Laura K. Granier, Esq. (NSB 7357)
DAVIS GRAHAM & STUBBS LLP
laura.granier@dgslaw.com
50 W. Liberty Street, Suite 950
Reno, Nevada 89501
(775) 229-4219 (Telephone)
(775) 403-2187 (Fax)

John P. Sande, IV, Esq. (NSB 9175)
john@argentumnv.com
SANDE LAW GROUP
6077 S. Fort Apache Rd., Suite 130
Las Vegas, Nevada 89148
Telephone: (702) 997-0066
Facsimile: (702) 997-0038

Attorneys for Plaintiffs

REC'D & FILED
2017 MAR 29 PM 4:02
SUSAN MERRIWETHER
CLERK
BY
DEPUTY

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.; VERONICA BERRY individually and on behalf of her minor child J.B.; RED AND SHEILA FLORES individually and on behalf of their minor child C.F.; JAOUAD AND NAIMI BENJELLOUN, individually and on behalf of their minor children N.B.1, N.B.2, and N.B.3; KIMBERLY AND CHARLES KING individually and on behalf of their minor children L.K.1 and L.K.2; NEVADA CONNECTIONS ACADEMY, Plaintiffs, v. STATE OF NEVADA, ex rel. STATE PUBLIC CHARTER SCHOOL 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 Dept. No. I

~~(PROPOSED)~~ TEMPORARY RESTRAINING ORDER

The Court, having reviewed Plaintiff Nevada Connections Academy's ("NCA") motion

temporary restraining order and exhibits attached thereto, **NOW THEREFORE, IT IS HEREBY**:

ORDERED that NCA's Motion for Temporary Restraining Order is GRANTED.

IT IS FURTHER ORDERED that the State Public Charter School Authority ("SPCSA") is enjoined from conducting its hearing scheduled for March 30, 2017 – and shall work with all parties involved to reschedule the hearing at the earliest reasonable time ensuring all parties are represented by their counsel.

IT IS FURTHER ORDERED that this Order is granted without notice due to the extenuating circumstances, short timeframe between NCA's motion's filing and the proposed hearing date, and the irreparable injury NCA's counsel will suffer by being forced to travel to a hearing in a different city during what she believes to be the last days of her mother's life, where counsel is her mother's primary caregiver and has power of attorney.

IT IS FURTHER ORDERED that the Court's grant of this Temporary Restraining Order is conditioned upon NCA's deposit with the court security in the amount of $100.00 as required by Nevada Rule of Civil Procedure, Rule 65(c).

IT IS FURTHER ORDERED that this Temporary Restraining Order expires in 15 days from the date of the Order.

Dated: March 29, 2017 at 4:00 ~~AM~~/PM.

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

James Ellsworth for
DISTRICT COURT JUDGE
Judge James T. Russell

Submitted by:

SANDE LAW GROUP

By: _____
John P. Sande, IV, Esq. (NSB 9175)
6077 S. Fort Apache Rd., Suite 130
Las Vegas, Nevada 89148
Telephone: (702) 997-0066
Facsimile: (702) 997-0038

Attorneys for Plaintiffs

DAVIS GRAHAM &
STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

Laura K. Granier, Esq. (NSB 7357)
DAVIS GRAHAM & STUBBS LLP
laura.granier@dgslaw.com
50 W. Liberty Street, Suite 950
Reno, Nevada 89501
(775) 229-4219 (Telephone)
(775) 403-2187 (Fax)

John P. Sande, IV, Esq. (NSB 9175)
john@sandelawgroup.com
SANDE LAW GROUP
6077 S. Fort Apache Rd., Suite 130
Las Vegas, Nevada 89148
Telephone: (702) 997-0066
Facsimile: (702) 997-0038

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MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER (WITH NOTICE)

Plaintiff Nevada Connections Academy ("NCA"), by and through its undersigned

counsel, Davis Graham & Stubbs LLP and Sande Law Group, hereby moves this Court for an ex parte temporary restraining order pursuant to Nevada Rules of Civil Procedure ("NRCP") 65 to enjoin the State Public Charter School Authority (the "Authority" or "SPCSA") from proceeding with a March 30, 2017 closure proceeding against NCA – in light of NCA's request for a brief continuance because the school's lawyer is with her mother who is in critical condition in the hospital and may have only hours or days left in her life. This motion is supported by the attached Memorandum of Points and Authorities and declarations, and any pleadings, records and files herein, and any further oral or documentary evidence provided at hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

NCA seeks a decision from this Court reversing the Authority's denial of NCA's Motion for Continuance of a March 30, 2017 closure proceeding against NCA. NCA requested the continuance due to the serious medical condition of NCA's counsel's mother. Despite NCA's motion for a continuance and emergency motion to reconsider—both of which pointed out the abrupt decline in NCA's counsel's mother's medical condition days before the hearing, to the point of critical condition, the Authority declined to continue the hearing. NCA respectfully requests that this Court issue a TRO to allow NCA's counsel—the only attorney equipped to represent NCA before the SPCSA on this matter—time with her mother in this critical and end-of-life time.

II. SUMMARY OF RELEVANT FACTS

A. NCA has cooperated with the SPCSA to come to a mutual resolution to avoid closure proceedings

NCA is an accredited, comprehensive, online public charter school serving more than 3,200 Nevada students in grades K-12 under one charter granted in 2007 and renewed in 2013.

Leading up to the February 2017 notice of closure, NCA attended a December 16, 2016

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

Hearing in Las Vegas, prepared to proceed on the scheduled closure proceedings against NCA. The venue the SPCSA had chosen was unable to accommodate the public who tried to attend the meeting. *See* Exhibit 1 to **Exhibit 1** (Affidavit of John P. Sande, IV, Esq., in support of NCA's Motion for Reconsideration). As a result, the Authority continued the hearing on its own due to the chosen venue's inability to accommodate the public. *See id.* The Authority asked NCA to waive its right to a hearing within 90 days under NRS 388A.330(3) because the Authority was not sure it could reach a quorum within the 90 days once it decided on its own not to proceed in December, and NCA agreed in the spirit of cooperation. SPCSA Chair Johnson stated the following during that hearing:

> "So the reason why we are continuing this, we're taking this action, contemplating this action is because of the space constraint that we have here today and the ability for the full public to engage in this process. We wanted to acknowledge the fact that many families, students, parents wanted to be here to listen, and we certainly don't take it lightly that you've taken your time off from school and from work today, and we want to acknowledge that this was not ideal. However, **in the vein of ensuring that we can provide access and space and opportunity for everyone to engage**, we are continuing this in between today and January 27th when we resume. I would encourage staff and Connections Academy to see if a cure can be found, and then on the 27th, we will resume this hearing. And at that date, we will also have accommodations that will allow for as many as necessary to be a part of this process so that all families, students who want to take part in this certainly can take part in this."

