

1 **BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY**
2 **STATE OF NEVADA**

4 In re:	Hearing Date: October 23-25, 2017
5 NEVADA CONNECTIONS ACADEMY	Hearing Time: 9:00 AM

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8 **STATE PUBLIC CHARTER SCHOOL AUTHORITY STAFF’S**
9 **MOTION TO EXCLUDE IRRELEVANT, IMMATERIAL AND UNDULY**
10 **REPETITIOUS WITNESSES AND EVIDENCE**

11 The State Public Charter School Authority Staff (“Staff”), through their counsel,
12 Adam Paul Laxalt, Attorney General of the State of Nevada, and Gregory D. Ott, Senior
13 Deputy Attorney General, submits this Motion to Exclude Irrelevant, Immaterial and
14 Unduly Repetitious Witnesses and Evidence offered by Nevada Connections
15 Academy (“NCA”).

16 **I.**
17 **PROCEDURAL HISTORY**

18 The Notice of Intent to Revoke Written Charter formally notifying NCA of the
19 deficiency of the graduation rate of its graduating cohort of 2015 and the State Public
20 Charter School Authority’s (“SPCSA”) hearing pursuant to Nevada Revised Statute
21 (“NRS”) 388A.330 (the “First Notice”) was issued on September 30, 2016. The First Notice
22 set the date of the hearing as December 16, 2016 (“December Hearing”). NCA submitted a
23 list of five witnesses and one witness who may testify if the need arises for entirety of the
24 hearing and 18 Exhibits.¹ The December Hearing was continued to March 30, 31 and April
25 1, 2017 (“March Hearing”), by the SPCSA Board on the date of the meeting.

26 The Notice regarding NRS 388A.330 formally notifying NCA of the deficiency of the
27 graduation rate of its graduating cohort of 2016 and the SPCSA’s hearing pursuant to NRS

28 ¹ NCA’s Witness Disclosure, dated December 13, 2016.

1 388A.330 (the “Second Notice”) was issued on February 10, 2017. The date for the hearing
2 was set for March 30, 31, and April 1, 2017, to coincide with the continued date of the
3 hearing regarding the First Notice. NCA submitted a list of 12 witnesses (then amended
4 to 14) and 4 who may testify if the need arises for entirety of the hearing and 20 Exhibits
5 prior to the March Hearing.²

6 The March Hearing was continued to May 25-27, 2017, (“May Hearing”) for a medical
7 emergency. Notwithstanding the medical emergency and despite having requested and
8 conducted no discovery, NCA’s counsel represented that it was fully prepared to proceed at
9 the March Hearing.³ Prior to the May Hearing, NCA submitted an amended witness list
10 adding 34 new witnesses for a new total of 52 witnesses and an additional 27 Exhibits, for
11 a total of 47. The May Hearing proceeded with both parties offering documents and
12 evidence. At the close of the May Hearing, the Board established a plan allowing for the
13 supplementing of the record prior the continued date of the hearing. NCA offered 20
14 declarations from individuals on their witness list.

15 Now, on October 16, 2017, roughly ten months after first submitting a list of six
16 individuals and 18 exhibits and eight months after the first scheduled hearing to address
17 the exact issues to be determined at the October 23-25, 2017, hearing (“October Hearing”),
18 NCA submits another 35 witnesses it intends to have testify along with 45 Exhibits and
19 682 new pages of documents, in addition to the 1,479 already submitted. NCA has provided
20 a good faith estimate of three days for this hearing.

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28 ² NCA’s Witness Disclosure, dated March 24, 2017.
³ May 25, 2017, Transcript of Hearing, 19:24-20:3.

1 II.

2 LEGAL ARGUMENT

3 A. NCA has Already Submitted Five Parent Declarations, Three Student
4 Declarations and One Former Parent Declaration and Additional
5 Parental Witness Testimony from 13 Parents, One Parent
6 Coordinator, and Seven Parent and Student Declarations is
7 Unduly Repetitious.

8 “Irrelevant, immaterial or unduly repetitious evidence must be excluded.”⁴ This is
9 not discretionary on the part of the administrative body, if the body determines that the
10 evidence fits any of these categories, it must be excluded.

