

FILED  
February 4, 2026  
State of Nevada  
E.M.R.B.  
11:57 a.m.

1 ELISA STEWART  
2 2950 N Green Vly Pkwy, Apt. 927  
3 Henderson, NV 89014  
4 Telephone: (702) 712-0589  
5 Email: [elisaste2039@gmail.com](mailto:elisaste2039@gmail.com)

6 *Pro Se Complainant*

7 **BEFORE THE GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
8  
9 **IN AND FOR THE STATE OF NEVADA**

10 ELISA STEWART,  
11  
12 Complainant,  
13  
14 v.

Case No.: 2025-029

15 LEGACY TRADITIONAL SCHOOL –  
16 NEVADA, INC., a Nevada domestic nonprofit  
17 corporation and public charter operator, and  
18 VERTEX EDUCATION, LLC., a foreign  
19 limited liability company registered and doing  
20 business in the State of Nevada as a Designated  
21 Representative/Human Resources and Payroll  
22 Administrator for LTS – NV, INC.,  
23 Respondents.

**MOTION TO DEEM ALLEGATIONS  
ADMITTED, PRECLUDE AFFIRMATIVE  
DEFENSES, COMPEL ANSWER /  
ORDER TO SHOW CAUSE, AND  
PROPOSED ORDER**

24 Complainant **Elisa Stewart**, appearing **Pro Se**, respectfully moves the Board for an  
25 Order: (1) deeming the Complaint’s allegations admitted as true pursuant to NAC 288.220(2);  
26 (2) precluding Respondents from asserting affirmative defenses pursuant to NAC 288.220(3)  
27 absent leave of the Board; and (3) compelling Respondents to file Answers by a date certain  
28 and/or appear and show cause why they have not complied with the Board’s pleading deadlines.

1 This Motion is supported by: the EMRB Case Log; the record of service (USPS tracking  
2 evidence); the Complaint on file; and the following legal authorities: **NAC 288.080, NAC**  
3 **288.200, NAC 288.220, NRCP 4.2(d), NRS 77.310, NRS 78.090, NRS 75.160,** and  
4 constitutional due process standards articulated in **Mullane v. Central Hanover Bank & Trust**  
5 **Co., 339 U.S. 306 (1950)** and **Dusenbery v. United States, 534 U.S. 161 (2002).**

## 7 I. INTRODUCTION

8 This Motion seeks enforcement of the Board's own procedural rules—nothing more and  
9 nothing less.

10 The Board's regulations establish:

- 11 1. **How service is accomplished** in EMRB matters: by **certified mail** to the parties' "last  
12 known addresses." **NAC 288.200.**
- 13 2. **That service must conform to the Nevada Rules of Civil Procedure. NAC 288.080.**
- 14 3. **That an Answer may be filed no later than 21 days after receipt,** and that allegations  
15 not denied are **deemed admitted**, while untimely answers result in **preclusion of affirmative**  
16 **defenses** absent Board leave. **NAC 288.220(1)–(3).**

17 Here, Complainant served both Respondents by **certified mail** at their **registered agent**  
18 **addresses** (the legally designated addresses for receipt of legal papers under Nevada entity law  
19 and the NRCP). Despite the answer deadlines reflected by the Board's own Case Log,  
20 Respondents have not filed Answers or motions.

21 Accordingly, the Board should issue an order:

- 22 • confirming proper service,
- 23 • enforcing the consequences expressly stated in **NAC 288.220(2)–(3),** and



1 **D. No answer or motion filed**

2 8. As of **January 27, 2026** (and to Complainant’s knowledge through the date of this  
3 Motion), neither Respondent has filed an Answer, motion, or other responsive pleading.  
4

5 **III. LEGAL AUTHORITIES**

6 **A. Service was proper under NAC 288.200 and NAC 288.080 (EMRB’s governing**  
7 **rules)**

8 9. **NAC 288.200** requires that the complainant serve the complaint by **certified mail** on all  
9 parties at their **last known addresses**.

10 10. This matters because Complainant did exactly what the regulation requires: certified mail  
11 plus proof (tracking). The regulation does not require service at a “school” or worksite address; it  
12 requires certified mail service at the last known address.  
13

14 11. **NAC 288.080** further provides that issuance and service of process in EMRB matters  
15 must conform to the **Nevada Rules of Civil Procedure** and the Board’s rules.  
16

17 12. This matters because it explicitly imports the NRCP service framework into EMRB  
18 practice. Therefore, if the NRCP authorizes service on a registered agent for an entity, the  
19 EMRB’s process rules recognize that method as compliant.

20 **B. NRCP 4.2(d) authorizes entity service through a registered agent (registered agent**  
21 **service is primary—not inferior)**

22 13. Nevada’s official rules include **NRCP 4.2**, governing service. The rule authorizes service  
23 on entities through their registered agents and authorized agents.  
24

25 14. This matters to the specific issue raised by Commissioner Marisu Romualdez Abellar’s  
26 comment (“you should have used the school address”), because under Nevada procedure, the  
27 **registered agent address is the legally designated address for receipt of legal process**.

1 Service at the registered agent address is not a “workaround”—it is the standard method Nevada  
2 law expects.

3 15. Nevada entity statutes reinforce this structure:

- 4 • NRS 77.310 (Model Registered Agents Act) requires registered-agent filings to  
5 identify the registered agent and address, establishing the official point of contact  
6 for service of process.
- 7 • NRS 78.090 provides that a corporate registered agent must have a street address  
8 for receiving service of process (the registered office).
- 9 • NRS 75.160 provides that service of process on an LLC must be effected by  
10 serving the registered agent with a true copy in the manner provided by law.  
11

12  
13 16. Together, these authorities matter because they show that mailing to the registered agent  
14 address is not merely “reasonable”—it is the **legally contemplated** method for serving Nevada  
15 entities.

16  
17 **C. Due process is satisfied by service reasonably calculated to provide notice; certified**  
18 **mail to a registered agent meets the standard**

19 17. Constitutional due process requires a notice method **reasonably calculated** to inform the  
20 party of the action and afford an opportunity to respond. **Mullane**, 339 U.S. at 314.

21 18. The U.S. Supreme Court reaffirmed the “reasonableness under the circumstances” notice  
22 standard in **Dusenbery**, 534 U.S. at 170.

23  
24 19. This matters because certified mail to a registered agent address with tracking is a  
25 paradigmatic example of a “reasonably calculated” method to provide notice. There is no  
26 requirement of proof of actual notice—only reasonable notice procedures. **Dusenbery**, 534 U.S.  
27 at 170.

28 COMPLAINTANT STEWART: MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE  
DEFENSES, COMPEL ANSWER / ORDER TO SHOW CAUSE, AND PROPOSED ORDER - 5



1 its registered agent address. Under NAC 288.200 and NAC 288.080, and consistent with NRCP  
2 4.2(d) and Nevada entity statutes requiring registered agents to receive service, service is proper.

3 **B. Respondents missed their Answer deadlines reflected in the EMRB Case Log**

4 28. The Board's Case Log reflects: Vertex Answer due **January 21, 2026**, and Legacy  
5 Answer due **January 26, 2026**.

6 29. No Answer or motion has been filed. Therefore, Respondents are procedurally dilatory  
7 under NAC 288.220.

8 **C. The Board should deem allegations admitted under NAC 288.220(2)**

9 30. Because Respondents filed no Answers denying the allegations, NAC 288.220(2)  
10 supports an order deeming the Complaint's allegations admitted as true (at least for purposes of  
11 narrowing issues and proceeding).

