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ORDR

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

RUBY DUNCAN an individual; RABBI MEL
HECHT, an individual; HOWARD WATTS III,
an individual; LEORA OLIVAS, an individual;
ADAM BERGER, an individual,

Plaintiffs,

vs.

STATE OF NEVADA, ex rel. the Office of the
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,

Defendants.

Case No. A-15-723703-C

Dept. No. XX

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CLERK OF THE COURT

ORDER ISSUING DECLARATORY JUDGMENT AND PERMANENT INJUNCTION

By its order in *Duncan v. State of Nevada*, 132 Nev. Adv. Op. 73 (2016), the Nevada Supreme Court affirmed this Court's holdings, but remanded based on its findings concerning the separate case of *Schwartz v. Lopez*, 132 Nev. Adv. Op. 73 (2016) that SB 515 did not appropriate any funds for education savings accounts and the use of any money appropriated in SB 515 for K-12 public education to fund the education savings accounts contravenes Article 11 Sections 2 and 6 of the Nevada Constitution. Therefore, on remand, this Court enters a final declaratory judgment and permanent injunction enjoining enforcement of Section 16 of SB 302 absent appropriation consistent with the Nevada Supreme Court's opinion in *Schwartz*.

IT IS SO ORDERED.

DATED this 13 day of January, 2017.

ERIC JOHNSON
DISTRICT COURT JUDGE