11 Prior to the conclusion of Phase I of this hearing, NCA submitted declarations from
12 parents Shannon Pierce, Veronica Berry, Alexandra Castillo, Michelle Nelson, and David
13 Held as well as students J. Berry, Mariah Hiatt, and N. Held and former parent Dawn
14 Starrett.⁵ The Authority Board has already received nine witnesses testify that NCA has
15 been beneficial to themselves or their families. NCA now seeks to have an additional 13
16 witnesses testify with their relevance based on parentage, or grandparentage.⁶
17 Additionally, NCA seeks seven further declarations in Phase II, Exhibit “LL”. The Phase
18 II, Exhibit “LL” declarations are also unduly repetitious considering the amount of similar
19 testimony in the record. The witness testimony is unduly repetitious of the declarations
20 already in the record. Additionally, the fact that NCA has parents and students that
21 believe that the school is serving their families adequately is not in dispute. However, in
22 a school of 3,000, it remains possible for 8 or 25 parents or students to believe the school
23 serves them well, but still have the school achieve below average academic results that
24 merit accountability action.

25 NCA also names Jamie Smith, Community Coordinator, as a witness to testify
26 regarding the nature of families and students NCA serves through personal interaction

27 ⁴ NRS 233B.123.

28 ⁵ See Phase I Supplemental Exhibits “L” though “T”.

⁶ See NCA list of persons expected to testify, Shari Grimes, Shannon Pierce, Jannel
Thorton, Mary Kelsey, Shanya Gilliam, Bernadette Murray, H. Morris, Veronica Berry,
Amanda Roller, David Held, Christy Fisher, Cateland White and Sawn Starrett.

1 with same. This testimony is duplicative of the existing declarations and the other 13
2 parents and family members named by NCA and should be excluded.

3 Additionally, proposed witnesses Shannon Pierce, Veronica Berry, David Held and
4 Dawn Starrett have already testified via declaration and their testimony is
5 doubly repetitious.⁷

6 In the event that the State Public Charter School Authority Board (“Board”)
7 determines all of these witnesses should not be excluded, Staff requests that a single
8 representative be chosen and the rest testify by declaration to expedite the hearing.

9 **B. NCA Failed to Include Any Relevance for Mr. Ragley’s Testimony and**
10 **He Must Be Excluded.**

11 Jay W. Ragley is identified as a possible witness regarding why
12 closure/reconstitution is not appropriate. NCA’s relevance column on its witness disclosure
13 is blank indicating an admission that Mr. Ragley has no relevant testimony to provide. He
14 must be excluded.

15 **C. Proposed Witnesses Joe Thomas, Jafeth Sanchez, Matt Wicks, Lisa**
16 **Malabago and Richard Vineyard Have Already Testified Regarding**
17 **the Same Items Proposed by NCA and Should Be Excluded.**

18 Witnesses Matt Wicks, Jafeth Sanchez and Richard Vineyard all testified during
19 Phase I of this proceeding regarding the same matters that they are listed for testimony on
20 Phase II. Dr. Sanchez testified telephonically regarding accountability measures and policy
21 issues and is being offered for the same testimony, Mr. Wicks gave lengthy testimony
22 regarding alternative growth and achievement measures that he proposed the Board
23 consider. Dr. Vineyard testified regarding his opinions of the need for multiple data points
24 for making important accountability decisions. As these witnesses are being offered for the
25 same testimony as they have already given, their testimony would be unduly repetitious
26 and should be excluded.

26 Mr. Thomas testified via declaration and cross examination regarding NCA’s
27 academic performance and improvements. Though he was not acting school leader at the

28 ⁷ See Phase I, Supplementary Exhibits “L”, “M”, “Q” and “S”.

1 time, the description of his testimony and relevance does not indicate that his service as
2 acting school leader is the subject of the testimony. Thus, his testimony will cover the same
3 issues already included in Phase I, Supplementary Exhibit “B”, and must be excluded as
4 unduly repetitious. Ms. Malabago also testified via declaration in Phase I, Supplementary
5 Exhibit “C” regarding the Every Student Succeeds Academy and further testimony on the
6 same topics is unduly repetitious and must be excluded. In the event that they are
7 permitted to testify, they should be limited to matters related solely to what action is
8 appropriate for the Board to take regarding NCA.

9 **D. Proposed Witnesses Kim Arkerson, Jamie Castle, Allison Thomas,**
10 **Heather Engelhardt, Kaycee Green, Levette McEaddy, Carrie Miller,**
11 **Lisa Sill and Andrea Tonkel Are All Teachers Or Principals Whose**
12 **Testimony will Be Unduly Repetitious And Should Be Excluded**
13 **or Limited**

14 Kim Arkerson, Alison Thomas and Jamie Castle are all elementary school witnesses
15 who “will speak to the caliber and academic rigor of NCA’s elementary school program
16 including academics and student engagement” or some subset category of that description.
17 Additionally, Heather Englehardt, the K-8 Principal will testify to the level of family
18 engagement (which is duplicative of the testimony of Ms. Castle, Ms. Thomas and Ms.
19 Arkerson) and staff development efforts, which are not relevant to the question before the
20 Board in Phase II.