12 **D. The Board should preclude affirmative defenses under NAC 288.220(3)**

13 31. Because Respondents failed to timely answer, NAC 288.220(3) provides that  
14 Respondents are precluded from raising affirmative defenses unless the Board grants leave for  
15 good cause shown.

16 **E. The Board should compel Answers and/or issue an Order to Show Cause and set a**  
17 **conference/hearing**

18 32. To protect orderly administration and ensure meaningful progress, Complainant requests  
19 a short "answer-by" deadline and/or Order to Show Cause requiring Respondents to explain their  
20 noncompliance and show cause why the Board should permit any late filings. This relief is  
21 consistent with the Board's authority to manage cases and enforce its procedural regulations.

22 **V. REQUEST FOR RELIEF**

23 For the reasons stated above, Complainant respectfully requests the Board enter an Order:  
24 COMPLAINANT STEWART: MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE  
25 DEFENSES, COMPEL ANSWER / ORDER TO SHOW CAUSE, AND PROPOSED ORDER - 7  
26  
27  
28

1 A. Finding service proper and complete under NAC 288.200, NAC 288.080, and NRCP  
2 4.2(d);

3 B. Deeming allegations admitted pursuant to NAC 288.220(2);

4 C. Precluding affirmative defenses pursuant to NAC 288.220(3) unless leave is granted  
5 for good cause;

6 D. Compelling Respondents to file Answers by a date certain or appear and show cause  
7 why they failed to comply; and

8 E. Setting the matter for a pre-hearing conference and/or further proceedings.

9  
10  
11 **VI. VERIFICATION**

12 I declare under penalty of perjury under the laws of the State of Nevada that the  
13 foregoing answers are true and correct.

14 DATED this 4TH day of FEBRUARY, 2026.

15  
16 By: /s/ELISA STEWART

17 ELISA STEWART

18 2950 N Green Vly Pkwy, Apt. 927

19 Henderson, NV 89014

20 Telephone: (702) 712-0589

21 Email: elisaste2039@a gmail.com

22 *Pro Se Complainant*

1 **CERTIFICATE OF SERVICE**

2  
3 **Original of the foregoing e-filed:**

4 This 4TH day of FEBRUARY, 2026, to:

5  
6 **The Government Employee-Management Relations Board**  
7 3300 W. Sahara Avenue, Suite 490  
8 Las Vegas, Nevada 89102  
9 Email: [emrb@emrb.nv.gov](mailto:emrb@emrb.nv.gov)

10 **Copy of the foregoing e-mailed:**

11 This 4TH day of FEBRUARY, 2025, to:

12 **Ogletree Deakins**  
13 Anthony L. Martin, Esq.  
14 10801 W. Charleston Boulevard, Ste. 500  
15 Las Vegas, Nevada 89135  
16 Email: [anthony.martin@ogletree.com](mailto:anthony.martin@ogletree.com)  
17 *Attorney for Respondents LTS and Vertex*

18 **Legacy Traditional School – Nevada, Inc.**  
19 6037 S Fort Apache Rd., Ste 130  
20 Las Vegas, NV, 89148  
21 *Respondent*

22 **Vertex Education, LLC.**  
23 716 N. Carson St. #B  
24 Carson City, NV, 89701  
25 *Respondent*

1 ELISA STEWART  
2 2950 N Green Vly Pkwy, Apt. 927  
3 Henderson, NV 89014  
4 Telephone: (702) 712-0589  
5 Email: [elisaste2039@gmail.com](mailto:elisaste2039@gmail.com)

6 *Pro Se Complainant*

7 **BEFORE THE GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

8 **IN AND FOR THE STATE OF NEVADA**

9 ELISA STEWART,

Case No.: 2025-029

10 Complainant,

11 v.

12  
13 LEGACY TRADITIONAL SCHOOL –  
14 NEVADA, INC., a Nevada domestic nonprofit  
15 corporation and public charter operator, and

16 VERTEX EDUCATION, LLC., a foreign  
17 limited liability company registered and doing  
18 business in the State of Nevada as a Designated  
19 Representative/Human Resources and Payroll  
20 Administrator for LTS – NV, INC.,

21 Respondents.

**MOTION TO DEEM ALLEGATIONS  
ADMITTED, PRECLUDE AFFIRMATIVE  
DEFENSES, COMPEL ANSWER /  
ORDER TO SHOW CAUSE, AND  
PROPOSED ORDER**

22 The Board, having reviewed Complainant Elisa Stewart's Motion to Deem Allegations  
23 Admitted, Preclude Affirmative Defenses, and Compel Answer/Order to Show Cause, the record  
24 of service, the EMRB Case Log, and applicable law, and good cause appearing, makes the  
25 following findings and order:

26 **I. FINDINGS OF FACT**

27 1. On or about December 29, 2025, Complainant served Respondent Vertex Education,  
28 COMPLAINANT STEWART: MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE  
DEFENSES, COMPEL ANSWER / ORDER TO SHOW CAUSE, AND PROPOSED ORDER - 10

1 **LLC with the Verified Complaint by certified mail, USPS Tracking No. 9589 0710 5270 3503**  
2 **2207 67.**

3 2. On or about January 2, 2026, Complainant served Respondent **Legacy Traditional**  
4 **School – Nevada, Inc.** with the Verified Complaint by **certified mail, USPS Tracking No. 9589**  
5 **0710 5270 3283 2944 39.**

7 3. Service was made to each Respondent's **statutory/registered agent address** as  
8 maintained with the Nevada Secretary of State.

9 4. Pursuant to **NAC 288.200**, complaints must be served by certified mail to the parties at  
10 their last known addresses.

12 5. Pursuant to **NAC 288.080**, issuance and service of process must conform to the Nevada  
13 Rules of Civil Procedure.

14 6. Under **NRCP 4.2(d)**, service upon a corporation or limited liability company may be  
15 made by delivering process to its **registered agent** or other authorized agent.

17 7. The Board finds that service upon Respondents via certified mail to their registered  
18 agents complies with **NAC 288.080, NAC 288.200, and NRCP 4.2(d)**, and constitutes notice  
19 reasonably calculated to apprise Respondents of these proceedings consistent with due process  
20 principles recognized in **Mullane v. Central Hanover Bank & Trust Co.** and **Dusenbery v.**  
21 **United States.**

22 8. Under **NAC 288.220(1)**, a respondent may file an answer not later than twenty-one (21)  
23 days after receipt of the complaint.

25 9. Based on the above service dates, the answer deadline for:

- 26 • Vertex Education, LLC was **January 21, 2026**, and
- 27 • Legacy Traditional School – Nevada, Inc. was **January 26, 2026.**

28 **COMPLAINANT STEWART: MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE**  
**DEFENSES, COMPEL ANSWER / ORDER TO SHOW CAUSE, AND PROPOSED ORDER - 11**

1 10. As of January 27, 2026, neither Respondent has filed an answer, motion, or other  
2 responsive pleading.

3 **II. CONCLUSIONS OF LAW**

4 11. Under NAC 288.220(2), allegations not specifically denied in an answer are **deemed**  
5 **admitted to be true.**

6 12. Under NAC 288.220(3), failure to timely answer **precludes the dilatory party from**  
7 **asserting affirmative defenses**, absent consent of the opposing party or leave of the Board.

8 13. The Board has authority under NRS 288.110 and NAC Chapter 288 to regulate its  
9 proceedings, enforce deadlines, and issue orders necessary to secure the just, speedy, and orderly  
10 disposition of cases.

11 14. Respondents' failure to file timely answers warrants entry of procedural relief consistent  
12 with NAC 288.220(2)–(3) and issuance of an order compelling compliance.

