for State of Nevada,  
State Public Charter School Authority*

28 <sup>1</sup> Exhibit 1, Declaration of Gregory D. Ott, Paragraph 2.

<sup>2</sup> Exhibit 1, Declaration of Gregory D. Ott, Paragraph 3.

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 29th day of November, 2016, I filed the foregoing EX PARTE MOTION FOR ORDER SHORTENING TIME, , with the Clerk of the Court and served the following party by way of the United States Postal Service:

Nevada Connections Academy  
555 Double Eagle Ct., #2000,  
Reno, NV 89521

And by electronic mail to:

Laura K. Granier  
Davis Graham & Stubbs, LLP  
50 W Liberty St., Ste. 950  
Reno, NV 89501  
Laura.granier@dgsllaw.com

Patrick Gavin, Executive Director  
State Public Charter School Authority  
1749 North Stewart St., Ste. 40  
Carson City, NV 89706-2543  
pgavin@spsca.nv.gov

/s/ Marissa Houk  
Marissa Houk, Employee of the State of  
Nevada, Office of the Attorney General

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EXHIBIT INDEX

Exhibit	Description	Number of Pages
1	Declaration of Gregory D. Ott	2

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# EXHIBIT 1

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21 AUTHORITY, )

22 Respondents.

CASE NO. 16 OC 002491 B

DEPT. NO. I

**DECLARATION OF GREGORY D.  
OTT IN SUPPORT OF  
DEFENDANTS' EX PARTE MOTION  
FOR AN ORDER SHORTENING  
TIME**

23 I, Gregory D. Ott, do certify under penalty of perjury as follows:

24 1. I am the Deputy Attorney General currently assigned as counsel to the State  
25 Public Charter School Authority staff and have personal knowledge of the facts stated  
26 herein, and if called upon to testify as to the matters set forth herein, I would be  
27 competent to do so. I make this declaration in support of Defendants' Motion to Dismiss  
28 ("Motion").

1           2.     Dr. Steve Canavero's presence and testimony are commanded for November  
2 30, 2016.

3           3.     Defendants have moved for a protective order to preclude Dr. Canavero's  
4 testimony on the basis that it is irrelevant to the November 30 hearing, fails to give  
5 reasonable time for compliance and subjects a third party witness to an undue burden  
6 and harassment.

7           DATED this 29th day of November, 2016.

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10           By: 

11           GREGORY D. OTT  
12           Deputy Attorney General

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