See Exhibit 2 to Exhibit 1, email from L. Granier to R. Whitney on March 10, 2017, and Exhibit 3 to Exhibit 1, excerpts from the December 16, 2016 SPCSA Transcript of Hearing.

The SPCSA states that it scheduled a new hearing for February 1-3, 2017. However, NCA's counsel was not aware of any official scheduling but was in discussions on an acceptable date with Board Authority counsel and notified the SPCSA that she had a conflict on those dates – a federal court hearing in another matter in which she was lead counsel – and requested that they might work together to choose a new date, but did not request a continuance. *See* Exhibit 4 to Exhibit 1. The SPCSA pushed the hearing to its regular March meeting.

DAVIS GRAHAM & STUBBS LLP
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RENO, NEVADA 89501
(775) 229-4219

B. NCA's counsel's mother suffered a sudden and unforeseeable decline in her medical condition, prompting NCA to file a motion for continuance with the Authority

NCA's counsel's mother has been ill for some time throughout the unfolding of proceedings against NCA, but she has been stable as of late. On March 26, 2017, upon receiving a call that her mother's condition had worsened suddenly and that she was in the hospital and hospice and end of life decisions should be considered, NCA's counsel cut short a trip out of town to return to Reno early – driving through the night to return to Reno in hopes of getting to the hospital in time. NCA's counsel's mother remains in the hospital, and is currently in critical condition. As primary caregiver, NCA's counsel has been by her side since she returned to Reno, and has slept at the hospital for several nights leading up to this filing. *See* Exhibit 1 (Motion for reconsideration and affidavit).

C. NCA filed a motion for continuance and motion for reconsideration in light of counsel's family emergency, both of which the Authority denied

On March 28, 2017, NCA filed a Motion for Continuance of Hearing with the SPCSA, requesting that the hearing scheduled for March 30, 2017 be continued for a minimum of three weeks due to the serious health condition of NCA's counsel's mother. *See* **Exhibit 2**. In response, SPCSA Staff filed a non-opposition to NCA's motion. *See* **Exhibit 3**. The Nevada State Public Charter School Authority ("SPCSA" or "Authority") Board Chair issued an order (**Exhibit 4**) denying the motion on the grounds that (1) the motion was NCA's third request for a continuance, (2) the difficult logistics of scheduling the March 30 hearing (both in terms of the availability of the members of the SPCSA Board and counsel, and securing adequate locations for the hearing) and rescheduling the same, (3) the expense involved in rescheduling the hearing, and (4) the availability of other DGS counsel to represent NCA at the hearing.

NCA immediately filed a motion to reconsider on March 29, 2017. *See* **Exhibit 1**. Therein, NCA argued that SPCSA should reconsider its ruling because (1) in fact, NCA has not requested a continuance beyond that considered in this motion; (2) while NCA understands the Authority's concerns regarding the difficulty and expense involved in rescheduling another hearing, NCA will assist in rescheduling, and offers to secure a venue for a hearing at a later date

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

and share in the cost of both the venue scheduled for March 30 and a future venue; and (3) while counsel for NCA is part of a larger firm in Colorado, the Nevada division of the firm is a small, two-attorney office, and one of the attorneys has been with the firm for less than five months, and is not prepared to appear on NCA's behalf. *See id.* SPCSA Staff again filed a non-opposition. *See* **Exhibit 5**. We have not yet received the Authority's ruling on the motion to reconsider.

III. ARGUMENT

A preliminary injunction preserves the status quo to protect the moving party from irreparable injury pending final judgment. *Ottenheimer v. Real Estate Div.*, 91 Nev. 338, 342, 535 P.2d 1284, 1285 (1975). NCA is entitled to a preliminary injunction as it has demonstrated a "likelihood of success on the merits and that the nonmoving party's conduct, should it continue, would cause irreparable harm for which there is no adequate remedy at law." *Dept. of Conservation and Natural Resources, Div. of Water Resources v. Foley,* 121 Nev. 77, 80, 109 P.3d 760, 762 (2005); *see also* NRS 33.010. The court also should consider the public interest and the potential hardships to the parties and others both of which also weigh heavily in favor of NCA's requested relief. *University System v. Nevadans for Sound Government*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004).

A. This Court should grant NCA a TRO – enjoining the March 30 hearing from moving forward at this time – in light of the Authority's error in denying the continuance

Under Nevada Rule of Civil Procedure 65 a court may grant NCA a temporary restraining order without written or oral notice to the adverse party upon a showing that (1) based on specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to NCA before SPCSA or its counsel can be heard in opposition, and (2) NCA's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required. NRCP 65(b). The court may grant a TRO to maintain the status quo based on NCA's demonstration that irreparable injury will

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

occur before a hearing on a motion for preliminary injunction can be held and demonstration of the ground for granting injunctive relief. Nevada Civil Practice Manual, Sec. 28.02 (5th Ed. 2007).

Should the SPCSA move forward with the March 30 hearing, NCA is effectively prevented assistance of counsel in defending its position in closure proceedings. NCA will suffer irreparable injury and loss if prevented from defending its position at the upcoming hearing regarding the Authority's closure proceedings against the school and allowing the Authority to proceed with closing NCA and reconstituting the board. In addition to the irreparable injury NCA and its students face in closure and reconstitution proceedings, SPCSA's decision to proceed with this particular hearing will result in irreparable injury because NCA will be incapable of making an adequate record before the Authority, upon which this Court can rely when ruling upon NCA's other motions pending before this Court. *See* **Exhibit 6**, transcript of November 30, 2016 hearing (Judge Russell states that NCA is required to make a record before the SPCSA, and then return before this Court if the outcome is unfavorable). Either NCA's counsel will be unable to attend the hearing depending on her mother's critical condition in the next day or so, or, in the even NCA's counsel attends the hearing, she is potentially underprepared due to time devoted to caring for her mother, which includes sleepless nights – and all day attention to her mother since Sunday.