13 **III. ORDER**

14 **IT IS HEREBY ORDERED:**

15 15. **Service Confirmed** - Service of the Complaint upon Respondents is deemed **proper and**  
16 **Complete.**

17 16. **Allegations Deemed Admitted** - Pursuant to NAC 288.220(2), all well-pleaded factual  
18 allegations of the Complaint are **DEEMED ADMITTED AS TRUE**, subject to further order of  
19 the Board.

20 17. **Affirmative Defenses Precluded** - Pursuant to NAC 288.220(3), Respondents are  
21 **PRECLUDED from asserting any affirmative defenses**, unless the Board grants leave for  
22 good cause shown.

23 18. **Order to Show Cause / Compel Answer –**  
24 **COMPLAINANT STEWART: MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE**  
25 **DEFENSES, COMPEL ANSWER / ORDER TO SHOW CAUSE, AND PROPOSED ORDER - 12**  
26  
27  
28

1 Respondents **SHALL**:

- 2
- File a written Answer fully complying with NAC 288.220, or
  - File a written response showing good cause why sanctions should not be imposed.
- 3
- 4 no later than \_\_\_\_ days from entry of this Order.
- 5

6 **19. Failure to Comply –**

7 Failure to comply may result in:

- 8
- further sanctions,
  - proceeding to hearing based on deemed admissions, and/or
  - entry of relief consistent with the admitted allegations.
- 9
- 10
- 11

12 **20. Scheduling** - The matter shall be set for a **Pre-Hearing Conference** or other proceeding

13 as scheduled by the Board.

14

15 IT IS SO ORDERED.

16 DATED this \_\_\_\_ day of \_\_\_\_\_, 2026.

17

18

19 \_\_\_\_\_

20 Chair / Commissioner

21 **Nevada Local Government Employee-Management Relations Board**

22

23

24

25

26

27

**Elisa Stewart (Complainant)**

**Consolidated Reply in Support of Complainant's  
Pending Motion to Deem Allegations Admitted,  
Preclude Affirmative Defenses, Compel Answer/Order to  
Show Cause; Consolidated Motion to Enforce NAC  
288.220(3) Against Late Filed Answer and Motion to  
Dismiss; and Request for Record Clarification Regarding  
Any Extension/Leave Order**

FILED  
February 25, 2026  
State of Nevada  
E.M.R.B.  
5:44 p.m.

1 ELISA STEWART  
2 2950 N Green Vly Pkwy, Apt. 927  
3 Henderson, NV 89014  
4 Telephone: (702) 712-0589  
5 Email: [elisaste2039@gmail.com](mailto:elisaste2039@gmail.com)

6 *Pro Se Complainant*

7 **BEFORE THE GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

8 **IN AND FOR THE STATE OF NEVADA**

9 ELISA STEWART,

Case No.: 2025-029

10 Complainant,

11 v.

12 LEGACY TRADITIONAL SCHOOL –  
13 NEVADA, INC., a Nevada domestic nonprofit  
14 corporation and public charter operator, and

15 VERTEX EDUCATION, LLC., a foreign  
16 limited liability company registered and doing  
17 business in the State of Nevada as a Designated  
18 Representative/Human Resources and Payroll  
19 Administrator for LTS – NV, INC.,

20 Respondents.

**CONSOLIDATED REPLY IN SUPPORT  
OF COMPLAINANT’S PENDING  
MOTION TO DEEM ALLEGATIONS  
ADMITTED, PRECLUDE AFFIRMATIVE  
DEFENSES, COMPEL ANSWER/ORDER  
TO SHOW CAUSE; CONSOLIDATED  
MOTION TO ENFORCE NAC 288.220(3)  
AGAINST LATE FILED ANSWER AND  
MOTION TO DISMISS; AND REQUEST  
FOR RECORD CLARIFICATION  
REGARDING ANY EXTENSION/LEAVE  
ORDER**

21 Complainant Elisa Stewart (“Stewart”), appearing **Pro Se**, submits this single  
22 consolidated pleading to address (a) Respondent Legacy’s **late Answer** asserting affirmative  
23 defenses, (b) Respondent Vertex’s **late Motion to Dismiss for Lack of Jurisdiction**, (c)  
24 enforcement of **NAC 288.220(3)** (preclusion of affirmative defenses for untimely answers absent  
25

26  
27 COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT’S PENDING  
28 MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL  
ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST  
LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION  
REGARDING ANY EXTENSION/LEAVE ORDER - 1

1 consent or Board leave), (d) the effect of **NAC 288.220(2)** (deemed admissions), and (e)  
2 clarification of whether any extension or leave was granted **on the record** in a manner consistent  
3 with **NRS 233B.121** and **NRS 233B.126**.

4  
5 This consolidated filing is intended to streamline issues for the Board and ensure an  
6 orderly adjudication consistent with the Board's governing rules and Nevada's contested-case  
7 due process.

8 **I. KEY RECORD FACTS (UNCONTESTED PROCEDURAL POSTURE)**

9  
10 1. **Stewart's pending motion.** Stewart filed her motion to deem allegations admitted,  
11 preclude affirmative defenses, and compel an Answer/OSC on **February 4, 2026**, and it remains  
12 pending.

13 2. **Board case-log deadlines.** The EMRB Case Log confirms the Board's own  
14 understanding that the (Motion) Response deadline was **February 18, 2026, (Legacy and**  
15 **Vertex)**; and the (Complaint) Answer deadlines were **January 21, 2026, (Vertex) and January**  
16 **26, 2026 (Legacy).**

17  
18 3. **Late filings.** Legacy later filed an Answer asserting numerous defenses. Vertex later filed  
19 a Motion to Dismiss asserting a lack of Board jurisdiction.

20 4. **After-the-fact email confirming a call.** Respondents' counsel wrote to the  
21 Commissioner: "Thank you for taking my call this afternoon," copying Stewart only after the  
22 call occurred.

23  
24 5. **No docketed extension order apparent.** Stewart has not been served with, and the

25  
26  
27 **COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING**  
28 **MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL**  
**ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST**  
**LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION**  
**REGARDING ANY EXTENSION/LEAVE ORDER - 2**

1 docket does not reflect, a Board-issued order granting leave/extension excusing the missed  
2 deadlines prior to the late filings.

3 **II. GOVERNING LEGAL AUTHORITIES**

4 **A. NAC 288.220 controls answer timing and the consequences of untimeliness**

5  
6 6. The Board's own regulation governs:

- 7
- 8 • **Answer timing** and form;
  - 9 • **Deemed admissions** when allegations are not timely and specifically denied; and
  - 10 • **The sanction-like consequence** for late answers: **preclusion of affirmative**  
11 **defenses** unless the opposing party consents or the Board grants relief.

12 7. The controlling text of **NAC 288.220(3)** provides that if an answer is not made within the  
13 prescribed time, the dilatory party is **precluded**, except with the consent of the opposing party or  
14 the Board, **from asserting any affirmative defense in the proceeding.**

15 8. **EMRB precedent confirms NAC 288.220(3) is enforced as written.** The Board has  
16 repeatedly treated NAC 288.220(3) as the proper remedy for late answers, **preclusion of**  
17 **affirmative defenses**, not "default."