21 Kaycee Green, Carrie Miller and Andrea Tonkel are all credit recovery high school
22 teachers who will speak to specific instances of credit-recovery efforts, including
23 reengagement efforts of high school students. In addition to being unduly repetitious of
24 each other’s testimony, the proposed testimony is also repetitious of the declarations of Joe
25 Thomas, and Lisa Malabago (Phase I Supplementary Exhibits “A” and “B”) who both spoke
26 about reengagement and credit recovery efforts. Additionally, Levette McEaddy is a high
27 school counselor whose described testimony is identical to that of Ms. Malabago, whose
28 testimony is already in the record as Phase I, Supplemental Exhibit “C”.

...

1 Lisa Sill is a middle school science teacher proposed to give testimony regarding the
2 nature of NCA families served and engagement efforts, which is duplicative of the
3 description of Jamie Smith and duplicative of parent testimony and should be excluded as
4 unduly repetitious.

5 Each of these witnesses has testimony that will be unduly repetitious and must be
6 excluded. Alternatively, these witnesses should be significantly limit to avoid
7 duplicative testimony.

8 **E. Proposed Witness Rob Kremer's Testimony is Not Relevant And**
9 **Should Be Excluded**

10 Mr. Kremer is not identified by position or employer, but is believed to be the Vice-
11 President of Government Affairs for Connections, Inc. He is not designated as an expert
12 and is not proposed to give testimony on anything specific to NCA, but rather on resolution
13 options and policy issues. The issue before the SPCSA Board in Phase II is limited to
14 whether closure, reconstitution or no action is appropriate and has been established by not
15 only NRS 388A.300, but also by this Board's scheduling orders, thus other resolution or
16 policy actions are not relevant. Additionally, testimony regarding whether it is appropriate
17 to use graduation rate as a single metric is not relevant to Phase II, as the SPCSA Board
18 has determined the school is eligible for closure or reconstitutions because of its graduation
19 rate (consistent with NRS 388A.330) and the SPCSA Board has also heard testimony from
20 Dr. Vineyard and Mr. Wicks on these exact arguments, so to the extent Mr. Kremer's
21 testimony is relevant it is also unduly repetitious and must be excluded.

22 **F. Proposed Witnesses Dr. Charles A. Bennet ad Chad L. Aldis May Be**
23 **Unduly Repetitious And Could Be Excluded or Limited**

24 Expert witnesses Bennet and Aldis (if they are accepted as experts) is likely to be
25 repetitious testimony already provided Mr. Wicks and Mr. Vineyard regarding high stakes
26 decisions and accountability. Additionally the testimony of each appears to substantially
27 overlap and they may be repetitious of each other. The SPCSA Board should inquire as to
28 further differentiate the substance of both testimonies so as not to take unduly

1 repetitious testimony.

2 **G. NCA Waived Any Right to the Testimony of Any Witness Not Named**
3 **Prior to the March Hearing.**

4 Though the SPCSA Board, NCA and Staff rightfully refer to the NRS 388A.330
5 hearing as having a Phase I and Phase II, they are both parts of a single hearing. The
6 hearings were noticed for the same dates and times and the references to Phase I and Phase
7 II simply reflect the requirement that the SPCSA Board cannot consider any action prior
8 to making a determination regarding the correction of deficiencies. The hearing
9 commenced (after multiple continuances) in May, when NCA confirmed it was fully
10 prepared to go forward at the March, 2017 hearing.⁸ NCA's current list contains numerous
11 persons not included in the March list, and they should be limited to only those witnesses
12 that they were prepared to go forward with in March. The witnesses present on both lists
13 are: Joe Thomas, Lisa Malabago, Levette McEaddy, Matt Wicks, Richard Vineyard, Patrick
14 Gavin, Jafeth Sanchez, Lisa Sill and Alison Thomas. The remaining 26 witnesses should
15 be excluded as irrelevant to the hearing. The lack of relevance having been established by
16 NCA's failure to name them for the March Hearing and NCA's admission that it was fully
17 prepared to go forward at that time.⁹

18 **1. Many of NCA's Exhibits Are Irrelevant to the Issues of Phase II and**
19 **Phase II, Exhibit "A" is Not Mutually Agreed Upon and Irrelevant.**

20 The SPCSA Board concluded that NCA's cures were inadequate during Phase I of this
21 hearing. While the SPCSA Board Chair's August 31, 2017 Order allowed the consideration
22 of a mutually agreed up cure, Exhibit "A" has not been mutually agreed upon and must be
23 excluded as irrelevant and inconsistent with the SPCSA Board's order.