Furthermore, as outlined in detail in the attached motion for reconsideration, the SPCA based its decision on faulty statements of fact—for example, giving weight to the assertion that NCA has filed motions for continuance in the past, which is untrue, and NCA feels that it is likely to succeed on the merits based on the SPCSA's improper consideration in its order. See Exhibit 1. Finally, and most importantly, NCA's counsel will suffer irreparable injury in being forced to attend the hearing despite requesting compassion from the Authority through the

DAVIS GRAHAM &
STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

appropriate channels—namely, she will miss out on time with her mom in what may very well be her mother's final moments.

As outlined in the motion for reconsideration, NCA's counsel is the only attorney available to adequately represent NCA's interests in this matter. NCA's counsel had no reason to suspect that she should prepare another attorney to handle this hearing in her place. While counsel's mother has been sick for some time, she has not been critically ill. Counsel's mother's decline in health in the past few days (specifically, since Sunday) has been abrupt, sudden, and unforeseeable. Laura has been afraid to leave her mother's side for the last few days, and has slept at the hospital for the past two nights. As a result, she has not had this time to prepare for the hearing, or to prepare another attorney on her behalf.

Further, NCA has attempted to give notice to the SPCSA. *See* **Exhibit 7** (notice to Gregory Ott). However, given that the hearing is less than 24 hours from this filing, and that NCA was still waiting upon a final Order until the 11th hour, NCA submits that this Court may grant the TRO under NRCP 65 without a need to formally notify the Authority.

B. This Court should grant a TRO/Preliminary Injunction

A preliminary injunction preserves the status quo to protect the moving party from irreparable injury pending final judgment. *Ottenheimer v. Real Estate Div.*, 91 Nev. 338, 342, 535 P.2d 1284, 1285 (1975). NCA is entitled to a preliminary injunction as it has demonstrated a "likelihood of success on the merits and that the nonmoving party's conduct, should it continue, would cause irreparable harm for which there is no adequate remedy at law." *Dept. of Conservation and Natural Resources, Div. of Water Resources v. Foley,* 121 Nev. 77, 80, 109 P.3d 760, 762 (2005); *see also* NRS 33.010. The court also should consider the public interest and the potential hardships to the parties and others both of which also weigh heavily in favor of NCA's requested relief. *University System v. Nevadans for Sound Government*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004).

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

1. NCA is Likely to Prevail on the Merits

NCA is likely to prevail on the merits against the SPCSA. This Court has jurisdiction to issue a writ of mandate pursuant to NRS 34.150 *et seq.* or, in the alternative, a writ of prohibition pursuant to NRS 34.320 to command the Agency to refrain from further proceedings.

The SPCSA's Order to move forward here is not based on the facts of prior proceedings. The Authority incorrectly asserts that NCA's counsel has requested two previous continuances in this matter. First, the Authority asserts that "[t]he first request for continuance came at the December 16, 2016 Hearing where Counsel for NCA demanded space be made available for several hundred parents to be present and give public comment at the hearing." *See* Order, at 2. Contrary to the Authority's assertion, NCA did not request a continuance. In fact, the Authority continued the hearing on its own due to the chosen venue's inability to accommodate the public. *See* Exhibit 1 to Exhibit 1, Sande Affidavit (in which John Sande describes his recollection of the events at the December Hearing, which did not include a request for a continuance from NCA's counsel), and Exhibit 3 to Exhibit 1 (transcript of hearing).

Second, the Authority asserts that "SPCSA's Staff worked with the Board to secure a new date and an appropriate location for the hearing and scheduled the hearing for February 1-3, 2017. However, Counsel for NCA complained that she had other commitments on those dates. Therefore, NCA's counsel asked that this scheduled hearing be continued to a later date. The Chair reluctantly granted NCA's request." *See* Order, at 3 (footnote omitted). The Authority correctly asserts that NCA's counsel had a conflict on the dates proposed, but NCA's counsel did not ask for additional time or a continuance. This is evident from the emails that the Authority includes in footnote 1 of the Order, and attached here. *See* Exhibit 4 to Exhibit 1, Email from L. Granier to R. Whitney on January 3, 2017. The SPCSA simply pushed the hearing to its regular March meeting.

The Authority cited these continuances as inter alia reason for denying the continuance under *Neven v. Neven*, 38 Nev. 541, 148 P. 354, 154 P. 78 (1915). This and other assertions are falsehoods, as outlined in NCA's motion to reconsider. *See* Exhibit 1.

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

2. Plaintiffs will suffer irreparable harm absent relief

NCA satisfies the requirements for obtaining a preliminary injunction based on their demonstration above of likelihood of success on the merits and also because they can demonstrate they will suffer irreparable harm if an injunction is not issued. *Foley,* 121 Nev. at 80. Please refer to NCA's argument regarding this factor in section A, above.

3. Granting the TRO furthers the Public Interest

Courts may also consider the public interest when deciding whether to issue a preliminary injunction. *University System*, 120 Nev. at 721. Here, the public has considerable interest in the requested injunctive relief – to refuse to allow an administrative body to proceed on the basis of a poorly researched and inaccurate order—and one that is in the spirit of the SPCSA's constant refusal to cooperate with NCA. Moreover, the SPCSA's refusal to continue the hearing effectively denies NCA effective assistance of counsel on this matter. Either NCA's counsel will be unable to attend the hearing, or will attend the hearing inadequately unprepared and unable to proceed in her best form, due to the grave family emergency outlined herein.

To permit the Authority to issue an order based on an incorrect assessment of the facts, and then to use NCA's counsel's critical family emergency as a reason to proceed with closure absent NCA's input contravenes the public interest.

4. Balance of Hardships Favors Granting Plaintiffs' Preliminary Injunction

A preliminary injunction will issue where, as here, the injury to the moving party will be "immediate, certain, and great" if denied, and "the loss or inconvenience to the opposing party will be comparatively small and insignificant if it is granted." *Danberg Holdings Nevada, LLV v. Douglas County*, 115 Nev. 129, 146, 978 P.2d 311, 321 (1999) (citation omitted).

The Authority outlines logistical concerns and expenses associated with pushing back the hearing. NCA fully understands and has addressed the logistical concerns outlined in the Authority's Order, and has offered to assist with these in any way possible. For example, NCA offered to work with its staff and the Authority to locate a new venue for a future date (the authority would just need to identify its minimum requirements for a venue); to cover all costs for the venue for a future date; to cover up to $3,000 of the costs associated with the lost rental

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

for the space obtained to accommodate this week's hearing; and to cooperate on any other issues regarding continuing the hearing, should the Authority be inclined to compassionately reconsider its Order. *See* Exhibit 1. Therefore, NCA has allayed the SPCSA's concerns regarding hardship, and has demonstrated in this motion that the hardship to NCA and its counsel in proceeding is extraordinary.