- 18
- 19 • **EMRB Item No. 672** (CASE NO. AI-045914) explains that while an answer may  
20 be permissive in form, failure to file timely triggers the consequence in **NAC**  
21 **288.220(3)** (affirmative-defense preclusion).
  - 22 • **EMRB Item No. 680F** (CASE NO. AI-045929) applies NAC 288.220(3) to  
23 preclude an affirmative defense (statute of limitations) where the respondent was  
24 dilatory, and the opposing party did not consent.  
25

26  
27 **COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING**  
28 **MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL**  
**ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST**  
**LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION**  
**REGARDING ANY EXTENSION/LEAVE ORDER - 3**

- 1 • **EMRB Item No. 618** likewise reflects preclusion of affirmative defenses for
- 2 untimely responses.
- 3 • EMRB agenda materials and orders reiterate the same NAC 288.220(3) principle.

4 9. These Board materials matter because they show: **(1) the Board has a consistent**

5 **practice, and (2) the relief Stewart requests is squarely within that practice.**

6 **B. NRS 233B contested-case protections require notice and fairness on procedural**

7 **rulings affecting party rights**

8 10. Nevada's APA contested-case provisions reinforce that procedural rights affecting the

9 parties should be handled **on the record**, with notice and an opportunity to respond.

- 10 • **NRS 233B.121**: in a contested case, parties must be afforded an opportunity for a
- 11 hearing after reasonable notice, and the proceeding must provide a fair
- 12 opportunity to present argument.
- 13 • **NRS 233B.126**: limits certain communications to agency decisionmakers and
- 14 addresses *ex parte* concerns in contested cases.

15 11. These statutes matter here because Stewart is not merely complaining about "lateness";

16 Stewart is challenging the possibility that substantive procedural rights (deadlines and

17 waiver/preclusion consequences) were altered via **off-the-record communication**, without

18 Stewart's participation, and without a docketed order.

19 12. The Nevada Attorney General's administrative hearing guidance underscores that

20 contested-case fairness includes an impartial adjudicator and avoidance of improper *ex parte*

21 conduct and cites NRS 233B.126 in that context.



1 16. NAC 288.220(3) states the consequence: the dilatory party is **precluded** from asserting  
2 affirmative defenses unless the opposing party consents or the Board grants relief.

3 17. Stewart did not consent to late filings or to preservation of affirmative defenses.  
4

5 18. The record does not reflect a Board order granting leave/extension before the late filings.  
6

7 19. **Result:** the Board should enforce its rule and **preclude affirmative defenses** asserted in  
8 Legacy's Answer, and likewise preclude Vertex's late defensive motion content to the extent it  
9 functions as an affirmative defense without leave.

10 20. This is the precise remedy reflected in EMRB precedent enforcing NAC 288.220(3).

11 **B. Vertex's "lack of jurisdiction" Motion to Dismiss is procedurally improper as a late**  
12 **defensive filing without leave; it should be denied or stricken absent advance Board**  
13 **permission**

14 21. Vertex's Motion to Dismiss asserts that the Board lacks jurisdiction.

15 22. Stewart does not dispute that tribunals may consider jurisdictional questions. However,  
16 the procedural question here is different:  
17

- 18 • This Board's process is governed by **NAC 288.220**, not a district court's NRCP  
19 12(b) motion practice.
- 20 • If a respondent chooses not to answer within the prescribed time, the Board's  
21 regulation imposes consequences: affirmative defenses are precluded absent  
22 consent or Board leave.  
23

24 23. Under EMRB's regulatory design, a late-filed "motion to dismiss" is not a free pass  
25  
26

1 around NAC 288.220(3). If respondents want the Board to relax the regulatory consequence,  
2 they must seek relief **from the Board** on a noticed record.

3       **24. Accordingly, Vertex's late Motion to Dismiss should be denied procedurally, or the**  
4 **Board should require Vertex to first seek Board leave to file late and to avoid NAC 288.220(3)'s**  
5 **preclusion consequence.**

7       **C. Stewart's request for clarification of any extension/leave is legally compelled by**  
8       **NRS 233B.121 and NRS 233B.126, and supported by due process principles**

9       **25. Respondents' Counsel, Anthony L. Martin, Esq., of Ogletree Deakins, acknowledged a**  
10 **private call with the Commissioner on February 3, 2026, and copied Stewart only after his**  
11 **communications with the Commissioner were completed.**

13       **26. Stewart's request is narrow and record-protective:**

- 14       • If Respondents claim an extension existed, the Board should clarify:
  - 15           1. The nature and context of the conversation between the Commissioner and
  - 16           Counselor Martin;
  - 17           2. Whether an extension was granted;
  - 18           3. By what authority;
  - 19           4. Whether it was a **Board** action; and
  - 20           5. Whether Stewart received notice and an opportunity to respond.

21       **27. This request is grounded in the contested-case fairness requirements of NRS 233B.121**  
22 **and the communication limitations of NRS 233B.126.**

23       **28. It is also consistent with constitutional fairness standards requiring a meaningful**

1 opportunity to be heard when procedural rights are altered. **Mullane; Dusenbery.**

2 29. The Nevada AG's administrative guidance highlights the importance of impartial  
3 adjudication and avoidance of improper ex parte conduct, citing NRS 233B.126 and **Stivers.**

4 **D. Even if the Board reaches Vertex's jurisdiction arguments, the Motion to Dismiss**  
5 **should be denied on the merits (alternative ruling)**

6 30. If the Board elects to consider the jurisdictional content notwithstanding the procedural  
7 defects, the Motion still fails at the pleading stage.

8 31. Vertex's premise is that it is not a local government employer. But Stewart's theory is  
9 that Vertex acted as Legacy's **designated HR/payroll agent**, implementing the challenged  
10 employment actions (salary reduction implementation, payroll administration, HR  
11 communications, and contract processing). Vertex's own papers frame the jurisdiction question  
12 by quoting NRS 288.110 concepts.

13 32. At this stage, the Board should not resolve disputed agency and delegated-control facts  
14 against the Complainant. The Board can, and routinely does, evaluate jurisdiction after clarifying  
15 the factual record.

16 33. Accordingly, dismissal is premature and unwarranted where the Complaint alleges  
17 Vertex's operational role as the employer's agent/representative in the challenged conduct.

18 **IV. REQUESTED RELIEF (CONSOLIDATED)**

19 34. Stewart respectfully requests that the Board issue an order:

- 20 1. **Enforcing NAC 288.220(3) and precluding** Legacy's affirmative defenses asserted  
21 **in its late Answer unless Legacy first obtains Board leave on a noticed record;**

22  
23  
24  
25  
26  
27  
28  
COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING  
MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL  
ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST  
LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION  
REGARDING ANY EXTENSION/LEAVE ORDER - 8

1 2. Enforcing NAC 288.220(3) as to Vertex's late defensive filing and either (a)  
2 **denying/striking** the Motion to Dismiss as procedurally unauthorized absent leave,  
3 or (b) requiring Vertex to first seek Board leave to file late;

4 3. **Clarifying the record** regarding any extension or leave:

- 5 • The nature and context of the conversation between the Commissioner and
- 6 Counselor Martin;
- 7
- 8 • Whether granted;
- 9
- 10 • By what authority;
- 11
- 12 • whether it was a Board action; and
- 13 • whether Stewart received notice and an opportunity to be heard, consistent with
- 14 **NRS 233B.121 and NRS 233B.126;**

15 4. Reaffirming that Stewart's pending motion was properly filed and that the Board's  
16 procedural rules will be applied consistently with EMRB precedent. In the alternative,  
17 if the Board reaches the merits, **denying Vertex's Motion to Dismiss** and allowing  
18 the matter to proceed to development of the factual record regarding Vertex's role  
19 and delegated authority.

20 **V. VERIFICATION**

21 I declare under penalty of perjury under the laws of the State of Nevada that the  
22 foregoing answers are true and correct.

