TELLO & FILED LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION 1 KEVIN C. POWERS, General Counsel 2024 FEB 26 AM 9: 21 Nevada State Bar No. 6781 2 401 S. Carson St. 3 Carson City, NV 89701 Tel: (775) 684-6830 Fax: (775) 684-6761 4 Email: kpowers@lcb.state.nv.us Attorneys for Proposed Intervenor-Defendant Legislature of the State of Nevada 5 FIRST JUDICIAL DISTRICT COURT OF NEVADA 6 **CARSON CITY** 7 NATIONAL TAXPAYERS UNION, a nonprofit organization; and ROBIN L. TITUS, 8 MD, Case No. 24 OC 00001 1B 9 Plaintiffs, Dept. No. II 10 VS. 11 JOSEPH LOMBARDO, in his official capacity 12 as Governor of the State of Nevada; ZACH CONINE, in his official capacity as Nevada State Treasurer: RICHARD WHITLEY, in his official 13 capacity as Director of the Nevada Department of Health and Human Services; SCOTT J. KIPPER, 14 in his official capacity as the Nevada Commissioner of Insurance; and RUSSELL 15 COOK, in his official capacity as Executive Director of the Silver State Health Insurance 16 Exchange, 17 Defendants, and 18 LEGISLATURE OF THE STATE OF 19 NEVADA, Proposed Intervenor-Defendant. 20 21 STIPULATION AND ORDER REGARDING INTERVENTION BY LEGISLATURE, BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS 22

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PARTIES AND COUNSEL

This Stipulation and Order is agreed to and approved by (1) Joshua M. Halen, Esq., Constance L. Akridge, Esq., and Christopher M. Jackson, Esq. (pro hac vice pending), Holland & Hart LLP, counsel for the Plaintiffs; (2) Aaron D. Ford, Attorney General, Marni K. Watkins, Chief Litigation Counsel, and Casey J. Quinn, Senior Deputy Attorney General, Office of the Nevada Attorney General, counsel for the Defendants ("State Executive Defendants"); and (3) Kevin C. Powers, General Counsel, Legislative Counsel Bureau, Legal Division, counsel for Proposed Intervenor-Defendant Legislature of the State of Nevada ("Legislature"). For the purposes of this Stipulation and Order, the term "Party" or "Parties" includes the Plaintiffs, the State Executive Defendants, and the Legislature.

BACKGROUND

On January 2, 2024, the Plaintiffs filed a complaint for declaratory and injunctive relief that raises several state constitutional claims challenging certain provisions of Senate Bill No. 420 of the 81st Session of the Legislature (2021). The challenged provisions are more commonly known as the public option health benefit plan ("public option plan"). *See* 2021 Nev. Stat., ch. 537, §§ 2-15, at 3616-22 (codified as NRS Chapter 695K).

On January 29, 2024, the Plaintiffs filed a first amended complaint for declaratory and injunctive relief that, in addition to the state constitutional claims, includes a state statutory claim under the Nevada Administrative Procedure Act ("APA") in NRS Chapter 233B.

STIPULATION

The Parties, through their respective counsel, hereby stipulate and agree, subject to the Court's approval, as follows:

1. The Parties stipulate and agree that the Legislature is granted intervention in this action under NRCP 24 and NRS 218F.720 as an Intervenor-Defendant.

2. The Parties stipulate and agree that, in response to the first amended complaint for declaratory and injunctive relief, the State Executive Defendants and the Legislature will file motions to dismiss the first amended complaint under NRCP 12(b), and/or any joinders thereto, in accordance with the following schedule, and the Parties stipulate and agree that their respective documents will involve complex issues of state law, and the Parties ask the Court, for good cause shown, to extend the page limits for motions, oppositions, and replies under FJDCR 3.23. Accordingly, upon approval of this Stipulation and Order by the Court:

(a) Not later than February 23, 2024, the State Executive Defendants and the Legislature must file and serve their motions to dismiss, and not later than February 26, 2024, they must file and serve any joinders thereto. Such motions to dismiss (1) must not exceed 25 pages, exclusive of the caption, the signature block, the certificate of service, any exhibits, and any addendum reproducing provisions of constitutions, statutes, rules, regulations, or similar materials; and (2) must include a table of contents and table of authorities, which are also excluded from the page limits.

- (b) Not later than March 8, 2024, the Plaintiffs must file and serve their oppositions to the motions to dismiss and any joinders thereto. Such oppositions (1) must not exceed 25 pages, exclusive of the caption, the signature block, the certificate of service, any exhibits, and any addendum reproducing provisions of constitutions, statutes, rules, regulations, or similar materials; and (2) must include a table of contents and table of authorities, which are also excluded from the page limits.
- (c) Not later than March 22, 2024, the State Executive Defendants and the Legislature must file and serve their replies in support of their motions to dismiss. Such replies (1) must not exceed 15 pages, exclusive of the caption, the signature block, the certificate of service, any exhibits, and any addendum reproducing provisions of constitutions, statutes, rules, regulations, or similar

materials; and (2) must include a table of contents and table of authorities, which are also excluded from the page limits.

3. The Parties agree and consent to service by electronic mail under NRCP 5(b)(2)(E). The Parties agree and stipulate that NRCP 6(d), which provides for additional time after certain kinds of service, shall not apply to the Parties' service by electronic mail in this case. The Parties may use portable document format (pdf) or Microsoft Word as the format for attachments to service by electronic mail. Each Party filing a document must serve the document by electronic mail on counsel for the other Parties by 11:59 p.m. at the Court's local time on the same date that the document is sent to the clerk's office by mail or other third-party carrier for filing or is hand-delivered to the clerk's office for filing.

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1	SIGNATURES FOR STIPULATION AND	ORDER REGARDING INTERVENTION BY AND RELATED PROCEDURAL MATTERS
2		DATED: This day of, 2024.
3	DATED: This 6 day of temper 2024.	
4	By:	By: Marni K. Watkins
5	Joshua M. Halen, Esq. HOLLAND & HART LLP	Chief Litigation Counsel
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17	Attorneys for Plaintiffs	
18	(continued on next page)	
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_	DATED: This day of	, 2024.	DATED: This 14th day of february, 2024.
3	V		Para OTT).
4	By:		By: WY Y
	Joshua M. Halen, Esq.		Marni K. Watkins
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SIGNATURES FOR STIPULATION AND ORDER REGARDING INTERVENTION BY LEGISLATURE, BRIEFING SCHEDULE, AND RELATED PROCEDURAL MATTERS 1 DATED: This 2014 day of FEB. , 2024. 2 (continued from previous page) 3 By: 4 Kevin C. Powers General Counsel 5 LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION 6 401 S. Carson St. Carson City, NV 89701 7 Tel: (775) 684-6830 Fax: (775) 684-6761 8 kpowers@lcb.state.nv.us Attorneys for Intervenor-Defendant 9 Legislature of the State of Nevada 10 IT IS ORDERED: 11 Granted Granted in part: 12 and Denied in part: 13 Denied 14 Other: 15 DATED: 16 DISTRICT COURT JUDGE 17 18 19 20 21 22 23