

CLERK OF THE COURT

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19 **DISTRICT COURT**

20 **CLARK COUNTY, NEVADA**

21 RUBY DUNCAN, an individual; RABBI MEL
22 HECHT, an individual; HOWARD WATTS III,
23 an individual; LEORA OLIVAS, an individual;
24 ADAM BERGER, an Individual,

25 Plaintiff(s),

26 vs.

27 STATE OF NEVADA, ex rel. the Office of the
28 State Treasurer of Nevada and the Nevada
Department of Education; DAN SCHWARTZ,
Nevada State Treasurer, in his official capacity;
STEVE CANAVERO, Interim Superintendent of
Public Instruction, in his official capacity,

Defendant(s).

Case No. A-15-723703-C
Dept. No. XX

**OPPOSITION TO REQUEST TO ENTER
PROPOSED ORDER ISSUING
DECLARATORY JUDGMENT AND
PERMANENT INJUNCTION**

Nevada opposes Plaintiffs' request for a proposed order to implement the Supreme Court's decision in this matter. Plaintiffs' proposed order asks this Court to categorically declare that the Supreme Court found Section 16 of SB 302 "unconstitutional." The decision made no such categorical holding. It found, instead, that ESA accounts were, at present, improperly funded. Unlike Plaintiffs' proposed language, the Court's was clear that it was not striking any law, but only halting implementation, in giving its direction to this Court:

...

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by
3 using the electronic filing system on the 1st day of December, 2016.

4 The following participants in this case are registered electronic filing systems users and will be
5 served electronically:

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/s/ Traci Plotnick

Traci Plotnick, an employee of
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ATTACHMENT “1”

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19 Department of Education; DAN SCHWARTZ,
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20 STEVE CANAVERO, Interim Superintendent of
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21 Defendant(s).

Case No. A-15-723703-C
Dept. No. XX

**[PROPOSED] FINAL DECLARATORY
JUDGMENT AND ORDER GRANTING
PERMANENT INJUNCTION**

22
23 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

24 A final declaratory judgment and permanent injunction is entered enjoining enforcement of

25
26 ...

27 ...

28 ...

1 Section 16 of SB 302 absent appropriation therefor consistent with *Schwartz v. Lopez*, 132 Nev. Adv.
2 Op. 73 (2016).

3 IT IS SO ORDERED.

4 Dated: _____

5

6

ERIC JOHNSON, DISTRICT COURT JUDGE

7

8 DATED this 1st day of December, 2016.


9 Submitted by:

10 ADAM PAUL LAXALT
11 Attorney General

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By: 
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