IV. CONCLUSION

Defendants should be enjoined from proceeding with the March 30, 2017 closure proceedings on compassionate grounds due to the serious nature of counsel's family medical condition, and the hardship to counsel and NCA should the hearing proceed as scheduled.

Plaintiffs respectfully suggest that security of no more than $100 required by an applicant pursuant to NRCP 65(c) is sufficient under the circumstances present here.

Respectfully submitted this 29th day of March, 2017.

SANDE LAW GROUP

By: _____

John P. Sande, IV, Esq. (NSB 9175)
6077 S. Fort Apache Rd., Suite 130
Las Vegas, Nevada 89148
Telephone: (702) 997-0066
Facsimile: (702) 997-0038

Attorneys for Plaintiffs

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Davis Graham & Stubbs LLP and not a party to, nor interested in, the within action; that on March 29, 2017, a true and correct copy of the foregoing document were enclosed in a sealed envelope, and served as listed below:

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

Attorneys for Defendants

VIA EMAIL

Robert A. Whitney, Esq.
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

Attorneys for State Public Charter School Authority

VIA EMAIL

Jeanette Sparks

DAVIS GRAHAM & STUBBS LLP
ATTORNEYS AT LAW
50 W. LIBERTY ST., STE. 950
RENO, NEVADA 89501
(775) 229-4219

EXHIBIT 1

Emergency Motion for Reconsideration

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Emergency Motion for Reconsideration

BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

STATE OF NEVADA

In Re: Nevada Connections Academy Notice of Closure or Possible Board Reconstitution	**NEVADA CONNECTIONS ACADEMY'S EMERGENCY MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION FOR CONTINUANCE OF HEARING** Hearing Date: March 30, 2017 Hearing Time: 8:00 AM

Nevada Connections Academy ("NCA"), by and through their undersigned counsel, Davis Graham & Stubbs LLP ("DGS"), hereby requests reconsideration of the Order Denying NCA's Request for a Continuance. This motion is based on the attached memorandum of points and authorities and declarations.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On March 28, 2017, NCA filed a Motion for Continuance of Hearing requesting that the hearing scheduled for March 30, 2017 be continued for a minimum of three weeks due to the serious health condition of NCA's counsel's mother. In response, SPCSA Staff filed a non-opposition to NCA's motion. The Nevada State Public Charter School Authority ("SPCSA" or "Authority") Board Chair issued an order denying the motion on the grounds that (1) the motion was NCA's third request for a continuance, (2) the difficult logistics of scheduling the March 30 hearing (both in terms of the availability of the members of the SPCSA Board and counsel, and securing adequate locations for the hearing) and rescheduling the same, (3) the expense involved in rescheduling the hearing, and (4) the availability of other DGS counsel to represent NCA at the hearing.

NCA respectfully requests that the SPCSA reconsider its ruling because (1) in fact, NCA has not requested a continuance beyond that considered in this motion; (2) while NCA

understands the Authority's concerns regarding the difficulty and expense involved in rescheduling another hearing, NCA will assist in rescheduling, and offers to secure a venue for a hearing at a later date and share in the cost of both the venue scheduled for March 30 and a future venue; and (3) while counsel for NCA is part of a larger firm in Colorado, the Nevada division of the firm is a small, two-attorney office, and one of the attorneys has been with the firm for less than five months, and is not prepared to appear on NCA's behalf.

III. ARGUMENT

1. NCA has never requested a continuance in this matter beyond that at issue in this motion

The Authority incorrectly asserts that NCA's counsel has requested two previous continuances in this matter. First, the Authority asserts that "[t]he first request for continuance came at the December 16, 2016 Hearing where Counsel for NCA demanded space be made available for several hundred parents to be present and give public comment at the hearing." *See* Order, at 2. Contrary to the Authority's assertion, NCA did not request a continuance. In fact, the Authority continued the hearing on its own due to the chosen venue's inability to accommodate the public. *See* **Exhibit 1**, Affidavit of John P. Sande, IV, Esq., in support of NCA's Motion for Reconsideration (in which John Sande describes his recollection of the events at the December Hearing, which did not include a request for a continuance from NCA's counsel). The Authority asked NCA to waive its right to a hearing within 90 days under NRS 388A.330(3) because the Authority was not sure it could reach a quorum, and NCA agreed in the spirit of cooperation. Chair Johnson stated the following during that meeting:

> "So the reason why we are continuing this, we're taking this action, contemplating this action is because of the space constraint that we have here today and the ability for the full public to engage in this process. We wanted to acknowledge the fact that many families, students, parents wanted to be here to listen, and we certainly don't take it lightly that you've taken your time off from school and from work today, and we want to acknowledge that this was not ideal. However, **in the vein of ensuring that we can provide access and space and opportunity for everyone to engage**, we are continuing this in between today and January 27th when we resume. I would encourage staff and Connections Academy to see if a cure can be found, and then on the 27th, we will resume this hearing. And at that date, we will also have accommodations that will allow for as many as necessary to be a part of this process so that all families, students who want to take part in

this certainly can take part in this."

See **Exhibit 2**, email from L. Granier to R. Whitney on March 10, 2017, and **Exhibit 3**, excerpts from the December 16, 2016 SPCSA Transcript of Hearing.

Second, the Authority asserts that "SPCSA's Staff worked with the Board to secure a new date and an appropriate location for the hearing and scheduled the hearing for February 1-3, 2017. However, Counsel for NCA complained that she had other commitments on those dates. Therefore, NCA's counsel asked that this scheduled hearing be continued to a later date. The Chair reluctantly granted NCA's request." *See* Order, at 3 (footnote omitted). The Authority correctly asserts that NCA's counsel had a conflict on the dates proposed, but NCA's counsel did not ask for additional time or a continuance. This is evident from the emails that the Authority includes in footnote 1 of the Order, and attached here. *See* **Exhibit 4**, Email from L. Granier to R. Whitney on January 3, 2017. The SPCSA simply pushed the hearing to its regular March meeting.

Therefore, the Authority unfairly places weight on this factor of the *Nevins* test, which it cites, as NCA has not requested a continuance beyond the one at issue here.

2. NCA offers to assist with the logistical effort involved in rescheduling the hearing

NCA fully understands the logistical concerns outlined in the Authority's Order, and offers to assist with these in any way possible. For example, NCA offers to work with its staff and the Authority to locate a new venue for a future date (the authority would just need to identify its minimum requirements for a venue); to cover all costs for the venue for a future date; to cover up to $3,000 of the costs associated with the lost rental for the space obtained to accommodate this week's hearing; and to cooperate on any other issues regarding continuing the hearing, should the Authority be inclined to compassionately reconsider its Order.