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25 ⁸ May 25, 2017, Transcript of Hearing, 19:24-20:3.

26 ⁹ This would exclude Shari Grimes, Shannon Pierce, Jannel Thorton, Mary Kelsey,
27 Shanya Gilliam, Bernadette Murray, H. Morris, Veronica Berry, Amanda Roller, David
28 Held, Christy Fisher, Cateland White, Dawn Starrett, Jamie Smith, Jay W. Ragley, Kim
Arkerson, Jamie Castle, Allison Thomas, Heather Engelhardt, Kaycee Green, Carrie
Miller, Lisa Sill, Wendy Meyers, Andrea Tonkel, Rob Kremer, Dr. Charles A. Bennet ad
Chad L. Aldis.

1 **2. Phase II Exhibits “B”, “C”, “JJ”, and “KK” are Irrelevant as Staff’s**
2 **Motivations for Advocating Particular Positions are Not Relevant.**

3 The decision before the Board is whether it is lawful and appropriate for the SPCSA
4 Board to close the school, reconstitute or take no action. Audio recordings from a NACSA
5 conference in 2016 do have any relevance to whether NCA’s governing body should be
6 reconstituted it should be closed, or it should be allow to continue without action. Just as
7 hearsay declarations of Mr. Ragley and Mr. Robertson. Unfortunately, NCA continues to
8 attempt to try to distract from its own performance by attacking staff, but such attacks are
9 not relevant to the Phase II question before the SPCSA Board and must be excluded.

10 **3. Phase II Exhibits “E”, “F”, “G”, and “FF” Are the Opinions of**
11 **Journalists Offered Without Oath Or Opportunity for Cross-**
12 **Examination and are Irrelevant and Hearsay and Must**
13 **Be Excluded.**

14 Exhibits “E”, “F”, “G” and “FF” are all news reports generally concerning Nevada as
15 a whole, not NCA in particular. None of the authors provided any oath or affirmation as
16 to the veracity of the findings and thus all should be excluded under NRS 233B.123(3).
17 Additionally, none of them directly concerns the issue before the Board in Phase II and
18 must be excluded on relevance grounds.

19 **4. Phase II Exhibits “I” and “J” Are Notes of a Board Member and Are**
20 **Irrelevant and Hearsay and Must Be Excluded.**

21 Exhibits “I”, and “J” notes taken by a Board member and a declaration regarding
22 documents reviewed by the same Board member. Each is purportedly offered to establish
23 some sort of bias or impropriety of the Board member’s consideration. The issue of potential
24 bias is not a Phase II issue, thus those notes must be excluded on relevance grounds.

25 **5. Phase II Exhibits “K”, “L”, “N”, “O”, “P”, “R”, “T”, “U”, “W”, “X”,**
26 **“CC”, “QQ”, and “RR” All Concern Receivership or are Offered for**
27 **the Purpose of Showing NCA as Receiving Unequal Treatment and**
28 **Must Be Excluded as Irrelevant**

29 Exhibit “K” is a staff briefing memorandum regarding Nevada Virtual Academy,
30 which is wholly irrelevant to the Phase II decision before the Board. Additionally, the

1 comparison between NCA and Nevada Virtual Academy is improper as Nevada Virtual has
2 at all times relevant had a graduation rate above 60% and the closure criteria and
3 circumstances for the school were different. It is irrelevant to Phase II and must
4 be excluded.

5 Exhibit “L”, “O”, and “QQ” are documents regarding a school (Silver State Charter
6 School) offered for the purpose of claiming NCA is receiving improperly differential
7 treatment than other schools. To the extent it’s relevant, the Board voted to close Silver
8 State Charter School, so if any school is receiving preferential treatment, it is NCA.
9 However, these schools were differently situated and a two-year-old briefing memorandum
10 or a settlement document regarding how to approach a different school with a different
11 population, academic model and located in a different city, is irrelevant and must
12 be excluded.

