

1 Case No.: 18 OC 00088 1B

2 Dept. No.: I

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SUSAN HERRIWETHER
CLERK

BY

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

8 NEVADA VIRTUAL ACADEMY,

9 Plaintiff,

10 vs.

11 STATE OF NEVADA *ex rel.* STATE PUBLIC
12 CHARTER SCHOOL AUTHORITY, a political
13 subdivision of the State of Nevada, and
14 PATRICK GAVIN, in his official capacity as
Executive Director of the State Public Charter
School Authority,

15 Defendants.

ORDER DENYING PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER, MOTION FOR
A PRELIMINARY INJUNCTION; AND
MOTION FOR A WRIT OF MANDAMUS,
OR IN THE ALTERNATIVE, A WRIT OF
PROHIBITION

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17 This matter comes before the Court pursuant to Plaintiff NEVADA VIRTUAL
18 ACADEMY'S (referred to herein as "NVA") Motion for a Temporary Restraining Order,
19 Motion for a Preliminary Injunction; and Motion for a Writ of Mandamus, or in the Alternative,
20 a Writ of Prohibition, filed on April 5, 2018. An Opposition was filed by the Defendants STATE
21 OF NEVADA *ex rel.* STATE PUBLIC CHARTER SCHOOL AUTHORITY, a political
22 subdivision of the State of Nevada, and PATRICK GAVIN, in his official capacity as Executive
23 Director of the State Public Charter School Authority (collectively "the Authority"), on April 13,
24 2018; and a hearing was held in this matter on April 17, 2018.

25 In NVA's Motion, NVA requests that his Court issue a temporary restraining order, a
26 preliminary injunction, or a writ of mandamus or prohibition, restraining the Authority from
27 taking any further action against NVA in connection with the Notice of Intent to Terminate
28 NVA's charter school contract, issued on February 21, 2018 ("the Notice"). NVA further
requests in its Motion that this Court excuse NVA from responding to the Notice, and preventing

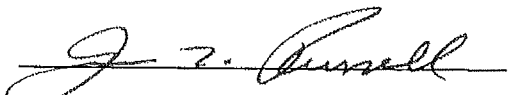
1 the Authority from making any determination whether NVA has corrected the deficiencies set
2 out in the Notice, conducting a public hearing in connection with the Notice, and other relief.

3 THEREFORE, the Court, having reviewed NVA's Motion, the Authority's Opposition,
4 and heard arguments of counsel at the April 17, 2018 hearing, and good cause appearing,

5 THE COURT FINDS that the Authority has not made a final determination, and as such
6 this matter is not ripe, that NVA has not exhausted its administrative remedies, and that this
7 matter is not appropriately before the Court. *See Malecon Tobacco, LLC v. State ex rel. Dept. of*
8 *Taxation*, 118 Nev. 837, 59 P.3d 474 (2002). Furthermore, this Court finds that NVA has not
9 met the requirements of NRCPC 65 in regard to a temporary restraining order or other injunctive
10 relief.

11 IT IS HEREBY ORDERED that NVA's Motion is DENIED.

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13 Dated this 25th day of April, 2018.

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15 
16 JAMES T. RUSSELL
17 DISTRICT JUDGE

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19 Submitted by:

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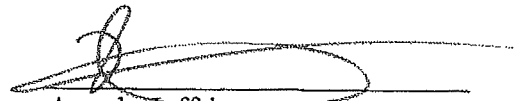
CERTIFICATE OF SERVICE

I certify that I am an employee of the First Judicial District Court, and that on this 25th day of April, 2018, I served the following by way of the United State Postal Service:

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