23 DATED this 25TH day of FEBRUARY, 2026.

24 By: /s/ELISA STEWART

25  
26  
27 COMPLAINTANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINTANT'S PENDING  
28 MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL  
ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST  
LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION  
REGARDING ANY EXTENSION/LEAVE ORDER - 9

1 ELISA STEWART  
2 2950 N Green Vly Pkwy, Apt. 927  
3 Henderson, NV 89014  
4 Telephone: (702) 712-0589  
5 Email: [elisaste2039@gmail.com](mailto:elisaste2039@gmail.com)  
6 *Pro Se Complainant*

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 **COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING**  
28 **MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL**  
**ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST**  
**LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION**  
**REGARDING ANY EXTENSION/LEAVE ORDER - 10**

1 **CERTIFICATE OF SERVICE**

2  
3 **Original of the foregoing e-filed:**

4 This 25TH day of FEBRUARY, 2026, to:

5  
6 **The Government Employee-Management Relations Board**

7 3300 W. Sahara Avenue, Suite 490

8 Las Vegas, Nevada 89102

9 Email: [emrb@emrb.nv.gov](mailto:emrb@emrb.nv.gov)

10 **Copy of the foregoing e-mailed:**

11 This 25TH day of FEBRUARY, 2026, to:

12 **Ogletree Deakins**

13 Anthony L. Martin, Esq.

14 10801 W. Charleston Boulevard, Ste. 500

15 Las Vegas, Nevada 89135

16 Email: [anthony.martin@ogletree.com](mailto:anthony.martin@ogletree.com)

17 *Attorney for Respondents LTS and Vertex*

18 **Legacy Traditional School – Nevada, Inc.**

19 6037 S Fort Apache Rd., Ste 130

20 Las Vegas, NV, 89148

21 *Respondent*

22 **Vertex Education, LLC.**

23 716 N. Carson St. #B

24 Carson City, NV, 89701

25 *Respondent*

26  
27  
28  
COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING  
MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL  
ANSWER/ORDER TO SHOW CAUSE; CONSOLIDATED MOTION TO ENFORCE NAC 288.220(3) AGAINST  
LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR RECORD CLARIFICATION  
REGARDING ANY EXTENSION/LEAVE ORDER - 11

**Legacy Traditional School and Vertex Education**  
**(Respondents)**

**Joint Opposition to Complainant's Motion to Deem Allegations Admitted, Preclude Affirmative Defenses, Compel Answer/Order to Show Cause and Consolidated Reply and Motion to Enforce NAC 288.220(3) Against Late Filed Answer and Motion to Dismiss; and Request for Record Clarification Regarding Any Extension/Leave Order**

FILED  
March 11, 2026  
State of Nevada  
EMRB.  
6:42 p.m.

1 Anthony L. Martin  
2 Nevada Bar No. 8177  
3 [anthony.martin@ogletreedeakins.com](mailto:anthony.martin@ogletreedeakins.com)  
4 Cayla J. Witty  
5 Nevada Bar No. 12897  
6 [cayla.witty@ogletreedeakins.com](mailto:cayla.witty@ogletreedeakins.com)  
7 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
8 10801 W. Charleston Blvd.  
9 Suite 500  
10 Las Vegas, NV 89135  
11 Telephone: 702.369.6800  
12 Fax: 702.369.6888

13 *Attorneys for Respondent Vertex Education, LLC*

14 **BEFORE THE GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

15 **IN AND FOR THE STATE OF NEVADA**

16 ELISA STEWART,

Case No.: 2025-029

17 Complainant,

18 vs.

19 LEGACY TRADITIONAL SCHOOL –  
20 NEVADA, INC., a Nevada domestic nonprofit  
21 corporation and public charter operator, and

22 VERTEX EDUCATION, LLC., a foreign  
23 limited liability company registered and doing  
24 business in the State of Nevada as a  
25 Designated Representative/Human Resources  
26 and Payroll Administrator for LTS – NV,  
27 INC.,

28 Respondents.

**RESPONDENT LEGACY  
TRADITIONAL SCHOOL – NEVADA,  
INC. AND VERTEX EDUCATION,  
LLC’S JOINT OPPOSITION TO  
COMPLAINANT’S MOTION TO DEEM  
ALLEGATIONS ADMITTED,  
PRECLUDE AFFIRMATIVE  
DEFENSES, COMPEL ANSWER/  
ORDER TO SHOW CAUSE AND  
CONSOLIDATED REPLY AND  
MOTION TO ENFORCE NAC  
288.220(3) AGAINST LATE FILED  
ANSWER AND MOTION TO DISMISS;  
AND REQUEST FOR RECORD  
CLARIFICATION REGARDING ANY  
EXTENSION/LEAVE ORDER**

29 Respondents Legacy Traditional School – Nevada, Inc. (“Legacy”) and Vertex Education,  
30 LLC (“Vertex”) (together “Respondents”), by and through undersigned counsel, hereby file this Joint  
31 Opposition to Complainant’s Motion to Deem Allegations Admitted, Preclude Affirmative  
32 Defenses, Compel Answer / Order to Show Cause and Consolidated Reply and Motion to Enforce  
33 NAC 288.220(3) Against Late Filed Answer and Motion to Dismiss; And Request for Record  
34 Clarification Regarding Any Extension/Leave Order (hereinafter the “Motion”).

1 This opposition is based on the record, pleadings and papers on file herein, together with the  
2 following Memorandum of Points and Authorities, and any such further argument as the Board may  
3 deem appropriate.

4 DATED this 11th day of March, 2026.

5 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

6 */s/ Cayla J. Witty*

7 Anthony L. Martin

8 Nevada Bar No. 8177

9 Cayla J. Witty

10 Nevada Bar No. 12897

11 10801 W. Charleston Blvd.

12 Suite 500

13 Las Vegas, NV 89135

14 *Attorneys for Respondent Vertex Education, LLC*

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. OVERVIEW**

17 Complainant is requesting Respondents be held to an exacting standard that does not follow  
18 the Government Employee-Management Relations Board's ("EMRB") role in assessing relations  
19 between government employers and public employees. The grounds upon which Complainant bases  
20 her Motion ignore the fact-finding nature and jurisdictional bounds of the EMRB. In light of  
21 Legacy's clear participation in this complaint procedure and the clear lack of jurisdiction over  
22 Vertex, Respondents respectfully ask that its filings be accepted, and the EMRB move forward with  
23 necessary investigative action and determination.

24 **II. FACTUAL AND PROCEDURAL HISTORY**

25 On December 29, 2025, Complainant Elisa Stewart ("Ms. Stewart") filed her Verified  
26 Complaint for Prohibited Practices (NRS Chapter 288; NRS 288.110; NRS 288.270) (the  
27 "Complaint"), against Legacy Traditional School – Nevada, Inc. ("Legacy") and Vertex Education,  
28 LLC ("Vertex"). (*See generally* Complaint.) Ms. Stewart specifically identifies Vertex as a foreign  
limited liability company that performs human resource functions and payroll for Legacy. *See id.* at  
¶6.) She asserts that by providing professional services to Legacy, Vertex is a "designated

1 representative” of Legacy under NRS 288.270(1), which defines prohibited acts. *See id.* at ¶¶ 9-10.)

2 Ms. Stewart was employed as a teacher at a Legacy school. (*See id.* at ¶¶ 4-5.) The Complaint  
3 states “Vertex (on behalf of LTS) sent an email asserting that Complainant’s compensation was  
4 ‘incorrect’ due to an alleged “system error” in connection with PERS/EPC.” (Complaint, ¶21.) Ms.  
5 Stewart makes no further factual allegations specifically naming Vertex.