3. NCA's counsel is the only attorney currently equipped and prepared to represent NCA at the Authority hearing

NCA's counsel, Laura Granier, is an attorney with the Reno office of Davis Graham &

Stubbs LLP ("DGS"). DGS has a number of attorneys in its Colorado office, but the satellite Reno office is small—comprised of just two attorneys. One of the two—Erica Nannini—was hired to begin with the firm in November 2016, and is not prepared or equipped to represent NCA at the March 30 hearing, nor does the date leave any time to prepare either Erica or one of the Denver attorneys.

Further, Laura had no reason to suspect that she should prepare another attorney to handle this hearing in her place. While counsel's mother has been sick for some time, she has not been critically ill. Counsel's mother's decline in health in the past few days (specifically, since Sunday) has been abrupt, sudden, and unforeseeable. Laura has been afraid to leave her mother's side for the last few days, and has slept at the hospital for the past two nights. As a result, she has not had time to prepare for the hearing.

Laura has been intimately involved with NCA and this particular matter for a considerable amount of time, and makes decisions that best serve her client. Given the circumstances, the best course of action for NCA is for counsel to request that the Authority reconsider its Order.

IV. CONCLUSION

For the foregoing reasons, NCA respectfully requests that the Court reconsider its Order Denying NCA's Request for a Continuance.

Respectfully submitted this 29th day of March, 2017.

DAVIS GRAHAM & STUBBS LLP

By: 

Laura K. Granier (NSB 7357)
Erica K. Nannini (NSB 13922)
50 W. Liberty Street, Suite 950
Reno, Nevada 89501
(775) 229-4219 (Telephone)
Attorneys for Nevada Connections Academy

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Davis Graham & Stubbs LLP and not a party to, nor interested in, the within action; that on March 29, 2017, a true and correct copy of the foregoing document was served as listed below:

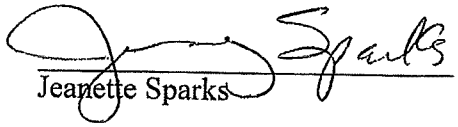
Gregory D. Ott, Esq.
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

VIA EMAIL

Robert A. Whitney, Esq.
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

VIA EMAIL

Attorneys for State Public Charter School Authority



Jeanette Sparks

EXHIBIT 1

EXHIBIT 1

BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

STATE OF NEVADA

In Re:	
Nevada Connections Academy Notice of Closure or Possible Board Reconstitution	**AFFIDAVIT OF JOHN P. SANDE, IV, ESQ., IN SUPPORT OF NEVADA CONNECTIONS ACADEMY'S MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION FOR CONTINUANCE OF HEARING**

STATE OF NEVADA)
)ss.
COUNTY OF WASHOE)

I, John P. Sande, IV, Esq., do certify under penalty of perjury as follows:

1. I provide this affidavit in support of Nevada Connections Academy's Motion for Reconsideration. This affidavit is based upon my recollection and belief of the events that occurred at the administrative hearing conducted by the Nevada Public Charter School Authority (the "Authority") on December 16, 2016.

2. I attended the Administrative Hearing for Connections on December 16, 2016 at the Reno, Nevada location at the Truckee Meadows Community College.

3. The main hearing was being teleconferenced from a separate location in Las Vegas where most of the Authority, and the Executive Director of the Authority was present.

4. Prior to the beginning of the hearing, Ms. Laura Granier informed the Board that several parents were attempting to access the facility, but were denied access because admitting additional people to the facility would violate the fire code. Ms. Granier stated that she believed that it would be a violation of the Open Meeting Law if all of the public was not able to have access to the meeting and the opportunity to testify.

5. After this statement was made, Mr. Patrick Gavin conferred with individuals I could not identify, and staff at TMCC informed us that they were attempting to set up audio/visual equipment that would permit the parents to view the meeting from another room at the facility.

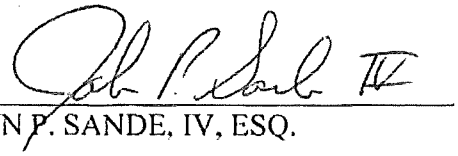
6. Upon belief, we waited for over an hour while staff attempted to gather the appropriate technology.

7. Unfortunately, the technology required did not become available, or was incapable of being installed in a reasonable amount of time, and the staff informed us that the meeting would be postponed.

8. I do not recall Ms. Granier ever making a request to continue the hearing.

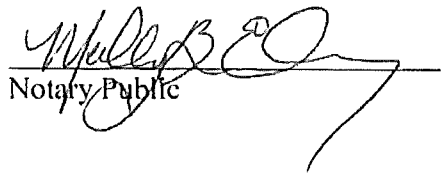
Further affiant sayeth naught.

Dated: March 29, 2017.

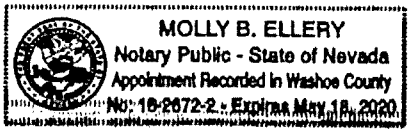


JOHN P. SANDE, IV, ESQ.

State of Nevada
County of Washoe
Subscribed and sworn to
Before me this 29 th day of March, 2017
by John P. Sande, IV



Notary Public



MOLLY B. ELLERY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 16-1812-2 - Expires May 18, 2020

EXHIBIT 2

NCA Motion for Continuance of Hearing

EXHIBIT 2

NCA Motion for Continuance of Hearing

BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

STATE OF NEVADA

In Re: Nevada Connections Academy Notice of Closure or Possible Board Reconstitution	**NEVADA CONNECTIONS ACADEMY'S MOTION FOR CONTINUANCE OF HEARING** Hearing Date: March 30, 2017 Hearing Time: 8:00 AM

Nevada Connections Academy ("NCA"), by and through their undersigned counsel, Davis Graham & Stubbs LLP, hereby requests a brief continuance of the hearing scheduled for March 30, 2017, for the reasons stated in the Declaration of Laura K. Granier. Counsel for NCA has a family medical emergency that prevents her from preparing for and attending the March 30 hearing. Therefore, NCA respectfully requests, at minimum, a three-week continuance of the hearing to allow NCA's counsel to deal with this serious matter.

Respectfully submitted this 28th day of March, 2017.