13 Exhibits “N” is a briefing memorandum from March, 2016, prior to the
14 commencement of these proceedings, and is intended to show different schools are being
15 treated differently. Exhibit “CC” is a letter from NCA’s counsel offered to show differential
16 treatment of other schools. Counsel is free to make arguments during the hearing, and the
17 remainder of Phase II Exhibits “CC” and “N” are irrelevant for the reasons discussed in
18 this section related to the schools in question, the briefing memorandum is irrelevant and
19 must be excluded from Phase II evidence.

20 Exhibit “P” is a briefing memorandum regarding a different school, Quest Academy,
21 which never had a graduation rate below 60% and was never similarly situated to NCA
22 and must be excluded.

23 Exhibit “U” is a document related to another school, Beacon Academy offered for the
24 purpose of showing that schools were being treated unequally. Beacon Academy’s
25 graduation rate was substantially higher than NCA’s, but all agreements with Beacons
26 Academy have always been immediately shared with NCA to make sure NCA understood
27 what sort of cures had been found appropriate by the SPCSA Board. NCA has never
28 proposed a cure substantially similar to those proposed by Beacon Academy.

1 Exhibits “R”, “T”, “W”, “X”, and “RR” are items related to the appointment and
2 performance of receivers. The SPCSA Board does not have the option of appointing a
3 receiver for NCA as that is beyond the Phase II parameters allowable under NRS 388A.330,
4 thus this evidence is irrelevant and must be excluded.

5 **6. Phase II Exhibits “Q” and “V” are Irrelevant Evidence of a**
6 **Proposed Cure.**

7 NCA’s cure period is over and letters of support for a cure that was rejected in Phase
8 I are irrelevant. Also, the micro school proposal of Exhibit “V” has been adopted with the
9 passage of Assembly Bill (“AB”) 49 of the 2017 Legislative Session (Section 12.3) and NCA
10 is not eligible for inclusion. The unsworn letters of Exhibit “Q” must be excluded as
11 unsworn witness testimony under NRS 233B.123(3).

12 **7. Phase II Exhibits “Y” and “Z” do not Modify the Board’s Options**
13 **Under NRS 388A.330, and Must Be Excluded as Irrelevant.**

14 The Nevada Department of Education Guidance Memoranda does not change law,
15 they simply provide a list of options that could be addressed outside the NRS 388A.330
16 process. As the Board is limited to its NRS 388A.330 options within the confines of this
17 hearing, Phase II Exhibits “Y” and “Z” are irrelevant and must be excluded

18 **8. Phase II Exhibit “AA” Regards the Nevada Achievement School**
19 **District, which Follows Different Procedures when Selecting**
20 **Schools and is Irrelevant and Must Be Excluded.**

21 The Nevada Achievement School District is governed by NRS 388B and uses a
22 different criteria when selecting schools because a school must not only be low performing,
23 but also be a good match for a partnership with an existing out of state high achieving
24 charter school. The selection criteria of the Nevada Achievement School District are not
25 relevant to the Board’s Phase II decisions.

26 **9. Phase II Exhibit “DD” are not Relevant to the Phase II Question.**

27 Exhibits “DD” is SPCSA Board minutes from a meeting prior to the commencement
28 of this proceeding and bears no relevance to the Phase II questions the Board will decide.

...

1 **10.Phase II Exhibits “GG” and “PP” is Excerpts or Transcripts from**
2 **Prior Board Meetings Irrelevant to the Phase II Questions.**

3 Exhibit “GG” contains three excerpts from SPCSA transcripts or meetings, the first
4 (along with Phase II Exhibit “PP”) is purported to be evidence of the SPCSA Board’s
5 conditional acceptance of a graduation rate improvement plan which was failed for in
6 ability of the parties to agree to a charter contract and is not relevant as the portion of the
7 hearing considering improvement plans is concluded. The second two excerpts are offered
8 to establish the improper motivations of the Board in issuing notices and proceeding with
9 this matter. None of these excerpts or transcripts are relevant to the Phase II issues
10 regarding closure, reconstitution or no action that are before the Board at this hearing.