6 In the instant motion, Ms. Stewart provides USPS tracking numbers to show service of her  
7 Complaint. It is alleged that Ms. Stewart mailed a copy of her Complaint to Vertex’s registered agent,  
8 Capitol Corporate Services, Inc., which was received on or about December 31, 2025, and a copy to  
9 an address in Las Vegas, Nevada 89148, purportedly for Legacy’s registered agent, which was  
10 delivered on January 5, 2026. Respondents received notice of the Complaint, and awaited further  
11 correspondence from the EMRB to initiate the administrative process.

12 On or about January 28, 2026, Marisu Romualdez, Commissioner of the EMRB contacted  
13 Mary Ann Quick, at mquick@capitolservices.com, a representative of Vertex’s registered agent. In  
14 the Commissioner’s correspondence the Commissioner requested whether Vertex intends to answer  
15 or otherwise respond to the complaint or appear in this matter and the anticipated timing related to  
16 these filings. At this time, Respondents retained counsel to respond to the Complaint.

17 On February 3, 2026, counsel for Respondents sent an email to the Commissioner, cc’ing  
18 Ms. Stewart, to notify all that Respondents had retained counsel and were preparing a response. Ms.  
19 Stewart did not respond. The Commissioner also did not respond with a specific date for  
20 Respondents’ responsive pleadings.

21 On February 4, 2026, without contacting counsel as identified the day prior, Ms. Stewart  
22 submitted her initial Motion to Deem Allegations Admitted, Preclude Affirmative Defenses, Compel  
23 Answer/Order to Show Cause. Prior to the deadline to respond to that motion, Respondent Vertex  
24 filed its Motion to Dismiss Complainant’s Complaint based on lack of jurisdiction, and Respondent  
25 Legacy filed its Answer to Complainant’s Complaint on February 24, 2026. Ms. Stewart then filed  
26 the instant Motion on February 28, 2026. The Commissioner specifically directed that Respondents  
27 had a deadline of March 11, 2026 to respond. This matter is set for Board Action on March 31, 2026.

28 ///

1 **III. LEGAL ARGUMENT**

2 **A. NAC 288.220(3) Does Not Demand Cessation of the EMRB Process for**  
3 **Investigating Complaints**

4 NAC 288.220 discusses a respondent's permissive answer to a complaint with the EMRB to  
5 occur within 21 days after receipt of the complaint. See NAC 288.220(1). NAC 288.220(3) states:  
6 "If an answer is not made within the prescribed time, the dilatory party is precluded, except with the  
7 consent of the opposing party or the Board, from asserting any affirmative defense in the  
8 proceeding." This regulation does not discuss motions to dismiss for lack of jurisdiction with the  
9 EMRB. See generally NAC 288.220.

10 NAC 288.235 provides that:

- 11 1. If not otherwise prohibited by law and if substantial rights of the parties will not  
12 be prejudiced, the Board may allow any pleading or motion to be amended or  
13 corrected, or any omission in the pleading, motion or other papers to be cured.
- 14 2. Pleadings, motions and other papers will be liberally construed, and any defects  
15 which do not affect substantial rights of any party may be disregarded by the  
16 Board.

17 Without a showing that a complainant's substantial rights have been affected, affirmative defenses  
18 should be considered. See *Whealon v. Sterling*, 121 Nev. 662, 666 (2005) (an affirmative defense  
19 can be considered, even if not pleaded, if fairness so dictates and prejudice will not follow).  
20 "Pleadings must be construed so as to do justice." Nev. R. Civ. P. 8(e).

21 1. Respondents Received Consent Of The Commissioner Of The EMRB For  
22 Their Delayed Filings

23 NAC 288.220 provides that consent for a late answer may be provided by the opposing party  
24 or the Board. Complainant's Motion completely ignores the second allowance. This is an important  
25 consideration as direct communication was provided to Respondents to include them in the  
26 investigative process initiated by the Complaint by the EMRB Commissioner. Respondents acted  
27 under the authority of its communications from the EMRB Commissioner to file their respective  
28 Answer and Motion to Dismiss.

The decisions cited by Complainant do not support Complainant's all-or-nothing reading of  
NAC 288.220. While Item No. 672 in Case No. A1-045914, styled *Sandin v. City of Boulder City et*

1 *al.*, discussed NAC 288.220, the Order itself directed all named parties to file pre-hearing statements  
2 within 20 days of service of the order. The following Item, No. 672A, indicates the singular party  
3 that had not timely filed had moved for permission to file a late answer, but that motion was mooted  
4 because the complainant there had failed to prosecute his case. This does not show a consistent  
5 emphasis by the EMRB to preclude late answers.

6 Item No. 618, styled *Atkinson v. Nevada Service Employees Union, et al.*, is also factually  
7 distinct from the situation here. In that matter, with nineteen consolidated cases involved, the  
8 respondent timely answered one case but not the others. As such, the EMRB held that the affirmative  
9 defense of statute of limitations was precluded for the untimely answers, but was used to dismiss the  
10 singular timely-answered case. In Item No. 618, the respondent timely filed against one but not the  
11 others with identical concerns. The EMRB's decision recognizes that this was not an error in  
12 communication or confusion in expectations, but an unexcused dilatory action. Here, Respondents  
13 acted upon the Commissioner's direction to engage with the Complaint. While this did not meet the  
14 initial timing, Respondents did respond to the Commissioner's correspondence after clarification  
15 was provided and sought the approval of the Commissioner to proceed.

16 The final matter Complainant raised, Item No. 680F, Case No. A1-045929, *Frabbiele v. City*  
17 *of North Las Vegas et al.*, supports Respondents' position. The complainant there attempted to  
18 prevent a statute of limitations defense because the respondent had not filed an answer, instead  
19 seeking dismissal of the matter based on the statute of limitations defense. The EMRB noted that the  
20 respondent's first motion raised the specific affirmative defense, notifying the complainant from the  
21 outset that the respondent intended to pursue that affirmative defense, which was then contested  
22 throughout the case. Based on this notice and knowledge of the contested nature of affirmative  
23 defenses, the EMRB consented to the affirmative defenses even without an answer on file.  
24 Complainant was not without notice that Respondents intended to participate and contest her claims.  
25 Ms. Stewart was aware that Respondents intended to file responsive pleadings from the email  
26 counsel for Respondents sent *prior* to her initial motion. This Motion came after Respondents filed  
27 their responsive pleadings. Further, Respondents' Answer and Motion to Dismiss, respectively, were  
28 submitted with the acknowledgement from the EMRB Commissioner. There is no prejudice or

1 surprise to the Complainant at this early stage of the process.

2 Because Respondents communicated their intent to file Legacy's Answer and Vertex's  
3 Motion to Dismiss, with the implicit consent of the EMRB Commissioner, these filings should not  
4 be ignored by the EMRB in its investigative fact-finding mission.

5 2. Complainant Has Not Established Any Infringement Of Her Substantial Rights

6 Complainant's Motion is entirely based on procedural concerns. While Respondents respect  
7 procedural structures and the EMRB's process, there is no argument whatsoever that Complainant's  
8 substantial rights are limited by the delayed filing of Legacy's Answer or Vertex's Motion to  
9 Dismiss. Ms. Stewart has had the opportunity to oppose Vertex's Motion to Dismiss, and the process  
10 should continue with Legacy, allowing her to present evidence and testimony relating to her claims  
11 against her employer.

12 In contrast, if Vertex were subjected to this process where the EMRB lacks jurisdiction, that  
13 would be a significant substantial rights infringement, costing time and money to establish that it is  
14 not a proper party. Likewise, Legacy, Complainant's employer, would be prejudiced by the need to  
15 address unrelated issues when its status as employer for purposes of the Complaint covers all alleged  
16 wrongful acts.