DAVIS GRAHAM & STUBBS LLP

By: Laura Granier

Laura K. Granier (NSB 7357)
Erica K. Nannini (NSB 13922)
50 W. Liberty Street, Suite 950
Reno, Nevada 89501
(775) 229-4219 (Telephone)
Attorneys for Nevada Connections Academy

BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

STATE OF NEVADA

In Re:	
Nevada Connections Academy Notice of Closure or Possible Board Reconstitution	**DECLARATION OF LAURA K. GRANIER IN SUPPORT OF NEVADA CONNECTIONS ACADEMY'S MOTION FOR CONTINUANCE OF HEARING**

I, Laura K. Granier, do certify under penalty of perjury as follows:

1. I am a partner with the law firm of Davis Graham & Stubbs LLP, counsel for Nevada Connections Academy ("NCA"). I have personal knowledge of the facts stated herein, and if called upon to testify as to the matters set forth herein, I would be competent to do so. I make this declaration in support of the NCA's Motion for Continuance of Hearing ("Motion").

2. My mother has been ill for several months and has been in and out of the hospital. Her condition worsened over the past month, and she was recently hospitalized again and then sent to a rehabilitation hospital. Over the weekend, her condition deteriorated abruptly and she was once again hospitalized. My mother's condition is extremely serious and we are making end-of-life decisions and evaluating hospice care. Based on her current condition, I believe I may only have a few more days with her, although the doctors cannot say with certainty.

3. It would be difficult for me to prepare for and attend the March 30 hearing as I am the primary family caregiver for my mother and I have her power of attorney for these important end-of-life decisions. I am also concerned that even if I were to attempt to proceed with the hearing, her condition may deteriorate further after the hearing started, and we would all be a more difficult position of having to stop the proceedings so that I could return to Reno. In addition, and more importantly, given that I do not know how much more time I will have with

my mother, I would like to spend as much time as possible with her during this critical and emotional time.

4. I hereby request that the March 30, 2017 hearing be postponed for a minimum of three weeks. Although I am cognizant of the logistical difficulties this presents, I believe this is the best option not only for myself, but for my client and for the State, given the disruption that would occur should we attempt to proceed and then be forced to abruptly postpone the hearing due to a downturn in my mother's medical condition.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct and was executed this 28th day of March, 2017, in Reno, Nevada.

LAURA K. GRANIER

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Davis Graham & Stubbs LLP and not a party to, nor interested in, the within action; that on March 28, 2017, a true and correct copy of the foregoing document was served as listed below:

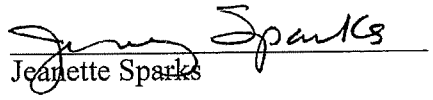
Gregory D. Ott, Esq.
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

VIA EMAIL

Robert A. Whitney, Esq.
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

VIA EMAIL

Attorneys for State Public Charter School Authority



Jeanette Sparks

EXHIBIT 3

Non-Opposition to Motion to Continue

EXHIBIT 3

Non-Opposition to Motion to Continue

BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

In re: NEVADA CONNECTIONS ACADEMY	Hearing Date: March 30, 2017 Time: 8:00 A.M.

STATE PUBLIC CHARTER SCHOOL AUTHORITY STAFF'S NON-OPPOSITION TO MOTION TO CONTINUE HEARING

The State Public Charter School Authority Staff ("Staff"), through their counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Gregory D. Ott, Senior Deputy Attorney General, submit this Non-Opposition to Motion to Continue Hearing.

Do to the abbreviated briefing schedule, Staff has not had the opportunity to fully review the motion for continuance, but bases its non-opposition on the understanding that Nevada Connections Academy's ("NCA") request for an extension is accompanied by a waiver of the requirement that a hearing be held within 90 days as required by NRS 388A.330(3). Based on that understanding and the representations contained in Ms. Granier's email request, Staff does not oppose the continuance request and would work with the Authority Board to schedule an acceptable date.

However, Staff notes that it has not inquired as to the availability of the Authority Board members who serve voluntarily and have made significant scheduling efforts to be available for a three day hearing. The following list of services, facilities and goods have been retained in preparation for the hearing: travel, lodging, court reporter, facility rental, security, restroom rental for alternate location at an approximate cost of $10,000.00 so that the Authority can be apprised of efforts to prepare for this meeting.

Staff remains ready and willing and able to go forward on March 30, 2017 and, in the event that NCA's request for a continuance is denied, would be willing to work with counsel for NCA to consider any stipulations to expedite the hearing or make

accommodations to minimize the inconvenience to counsel (for instance, if Counsel for NCA is unable to travel to Las Vegas and wishes to argue from Carson City but is concerned about being at a disadvantage, counsel for Staff would agree to argue from Carson City).

DATED this 28th day of March, 2017.

ADAM PAUL LAXALT
Attorney General

By: _____
GREGORY D. OTT
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

It is hereby certified that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28th day of March, 2017 a true and correct copy of the foregoing STATE PUBLIC CHARTER SCHOOL AUTHORITY'S NON-OPPOSITION TO MOTION TO CONTINUE HEARING was sent by E-mail only to the following:

Robert Whitney
Deputy Attorney General
555 E. Washington Ave.
Las Vegas, Nevada 89101
RWhitney@ag.nv.gov

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

Marissa Kuckhoff

Marissa Kuckhoff, Legal Secretary II

EXHIBIT 4

EXHIBIT 4

Sparks, Jenny

From: Granier, Laura
Sent: Tuesday, January 03, 2017 2:10 PM
To: 'Robert A. Whitney'
Subject: RE: SPCSA Meeting on Nevada Connections

Hi,

Thank you. I also could do 2/16-2/17 or 2/23-2/24. I understand we do not want to delay and am not pushing for any delay but wanted to offer other available dates and it seemed that you were looking at a Thurs/Fri and I also thought perhaps that would give you quorum as one of the regularly scheduled board meetings? Just a suggestion.

If there is willingness to work on this together a call with all of us might be the quickest way. We can limit all discussion to just dates and scheduling – we would not get into any substance if anyone is worried about that.

Thanks,
Laura

LAURA K. GRANIER ▪ Partner

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Robert A. Whitney [mailto:RWhitney@ag.nv.gov]
Sent: Tuesday, January 03, 2017 1:24 PM
To: Granier, Laura
Subject: RE: SPCSA Meeting on Nevada Connections

Hi,

Thank you for your response, I will forward it.

