

IN THE SUPREME COURT OF THE STATE OF NEVADA

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<p>REV. LEONARD JACKSON,</p> <p>Appellant,</p> <p>vs.</p> <p>FAIR MAPS NEVADA PAC; AND BARBARA K. CEGAVSKE, IN HER OFFICIAL CAPACITY AS NEVADA SECRETARY OF STATE,</p> <p>Respondents.</p>	<p>Case No.: 80563</p> <p>District Court Case No. 19OC002091B</p>
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Apr 06 2020 05:21 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO EXPEDITE APPEAL**

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*Attorneys for Respondent Fair Maps Nevada PAC*

## NRAP 26.1 DISCLOSURE STATEMENT

Pursuant to NRAP 26.1, the undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the justices of this court may evaluate possible disqualification or recusal.

There are no parent corporations for Respondent Fair Maps Nevada PAC or publicly held companies owning 10% or more of Respondent's stock.

Respondent has been represented throughout this action by Adam Hosmer-Henner, Esq. and Lucas Foletta, Esq. of McDonald Carano LLP.

DATED: April 6, 2020.

McDONALD CARANO LLP

By /s/ Adam Hosmer-Henner  
Adam Hosmer-Henner (NSBN 12779)  
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100 West Liberty Street, 10th Floor  
Reno, Nevada 89501  
*Attorneys for Respondent Fair Maps  
Nevada PAC*

## I. INTRODUCTION

This Court denied Respondent Fair Maps Nevada PAC's ("Respondent" or "Fair Maps") Motion to Dismiss on March 26, 2020 but stated that "Fair Maps may move this court to set an expedited briefing schedule as it deems warranted." Ord. Mar. 26, 2020. Fair Maps hereby moves to expedite the resolution of this appeal to reduce uncertainty about whether Fair Maps' Amended Petition may qualify for the 2020 general election ballot. This Motion for a procedural order pursuant to NRAP 27(b) is based on the following Memorandum of Points and Authorities and the papers on file with this Court.

## II. ARGUMENT

Time is of the essence in ballot question litigation. *See Coal. for Nevada's Future v. RIP Commerce Tax, Inc.*, 132 Nev. 956 (2016) (unpublished) ("In light of the nature and urgency of this matter, we suspend NRAP 41(a) and direct the clerk of this court to issue the remittitur forthwith."). Furthermore, NRS 295.061(1) requires that ballot question cases receive "priority . . . over all other matters pending with the court, except for criminal proceedings." Fair Maps has been and is currently gathering signatures in support of its Amended

Petition. Fair Maps must submit signatures in support of its Amended Petition by June 24, 2020. NRS 295.056(3). In addition, Fair Maps is continuing to raise funds and obtain political support for the Amended Petition. The legal uncertainty and delay created by this appeal are harmful to these efforts.

NRS 295.061(1) requires that “[a]ll affidavits and documents in support of the challenge must be filed with the complaint.” This appeal is therefore limited to the limited record from Appellant’s initial complaint and the arguments regarding the initial petition filed by Fair Maps have already been fully and substantially briefed by the parties below. While Appellant has already filed an Opening Brief and Fair Maps is filing, contemporaneously with this Motion, a combined Answering Brief and Opening Brief on Cross-Appeal, briefing on a normal schedule may still not be completed in advance of the current statutory deadlines related to ballot initiatives.

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### III. CONCLUSION

Fair Maps respectfully requests that this appeal be decided on the basis of the District Court record without further briefing. In the event that oral argument is deemed necessary, Fair Maps requests that it be set at the next available calendar date.

At a minimum, Fair Maps requests that the Court expedite the appeal as it has in previous ballot question cases by requiring, in accordance with NRAP 28.1, that: (1) Respondent/Cross-Appellant file and serve a combined answering brief on appeal and opening brief on cross-appeal within 7 days from the date that Appellant/Cross-Respondent's opening brief was filed and served; (2) Appellant/Cross-Respondent file and serve a combined reply brief on appeal and answering brief on cross-appeal within 7 days from the date that Respondent/Cross-Appellant's is filed and served; and (3) Respondent/Cross-Appellant file and serve a brief in reply to the response in the cross-appeal within 7 days from the date that Appellant/Cross-Respondent's combined reply brief and answering brief is filed and served.

**Affirmation:** Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: April 6, 2020.

McDONALD CARANO LLP

By /s/ Adam Hosmer-Henner  
Adam Hosmer-Henner (NSBN 12779)  
Lucas Foletta (NSBN 12154)  
100 West Liberty Street, 10th Floor  
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*Attorneys for Respondent Fair Maps  
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**CERTIFICATE OF COMPLIANCE**

Pursuant to NRAP 27(d), I hereby certify that this motion complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type-style requirements of NRAP 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point font, Century Schoolbook style. I further certify that this motion complies with the page limits of NRAP 27(d)(2) does not exceed 10 pages, calculated in accordance with the exclusions of NRAP 32(a)(7)(C).

Pursuant to NRAP 28.2, I hereby certify that I have read this motion, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this motion complies with all applicable Nevada Rules of Appellate Procedure.

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I understand that I may be subject to sanctions in the event that this motion is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED: April 6, 2020.

McDONALD CARANO LLP

By /s/ Adam Hosmer-Henner  
Adam Hosmer-Henner (NSBN 12779)  
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*Attorneys for Respondent Fair Maps  
Nevada PAC*



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP and that on April 6, 2020, I served the foregoing document on the parties in said case by electronically filing via the Court's e-filing system, as follows:

Kevin Benson, Esq.  
Benson Law, LLC  
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Carson City, NV 89706

Aaron D. Ford, Esq.  
Greg Zunino, Esq.  
State of Nevada, Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701

DATED: April 6, 2020.

By     /s/ Jill Nelson      
Jill Nelson