17 Where no substantial rights of the Complainant are alleged due to the delayed filings,  
18 pursuant to NAC 288.235, Respondents ask the EMRB to disregard the delay and proceed with the  
19 process with Legacy.

20 3. Vertex's Motion To Dismiss Is Not Governed By NAC 288.220 And Vertex  
21 Is Not Subject To The Jurisdiction Of The EMRB

22 As more fully articulated in its Motion to Dismiss, filed on February 24, 2026, fully  
23 incorporated herein, Vertex is not a proper party to this Complaint. Complainant argues that Vertex's  
24 Motion to Dismiss is untimely and should not be considered. However, NRS 288.110 establishes a  
25 clear jurisdictional requirement, and dismissal is proper as the EMRB lacks jurisdiction over a non-  
26 governmental entity. *See, c.f., Liberty Mut. V. Thomasson*, 130 Nev. 28, 29 (2014) (noting dismissal  
27 is required when a reviewing court lacks jurisdiction). Complainant repeats her allegation that Vertex  
28 acting as Legacy's HR/payroll agent establishes jurisdiction over Vertex as a designated

1 representative. This is unpersuasive because while a designated representative can violate a  
2 prohibited practice under NRS 288.270(1), the responsible party *subject to the EMRB's jurisdiction*  
3 is the governmental employer. Legacy is that alleged responsible party here.

4 As such, Vertex properly challenged jurisdiction by motion. *See* Nev. R. Civ. P. 12(b)(1) &  
5 (2). Where NAC 288.220 timing requirements do not govern motion practice, Vertex's Motion to  
6 Dismiss is proper and should be considered by the EMRB.

7 **B. Complainant Was Properly Notified**

8 Complainant raises concerns under NRS 233B.121 and NRS 233B.126. These statutory  
9 provisions relate to notice of hearings and opportunity to respond and present evidence and argument  
10 and agency determination limitations respectively. Complainant alleges that the EMRB  
11 Commissioner's correspondence with Respondents' counsel violated these provisions.

12 1. NRS 223B Does Not Apply Here

13 NRS 233B.121 and NRS 233B.126 do not apply to this situation. NRS 233B.121 specifically  
14 relates to hearings, not pleadings. Opportunity to respond and present evidence and argument on all  
15 issues involved is provided by continuing the process. *See* NRS 233B.121(4). The EMRB has  
16 provided notice in this contested matter with reasonable matter. *See* NRS 233B.121(1). The Board  
17 Action is scheduled for March 31, 2026. Communication regarding extended time to respond to a  
18 Complaint is a procedural issue, not governed by NRS 233B.121.

19 To contest the communications between the Commissioner and Respondents' counsel, it  
20 would have to be set forth that the Commissioner was assigned to render a decision or to make  
21 findings of fact and conclusions of law in a contested case. *See* NRS 233B.126. That is not at issue  
22 here. The Commissioner facilitates the process but is not a board member responsible for rendering  
23 decisions or to make findings of fact and conclusions of law. The communications challenged here  
24 do not violate the statute.

25 2. Respondents Do Not Oppose A Clarification Of The Record

26 Complainant has requested clarification of these communications for the record.  
27 Respondents do not oppose this clarification request. It is Respondents' position that the  
28 communications between Respondents' counsel and the Commissioner were proper regarding the

1 procedure for Respondents to respond after the proscribed time period, that an extension was granted  
2 by the Commissioner, that this was not a Board Action as it was not required under any rules or  
3 regulations to be disclosed as such, and that Ms. Stewart received notice via email from  
4 Respondents' counsel, even though NRS 233B.121 and NRS 233B.126 do not apply.

5 In line with *Dusenbery v. United States*, Complainant was provided with notice "reasonably  
6 calculated, under all the circumstances, to apprise [complainant] of the action." 534 U.S. 161, 173  
7 (2002). That is all that is required. "Due process requires no more." *Id.* Complainant has maintained  
8 her position and presented argument against the filings, but there is no argument that Complainant  
9 lacked awareness of the actions taken and the extension presented.

10 Unfortunately, this process has been unnecessarily complicated. It will benefit all parties to  
11 have a clear understanding of the timeline moving forward.

12 **IV. CONCLUSION**

13 Based on the foregoing, Respondents respectfully request the EMRB accept Legacy's  
14 Answer, and the incorporated affirmative defenses, as previously submitted to continue the  
15 complaint process, and dismiss Vertex as a party to this action as there is no basis for jurisdiction  
16 over Vertex. For the record, Respondents do not object to a clarification of the timeline at issue  
17 relating to the initiating filings.

18 DATED this 11th day of March, 2026.

19 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

20 /s/ Cayla J. Witty

21 Anthony L. Martin  
22 Nevada Bar No. 8177  
23 Cayla J. Witty  
24 Nevada Bar No. 12897  
25 10801 W. Charleston Blvd.  
26 Suite 500  
27 Las Vegas, NV 89135

28 *Attorneys for Respondents*

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
10801 W. CHARLESTON BLVD.  
SUITE 500  
LAS VEGAS, NV 89135  
TELEPHONE: 702.368.6800

1 CERTIFICATE OF SERVICE

2 I hereby certify that I electronically transmitted the foregoing **RESPONDENT LEGACY**  
3 **TRADITIONAL SCHOOL – NEVADA, INC. AND VERTEX EDUCATION, LLC’S JOINT**  
4 **OPPOSITION TO COMPLAINANT’S MOTION TO DEEM ALLEGATIONS ADMITTED,**  
5 **PRECLUDE AFFIRMATIVE DEFENSES, COMPEL ANSWER/ ORDER TO SHOW**  
6 **CAUSE AND CONSOLIDATED REPLY AND MOTION TO ENFORCE NAC 288.220(3)**  
7 **AGAINST LATE FILED ANSWER AND MOTION TO DISMISS; AND REQUEST FOR**  
8 **RECORD CLARIFICATION REGARDING ANY EXTENSION/LEAVE ORDER** to the  
9 following via email:

10 Marisu Romualdez Abellar  
11 mabellar@emrb.nv.gov

12 *Commissioner, Government Employee-Management Relations Board*

13 Elisa Stewart  
14 2950 N. Green Valley Pkwy., Apt. 927  
15 Henderson, NV 89014  
16 elisaste2039@gmail.com

17 *Complainant*

18 DATED this 11th day of March, 2026.

19 /s/ Brittany Manning

20 AN EMPLOYEE OF OGLETREE, DEAKINS,  
21 NASH, SMOAK & STEWART, P.C.

**Elisa Stewart (Complainant)**

**Reply in Support of Complainant's Motion to Deem  
Allegations Admitted, Preclude Affirmative Defenses,  
Compel Answer/Order to Show Cause, and Response to  
Respondents' Joint Opposition**

FILED  
March 16, 2026  
State of Nevada  
E.M.R.B.  
12:09 p.m.

1 ELISA STEWART  
2 2950 N Green Vly Pkwy, Apt. 927  
3 Henderson, NV 89014  
4 Telephone: (702) 712-0589  
5 Email: [elisaste2039@gmail.com](mailto:elisaste2039@gmail.com)

6 *Pro Se Complainant*

7 **BEFORE THE GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**  
8 **IN AND FOR THE STATE OF NEVADA**

9 ELISA STEWART,  
10  
11 Complainant,  
12  
13 v.  
14 LEGACY TRADITIONAL SCHOOL –  
15 NEVADA, INC., a Nevada domestic nonprofit  
16 corporation and public charter operator, and  
17 VERTEX EDUCATION, LLC., a foreign  
18 limited liability company registered and doing  
19 business in the State of Nevada as a Designated  
20 Representative/Human Resources and Payroll  
21 Administrator for LTS – NV, INC.,  
22 Respondents.