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Tuesday, January 03, 2017 1:21 PM
To: Robert A. Whitney
Subject: RE: SPCSA Meeting on Nevada Connections

Hi,

Thank you. The 2/1 hearing in federal court is on dispositive motions in a large case (10 plaintiffs and numerous defendants) and I don't have anyone else from my firm who has appeared in the case or could handle the hearing. I would have to ask the Court to reschedule it but the difficulty with that is it involves multiple parties who all agreed to 2/1 as a date for the hearing (and I agreed as well because it preceded the request to schedule this one on 2/1). That was the only date all parties were available for that hearing – of numerous dates offered by the Court.

I will figure out how to adjust my family obligation on 2/3 if that is what the Chair is requiring and would request that we please schedule it for 2/2 and 2/3 if that is the only option.

I would again request that the Chair please consider working with all of us on these dates. We were prepared to proceed in December but tried to act reasonably to accommodate the Board's issue and are hoping the Authority will work with us to ensure the school has a reasonable opportunity to fully participate on a mutually agreeable date.

The school did hear back from Mr. Gavin about discussing a resolution and is working on a response to him to try to advance a possible resolution of this – addressing the issues he has raised. Of course, we all must schedule and prepare for the hearing but I wanted to update you that there is a great desire on the school's part to resolve this matter without a closure hearing.

LAURA K. GRANIER ▪ **Partner**

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Robert A. Whitney [mailto:RWhitney@ag.nv.gov]
Sent: Tuesday, January 03, 2017 1:13 PM
To: Granier, Laura
Subject: RE: SPCSA Meeting on Nevada Connections
Importance: High

Hi,

I had already forwarded your e-mail to Chair Johnson when I e-mailed you about a phone conference at 2 pm, and since then Chair Johnson has responded that the Nevada Connections' hearing will proceed on two consecutive dates between 2/1/17 and 2/3/17, most likely 2/1/17 and 2/2/17, since both attorneys are unavailable on 2/3/17, and since we would have a quorum on those two dates.

With that in mind do you still want to discuss options? Is the 2/1/17 Court date something like a motion that can be handled by another attorney in your firm, or can the court date be continued? Thank you.

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Tuesday, January 03, 2017 11:37 AM
To: Robert A. Whitney
Subject: RE: SPCSA Meeting on Nevada Connections

Thank you. Yes, would 2pm work?

LAURA K. GRANIER ▪ **Partner**

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Robert A. Whitney [mailto:RWhitney@ag.nv.gov]
Sent: Tuesday, January 03, 2017 11:36 AM
To: Granier, Laura
Subject: RE: SPCSA Meeting on Nevada Connections

Hi,

Sure that would be fine. Are you around this afternoon?

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Tuesday, January 03, 2017 11:34 AM
To: Robert A. Whitney
Subject: RE: SPCSA Meeting on Nevada Connections

I understand, was just hoping to talk through the options with you so that we can hopefully find something that works for everyone, within the same time frame, of course.

LAURA K. GRANIER ▪ **Partner**

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Robert A. Whitney [mailto:RWhitney@ag.nv.gov]
Sent: Tuesday, January 03, 2017 11:24 AM
To: Granier, Laura
Subject: RE: SPCSA Meeting on Nevada Connections

I am not sure what information I can provide. The authority for setting the hearing dates rests with Chair Johnson, not me. I have sent him your communications.

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Tuesday, January 03, 2017 11:18 AM
To: Robert A. Whitney
Subject: FW: SPCSA Meeting on Nevada Connections

Hi,

I'm on a call but wanted to be sure you still had this discussion between us last week. Thank you. Perhaps we could have a quick call once I finish the one I'm on?

LAURA K. GRANIER ▪ **Partner**

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Robert A. Whitney [mailto:RWhitney@ag.nv.gov]
Sent: Tuesday, December 27, 2016 1:04 PM
To: Granier, Laura
Subject: RE: SPCSA Meeting on Nevada Connections

Hi,

That's ok; let me see what the Chair thinks. I would like to get the hearing done as soon as possible, and 2/2 and 2/6 seem pretty close Thank you.

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Tuesday, December 27, 2016 12:38 PM
To: Robert A. Whitney
Subject: RE: SPCSA Meeting on Nevada Connections

Hi, Robert – I really appreciate the Authority working with us on alternative dates. I apologize but I have a federal court hearing on 2/1. I could do 2/2 but agree with you we probably need two days to be safe and cannot do 2/3. I'm going to see if there's any way for me to move my other commitment on 2/3 but am wondering if there are any alternate dates we can consider? I know there is a lot to coordinate with everyone's schedule and also the facility..... I imagine you might not want to break for a day but I could do 2/6 and 2/7 if those two dates work or if we could use 2/2 and 2/6?

LAURA K. GRANIER ▪ **Partner**

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Robert A. Whitney [mailto:RWhitney@ag.nv.gov]
Sent: Tuesday, December 27, 2016 7:39 AM
To: Granier, Laura; Greg D. Ott
Subject: SPCSA Meeting on Nevada Connections

Good morning,

The SPCSA Board Chair let me know to go ahead and find an alternate meeting date from 1/27/17. How are Wednesday 2/1/17, Thursday 2/2/17 and Friday 2/3/17? I believe that the Nevada Connections Academy (NCA) hearing will likely be a two day hearing (it seems public comment alone will take over half the day), and we are looking to also see if it is possible to go after 5 pm. Please let me know you availability on those day (again, I think we will be using two out of those three days); I will contact the Board to see their availability on those days, and then I will try to see if a large enough room can be arranged for two of those days if it appears everyone can attend during that time frame. Thank you.

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EXHIBIT 5

Non-Opp'n to Motion for Reconsideration

EXHIBIT 5

Non-Opp'n to Motion for Reconsideration

BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

In re: NEVADA CONNECTIONS ACADEMY	Hearing Date: March 30, 2017 Hearing Time: 8:00AM

STATE PUBLIC CHARTER SCHOOL AUTHORITY STAFF'S NON-OPPOSITION TO MOTION FOR RECONSIDERATION

The State Public Charter School Authority Staff (Staff), through their counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Gregory D. Ott, Senior Deputy Attorney General, submit this Non-Opposition for Nevada Connections Academy's Motion to Reconsideration.

Staff appreciates NCA's offer to cover the costs associated with a future hearing and is willingness to contribute to the potential losses causes by this continuance. Staff reasserts its non-opposition to the request.

