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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

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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.

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MEMORANDUM OF POINTS AND AUTHORITIES

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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.

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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

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

7 **III. ARGUMENT**

8 **1. NCA has never requested a continuance in this matter beyond that at issue in this** 9 **motion**

10 The Authority incorrectly asserts that NCA's counsel has requested two previous
11 continuances in this matter. First, the Authority asserts that "[t]he first request for continuance
12 came at the December 16, 2016 Hearing where Counsel for NCA demanded space be made
13 available for several hundred parents to be present and give public comment at the hearing." *See*
14 *Order*, at 2. Contrary to the Authority's assertion, NCA did not request a continuance. In fact,
15 the Authority continued the hearing on its own due to the chosen venue's inability to
16 accommodate the public. *See Exhibit 1*, Affidavit of John P. Sande, IV, Esq., in support of
17 NCA's Motion for Reconsideration (in which John Sande describes his recollection of the events
18 at the December Hearing, which did not include a request for a continuance from NCA's
19 counsel). The Authority asked NCA to waive its right to a hearing within 90 days under NRS
20 388A.330(3) because the Authority was not sure it could reach a quorum, and NCA agreed in the
21 spirit of cooperation. Chair Johnson stated the following during that meeting:

22 "So the reason why we are continuing this, we're taking this action, contemplating
23 this action is because of the space constraint that we have here today and the
24 ability for the full public to engage in this process. We wanted to acknowledge the
25 fact that many families, students, parents wanted to be here to listen, and we
26 certainly don't take it lightly that you've taken your time off from school and from
27 work today, and we want to acknowledge that this was not ideal. However, **in the**
28 **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

1 this certainly can take part in this.”

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

4 Second, the Authority asserts that “SPCSA’s Staff worked with the Board to secure a
5 new date and an appropriate location for the hearing and scheduled the hearing for February 1-3,
6 2017. However, Counsel for NCA complained that she had other commitments on those dates.
7 Therefore, NCA’s counsel asked that this scheduled hearing be continued to a later date. The
8 Chair reluctantly granted NCA’s request.” See Order, at 3 (footnote omitted). The Authority
9 correctly asserts that NCA’s counsel had a conflict on the dates proposed, but NCA’s counsel did
10 not ask for additional time or a continuance. This is evident from the emails that the Authority
11 includes in footnote 1 of the Order, and attached here. See **Exhibit 4**, Email from L. Granier to
12 R. Whitney on January 3, 2017. The SPCSA simply pushed the hearing to its regular March
13 meeting.
14 meeting.

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

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

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

26 **3. NCA’s counsel is the only attorney currently equipped and prepared to represent
27 NCA at the Authority hearing**

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

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

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

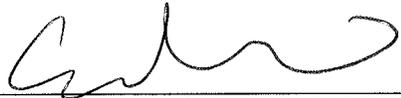
12 Laura has been intimately involved with NCA and this particular matter for a
13 considerable amount of time, and makes decisions that best serve her client. Given the
14 circumstances, the best course of action for NCA is for counsel to request that the Authority
15 reconsider its Order.

16 **IV. CONCLUSION**

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

19 Respectfully submitted this 29th day of March, 2017.

20 DAVIS GRAHAM & STUBBS LLP

21
22 By: 
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24 Erica K. Nannini (NSB 13922)
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27 (775) 229-4219 (Telephone)
28 *Attorneys for Nevada Connections Academy*

1 **CERTIFICATE OF SERVICE**

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

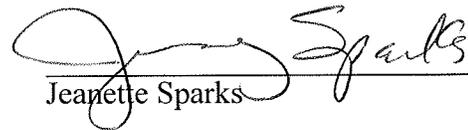
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13 *Attorneys for State Public Charter School Authority*

14 
15 Jeanette Sparks