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Attorneys for Plaintiffs

FIRST JUDICIAL DISTRICT COURT OF NEVADA
IN AND FOR CARSON CITY

NATIONAL TAXPAYERS UNION, a non-
profit organization, and ROBIN L. TITUS,
MD,

Plaintiffs,

v.

THE STATE OF NEVADA, ex, rel., JOSEPH
LOMBARDO, in his official capacity as
Governor of the State of Nevada; ZACH
CONINE, in his official capacity as Nevada
State Treasurer; RICHARD WHITLEY, in his
official capacity as Director of the Nevada
Department of Human Services; STACIE
WEEKS, in her official capacity as Director of
the Nevada Health Authority; NED GAINES,
in his official capacity as the Acting Nevada
Commissioner of Insurance; and JANEL
DAVIS, in her official capacity as Acting
Executive Director of the Silver State Health
Insurance Exchange,

Defendants.

**PLANTIFFS' MOTION FOR EXCESS PAGES FOR REPLY IN SUPPORT OF
AMENDED MOTION FOR PRELIMINARY INJUNCTION**

REC'D & FILED

2025 SEP 11 PM 1:51

WILLIAM SCOTT HOEN
CLERK

BY  DEPUTY

Case No. 25 OC 00109 1B

Dept. No. 1

1 Pursuant to FJDCR 3.23(c), Plaintiffs National Taxpayers Union (“NTU) and Robin L.
2 Titus hereby seek this Court’s permission to exceed the applicable page limits in FJDCR 3.23(b).
3 The presumptive page limit for Plaintiffs’ Reply in Support of their Amended Motion for
4 Preliminary Injunction is five pages. Despite their diligent efforts and careful editing, Plaintiffs’
5 reply is seven pages. Plaintiffs seek leave for two additional pages.

6 Plaintiffs’ motion and the reply challenge the constitutionality of S.B. 420, a bill that
7 establishes a Public Option for healthcare in Nevada. Plaintiffs challenge the constitutionality of
8 the bill on multiple fronts. Thus, Plaintiffs’ briefing requires discussion of Nevada’s
9 supermajority provision, appropriations, and constitutional separation of powers. These are
10 complex questions to tackle, using doctrines that are only applicable through detailed
11 explanation of their underlying reasoning and application in other cases. Plaintiffs attempted to
12 keep their explanations concise, but still found additional space was needed.

13 Added to the complexity of the issues at hand, Nevada’s case law surrounding the
14 Appropriations Clause and constitutional separation-of-powers is sparse. Constitutional
15 challenges to legislation are few and far between. Beyond merely discussing Nevada Supreme
16 Court cases, then, Plaintiffs needed to lay out analysis from the U.S. Supreme Court, appellate
17 courts in other states, and federal circuit courts. Without this additional discussion, this Court
18 could not rightly assess whether S.B. 420 can survive constitutional scrutiny.

19 Moreover, Defendants and this Court called Plaintiffs’ standing into question in this
20 suit’s prior iteration. Before even addressing their myriad constitutional concerns, then, Plaintiffs
21 had to devote space to explain to this Court why Plaintiffs are the appropriate parties to bring
22 them. This, too, required elucidation of foreign case law in addition to Nevada’s, and page space.

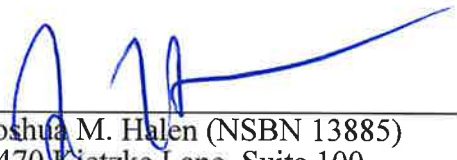
23 Finally, because of the rarity of the challenges Plaintiffs bring, the ruling they obtain is
24 likely to be Nevada’s sole authority on these constitutional topics for some time. And this case
25 represents an important question to this State and its citizens. Whether the Public Option is a
26 desirable product, and whether S.B. 420 enacted a sensible plan for implementing it, may be up
27 for debate by some. But all sides must agree that no legislation should ever be adopted in
28 violation of Nevada’s constitutional protections. As it was Plaintiffs’ obligation to ensure that

1 this Court had a full picture of the constitutional landscape before assessing how S.B. 420 fares,
2 constitutionally, Plaintiffs wished to provide this Court as much legal and factual information as
3 possible before it made that ruling.

4 Plaintiffs respectfully ask for a modest amount of additional space to ensure that this
5 Court has all the information it requires to decide a question of fundamental importance to
6 Nevadans. Plaintiffs made every effort to reduce the word count of this motion through diligent
7 editing. **Exhibit 1** Decl. of J. Halen in Supp. of Mot. ¶¶5-8. But additional space is needed. Good
8 cause exists to grant Plaintiffs' request of no more than two pages of briefing on their reply.

9 DATE: September 9, 2025

10 HOLLAND & HART LLP

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CERTIFICATE OF SERVICE

I, Cathy Ryle, certify:

I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Holland & Hart LLP. My business address is 5470 Kietzke Lane, Suite 100, Reno, Nevada 89511. I am over the age of 18 years and not a party to this action.

On September 9, 2025, I caused the foregoing **MOTION FOR EXCESS PAGES**, to be served by the following method(s):

☐ U.S. Mail: a true and correct copy was placed in Holland & Hart LLP's outgoing mail in a sealed envelope addressed as follows:

Jeffery M. Conner (NSBN 11543)
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Carson City, Nevada 89701-4717
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☒ E-Mail: By e-mailing a true copy thereof to the following person(s) at the following e-mail addresses, pursuant to NRCP 5(b)(F):

Jeffery M. Conner (NSBN 11543)
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jconner@ag.nv.gov

Cathy Ryle
An Employee of Holland & Hart LLP

35726932_v1

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EXHIBIT 1

FIRST JUDICIAL DISTRICT COURT OF NEVADA
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Defendants.

Case No. 25 OC 00109 1B

Dept. No. 1

**DECLARATION OF JOSH M. HALEN IN SUPPORT OF
MOTION FOR EXCESS PAGES**

1 I, Joshua M. Halen, hereby declare as follows:

2 1. I am over the age of 18 and if called upon to testify, I would testify as to the
3 following, based on personal knowledge.

4 2. I am counsel for the plaintiffs in this action, National Taxpayers Union ("NTU")
5 and Robin L. Titus.

6 3. Pursuant to FJDCR 3.23(c), Plaintiffs hereby seek this Court's permission to
7 exceed the applicable page limits in FJDCR 3.23(b).

8 4. The presumptive page limit for Plaintiffs' Reply in Support of their Amended
9 Motion for Preliminary Injunction is five pages.

10 5. Despite their diligent efforts and careful editing, Plaintiffs' reply is seven pages.

11 6. Good cause necessitates Plaintiffs' request for no more than two additional pages.

12 7. Plaintiffs' motion and reply raise complex constitutional questions that require
13 discussion and analysis of the foundational doctrines, underlying policy considerations, and case
14 law from multiple jurisdictions.

15 8. My team and I went through several rounds of edits with an eye toward page
16 limitations. Our efforts reduced our initial draft by several pages, but we still require extra space
17 to do justice to the legal arguments.

18 Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and
19 correct.

20 DATE: September 9, 2025

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23 
24 Joshua M. Halen
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