However, it is necessary to correct a misstatement in Nevada Connections Academy's Emergency Motion for Reconsideration of Order Denying Motion for Continuance of Hearing. NCA asserts on page 4, line 6 of its motion that "Laura had no reason to suspect that she should prepare another attorney to handle this hearing in her place." Contrary to Connections assertions, Health issues related to Ms. Granier's son had previously prevented Ms. Granier from submitting documents in September, 2016. In response to hearing about the reason for the delay, counsel for staff specifically raised the possibility of bringing another attorney up to speed on the case and volunteered to spend whatever time was necessary in bringing another attorney up to speed on the case. See **Exhibit 1**, Email from Gregory D. Ott to Laura K. Granier dated Friday, September 9, 2016.

///

Should the Authority choose to reconsider its prior order, and take into account the financial offers not contained in its original motion, Staff requests that it also consider that counsel had previously been advised that having another attorney in the firm familiar in the case could be advisable and offered to assist in that process.

Staff remains ready, willing and able to go forward on March 30, 2017, and in the event that NCA's request for a continuance is denied, would be willing to work with counsel for NCA to consider any stipulations to expedite the hearing or make accommodations to minimize the inconvenience to counsel (for instance, if Counsel for NCA is unable to travel to Las Vegas and wishes to argue from Carson City but is concerned about being at a disadvantage, counsel for Staff would agree to argue from Carson City).

DATED this 29th day of March, 2017.

ADAM PAUL LAXALT
Attorney General

By: _____
GREGORY D. OTT
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

It is hereby certified that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of March, 2017 a true and correct copy of the foregoing STATE PUBLIC CHARTER SCHOOL AUTHORITY'S NON-OPPOSITION TO MOTION FOR RECONSIDERATION was sent by E-mail only to the following:

Robert Whitney
Deputy Attorney General
555 E. Washington Ave.
Las Vegas, Nevada 89101
RWhitney@ag.nv.gov

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

Marissa Kuckhoff
Marissa Kuckhoff, Legal Secretary II

EXHIBIT INDEX

Exhibit No.	Description	Pages
1	Email correspondence between Gregory D. Ott and Laura K. Granier	3

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

EXHIBIT 1

EXHIBIT 1

Greg D. Ott

From: Greg D. Ott
Sent: Monday, September 12, 2016 10:37 AM
To: 'Granier, Laura'
Subject: RE: Contract Amendment

Laura,
Thanks for keeping me updated. I'm sure you understand that only the board can adjust the deadline it set, but I'm happy to do anything I can to help us get to an agreeable contract while you take care of your son. So if you have any ideas or need anything from me, don't hesitate to reach out.
Thanks, Greg

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Monday, September 12, 2016 10:27 AM
To: Greg D. Ott
Subject: RE: Contract Amendment

Greg,

Thank you for your professional courtesy in understanding my delay as a result of my son's illness. There is no one else here I can get to "fill in" on this at this time. As I noted in my email, my son's illness put me behind in schedule which is why I could not get the redline to you last Friday as originally hoped, but I am hoping to get it to you by this evening or first thing tomorrow morning. I will keep you posted and have 3pm tomorrow on my calendar.

Laura

LAURA GRANIER PARTNER
P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Greg D. Ott [mailto:GOtt@ag.nv.gov]
Sent: Friday, September 09, 2016 10:05 AM
To: Granier, Laura
Subject: RE: Contract Amendment

Sorry to hear about your son. I hope he's doing well. If the medical issues persist I wonder if it would be good to have another attorney from your firm familiar with the issues as a backup. I seem to recall meeting Jamie Winter regarding NCA in the past. I'm not sure if she is still with your firm, but if not, perhaps there is someone else who could help out. Obviously its completely your decision, but if you think that's appropriate I'm happy to spend whatever time I need to helping bring another member of your team up to speed on these issues.

I've blocked out 3 PM on the 13th. I've also blocked out time to review your redline on the 12th so hopefully you'll be able to get something back to us today as you originally planned.
Thanks, Greg

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Friday, September 09, 2016 5:55 AM
To: Greg D. Ott
Subject: RE: Contract Amendment

Greg,

Let's plan on the 13th at 3pm if that works for you. I am a little behind schedule as my son has had some health issues going on but I will do my best to get a redline over to you before that.

Thanks,
Laura

LAURA GRANIER PARTNER
P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Greg D. Ott [mailto:GOtt@ag.nv.gov]
Sent: Friday, September 02, 2016 2:20 PM
To: Granier, Laura
Subject: RE: Contract Amendment

The 13th or 15th correct? Yes, I have availability both days. Why don't we aim for the 13th. You can pick a time that works for you.
Thanks, Greg

From: Granier, Laura [mailto:Laura.Granier@dgslaw.com]
Sent: Friday, September 02, 2016 2:14 PM
To: Greg D. Ott
Subject: RE: Contract Amendment

Greg,

Thank you for following up. We are working on it and hope to have a redline version back to you by the end of next week. A phone call also sounds like a good idea. Are you available Tuesday or Thursday?

Thanks,
Laura

LAURA GRANIER PARTNER
P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ vcard

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Greg D. Ott [mailto:GOtt@ag.nv.gov]
Sent: Friday, September 02, 2016 2:03 PM
To: Granier, Laura
Subject: Contract Amendment

Laura,
Just following up to see if you had any timeline of when you might submit a redline of the contract language that was discussed at the last board meeting and/or wanted to set up a phone call to discuss. With the board established deadline out there I want to make sure that we have enough time to discuss any issues the school may have.
Thanks, Greg

Gregory D. Ott
Deputy Attorney General
Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701
Phone: (775) 684-1229
Fax: (775) 684-1108
gott@ag.nv.gov

EXHIBIT 6

11/30/2016 Transcript of Hearing Excerpts

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1 KIMBERLY J. WALDIE, CCR #720
Peggy Hoogs & Associates
2 435 Marsh Avenue
Reno, Nevada 89509
3 (775) 327-4460
Court Reporter
4

5 FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR CARSON CITY
7 THE HONORABLE JAMES E. RUSSELL, DISTRICT JUDGE
8 --oOo--
9

10 DAVID & CARLY HELD, Case No. 16 OC 00249 1B
Individually and on behalf of
11 their minor child, N.H., et al.,

12 Plaintiffs, Dept. No. I
vs.
13
STATE OF NEVADA, ex rel, et al.,
14
Defendants.
15 ---

16

17 TRANSCRIPT OF PROCEEDINGS

18 PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER/PRELIMINARY INJUNCTION
19
WEDNESDAY, NOVEMBER 30, 2016
20

21

22

23

24 Reported By: KIMBERLY J. WALDIE, CCR 720, RPR
California CSR 8696