11 **11.Phase II Exhibit “HH” and “OO” is Testimony from Director**
12 **Patrick Gavin Offered to Prove Legislative Intent.**

13 Evidence of legislative intent is not relevant unless the statute is unclear. NCA has
14 not demonstrated the statute is unclear, so legislative intent evidence is not relevant.¹⁰

15 **12.Phase II Exhibit “MM” is Improper Character Evidence and**
16 **is Irrelevant.**

17 Though the Nevada Administrative Procedure Act does not speak to it, character
18 evidence such as Exhibit “MM” is generally improper in Nevada.¹¹ When used to attack
19 the credibility of a witness, only evidence of truthfulness is admissible.¹² In addition to
20 Nevada’s general displeasure at the character attacks NCA wishes to engage in, the
21 evidence is not at all relevant to the Phase II Issues before the SPCSA Board.

22 **13.Phase II Exhibit OO Is Irrelevant to Phase II Issues before**
23 **the Board.**

24 Exhibit “OO” is a presentation to the Nevada Legislature apparently begin offered
25 to demonstrate that other accountability measures are available to the Board. To the
26

27 ¹⁰ *Chanos v. Nevada Tax Comm.*, 124 Nev. 232, 237-238, 181 P.3d 675, 679 (2008).

28 ¹¹ NRS 48.045.

¹² NRS 50.085.

1 extend it is intended to show Legislative intent to a clear statute, it is barred by Chanos.¹³
2 To the extent it is offered to show that the SPCSA should have taken different measures
3 prior to this hearing, it is irrelevant as unrelated to the options available to the SPCSA
4 Board in Phase II of an NRS 388A.330 hearing.

5 **14.Phase II Exhibit “SS” is Improper Evidence of Settlement**
6 **Discussions and Irrelevant.**

7 Evidence of settlement discussion is prohibited By NRS 48.105(1)(b). Additionally the
8 evidence improperly attempts to show disparate treatment between NCA and other school’s
9 by alleging without any evidence whatsoever that other schools were not asked to enter
10 into similar confidentiality statements. Additionally, it is completely irrelevant to the
11 Phase II issues before the Board.

12 **H. Public Policy Favors a Limited Scope of Witnesses and Evidence.**

13 NCA may argue that failure to allow the full testimony of its 35 witnesses and
14 several hundred pages of documents is prejudicial to its ability to present a case. The
15 SPCSA Board should be mindful that the legislature has required any hearings required
16 under NRS 388A.330 take place in addition to all other business that the Board is required
17 to conduct under NRS 388A. Unlike dedicated deciders of fact whose sole job it is to hear
18 cases, NRS 388A.330 requires hearings of this kind to take place in front of a volunteer
19 board with other jobs and time commitments in addition to their service to the State as
20 volunteer board members. While NRS 388A.330 allows a public hearing to make a
21 determination on any NRS 388A.330 deficiencies this requirement must be read in concert
22 with the other Board obligations under NRS 388A.330. To allow the testimony of 35
23 witnesses in addition to the 22 witnesses that provided testimony during Phase I would be
24 inconsistent with the Board’s other responsibilities under NRS 388A.¹⁴

25 . . .

27 ¹³ *Chanos v. Nevada Tax Comm.*, 124 Nev. 232, 237-238, 181 P.3d 675, 679 (2008).

28 ¹⁴ Mr. Werlein, Mr. Wicks, Mr. Vineyard and Ms. Sanchez in person, and the remainder via declaration.

1 **III.**

2 **CONCLUSION**

3 The SPCSA Board must exclude “Irrelevant, immaterial or unduly repetitious
4 evidence.” The vast majority of NCA’s witnesses are unduly repetitious, while the vast
5 majority of its evidence is irrelevant to the Phase II question of “whether it is lawful and
6 appropriate to either reconstitute the governing body of [NCA] or to revoke [NCA’s] written
7 charter or to take no action.”¹⁵ The SPCSA Board is not only required to limit the unduly
8 repetitious evidence, it is also consistent with the sound public policy of allow this volunteer
9 board to conduct not only this business, but the remainder of the business that it is
10 obligated to conduct under NRS 388A. The SPCSA Board should exclude witnesses and
11 evidence as provided herein.

12 DATED: October 19, 2017.

13 ADAM PAUL LAXALT
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¹⁵ Order, dated August 31, 2017, and NRS 388A.330.

1 **CERTIFICATE OF SERVICE**

2 It is hereby certified that I am an employee of the Office of the Attorney General,
3 State of Nevada, and that on October 19, 2017, a true and correct copy of the foregoing
4 **STATE PUBLIC CHARTER SCHOOL AUTHORITY STAFF’S MOTION TO**
5 **EXCLUDE IRRELEVANT, IMMATERIAL, AND UNDULY REPETITIOUS**
6 **WITNESSES AND EVIDENCE** was sent by email to the following:

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