Case No.: 2025-029

**REPLY IN SUPPORT OF  
COMPLAINANT’S MOTION TO DEEM  
ALLEGATIONS ADMITTED,  
PRECLUDE AFFIRMATIVE DEFENSES,  
COMPEL ANSWER / ORDER TO SHOW  
CAUSE, AND RESPONSE TO  
RESPONDENTS’ JOINT OPPOSITION**

21 Complainant Elisa Stewart, appearing **Pro Se**, respectfully submits this Reply in support  
22 of her pending Motion and in response to Respondents’ Joint Opposition filed March 11, 2026.

23 This Reply addresses:

- 24 1. Enforcement of **NAC 288.220(2)–(3)** regarding untimely answers, allegations deem  
25 admitted and affirmative defenses;  
26

27 **COMPLAINANT STEWART: REPLY IN SUPPORT OF COMPLAINANT’S MOTION TO DEEM**  
28 **ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL ANSWER / ORDER TO**  
**SHOW CAUSE, AND RESPONSE TO RESPONDENTS’ JOINT OPPOSITION - 1**

- 1 2. Respondents' claim that an extension was granted by the Commissioner;
- 2 3. The relevance of **NAC 288.235** and EMRB precedent; and
- 3 4. Respondent Vertex Education, LLC's Motion to Dismiss for Lack of Jurisdiction.

4  
5 **I. RESPONDENTS DO NOT DISPUTE THAT THEIR FILINGS WERE**  
6 **UNTIMELY**

7 1. The EMRB Case Log reflects the Board's own understanding that Respondents' answers  
8 were due on **January 21, 2026 (Vertex)** and **January 26, 2026 (Legacy)**.

9 2. Stewart filed her Motion to Deem Allegations Admitted on **February 4, 2026**.

10 3. Further, the EMRB Case Log also reflects the Board's own understanding that  
11 Respondents' responses were due on **February 18, 2026**.

12 4. Respondents later filed:

- 13 • Legacy's Answer asserting affirmative defenses;
- 14 • Vertex's Motion to Dismiss for Lack of Jurisdiction; and
- 15 • Joint Opposition, without consent nor Board ordered permission.

16 5. Respondents do not dispute that these filings occurred **after the deadlines reflected in**  
17 **the Board's Case Log**.

18 6. Accordingly, the procedural consequences of **NAC 288.220(2)-(3)** are squarely  
19 presented.

20  
21 **II. NAC 288.220(2)-(3) REMAINS THE GOVERNING RULE**

22 7. **NAC 288.220(2)** provides that if an answer is not made within the prescribed time, the  
23 allegations are deemed admitted to be true.

24 8. **NAC 288.220(3)** provides that if an answer is not made within the prescribed time, the

1 dilatory party is **precluded**, except with the consent of the opposing party or the Board, from  
2 asserting any affirmative defense in the proceeding.

3 9. Respondents' opposition does not dispute the existence of either rule.

4 10. Instead, Respondents argue that:

- 5 • NAC 288.220 does not require the Board to halt proceedings; and
- 6 • the Board may disregard procedural defects under **NAC 288.235**.

7 11. While NAC 288.235 permits liberal construction of pleadings and allows the Board to  
8 disregard defects that do not affect substantial rights, it does not nullify the specific consequence  
9 articulated in NAC 288.220(2)-(3).

10 12. The two regulations operate together:

- 11 • NAC 288.220 establishes the **baseline procedural rule**, and
- 12 • NAC 288.235 allows the Board to exercise discretion where fairness requires.

13 13. Thus, if the Board elects to excuse the untimeliness, the appropriate course is for the  
14 Board to **expressly grant leave** and explain the basis for doing so.

15 14. That approach is consistent with EMRB precedent applying NAC 288.220(2)-(3) to  
16 determine whether the allegations are deemed admitted or whether affirmative defenses may be  
17 preserved or precluded.

18 **III. RESPONDENTS' ASSERTION OF COMMISSIONER "CONSENT" DOES**  
19 **NOT SUBSTITUTE FOR BOARD LEAVE**

20 15. Respondents' opposition asserts that the Commissioner contacted Vertex's registered  
21 agent on January 28, 2026, and that Respondents thereafter acted under the authority of  
22 communications from the Commissioner.

1 16. Respondents rely on this narrative to argue that NAC 288.220(3)'s requirement of Board  
2 consent has effectively been satisfied.

3 17. However, Respondents provide:

- 4 • no declaration,
- 5 • no written communication from the Commissioner granting leave, and
- 6 • no Board order reflecting that an extension was granted.

7 18. Instead, the assertion appears solely in counsel's argument.

8 19. Stewart does not allege misconduct. Stewart respectfully submits that if an extension was  
9 granted, the appropriate course is simply for the Board to **clarify the record**.

10 20. This clarification would identify:

- 11 • whether an extension was granted;
- 12 • when it was granted;
- 13 • by whom; and
- 14 • under what authority.

15 21. Such clarification would ensure the record accurately reflects the procedural posture of  
16 the case.

17 22. This request is consistent with Nevada's contested-case fairness principles, including  
18 **NRS 233B.121**, which ensures parties receive notice and opportunity to respond in  
19 administrative proceedings, and **NRS 233B.126**, which addresses communications affecting  
20 adjudicative processes.

21 **IV. RESPONDENTS' PREJUDICE ARGUMENT DOES NOT ELIMINATE**

22 **NAC 288.220(2)-(3)**

23 **COMPLAINANT STEWART: REPLY IN SUPPORT OF COMPLAINANT'S MOTION TO DEEM**  
24 **ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL ANSWER / ORDER TO**  
25 **SHOW CAUSE, AND RESPONSE TO RESPONDENTS' JOINT OPPOSITION - 4**

1 23. Respondents argue Stewart's motion is based solely on procedural concerns and that no  
2 substantial rights were affected.

3 24. However, NAC 288.220(2)-(3) itself defines the procedural consequence for late filings:  
4 admission of allegations, and preclusion of affirmative defenses unless leave is granted.  
5

6 25. The regulation exists precisely to address situations where a respondent fails to timely  
7 Answer.

8 26. Thus, the issue is not merely prejudice; it is whether the Board intends to enforce the  
9 procedural framework it adopted or to excuse the untimely filings through an explicit ruling.  
10

11 27. Stewart respectfully submits that either outcome is permissible, but the Board should  
12 address the issue directly.

13 **V. VERTEX'S MOTION TO DISMISS SHOULD BE DENIED OR**  
14 **DEFERRED**

15 28. Respondent Vertex argues that the EMRB lacks jurisdiction because Vertex is not itself a  
16 public employer.  
17

18 29. Stewart's Complaint alleges that Vertex acted as the **designated HR and payroll**  
19 **administrator for Legacy**, and that Vertex participated in the implementation of the challenged  
20 employment actions.  
21

22 30. At the pleading stage, such allegations must be taken as true.

23 31. If Vertex exercised delegated authority to administer employment decisions on behalf of  
24 the employer, its role as a representative or agent is a factual matter that cannot be resolved  
25 solely on the pleadings.

26 32. Accordingly, dismissal at this stage would be premature.  
27

1 33. Alternatively, if the Board determines that jurisdictional questions should be considered  
2 despite the untimely filing, the Board may address the jurisdictional question while still  
3 enforcing NAC 288.220(2)-(3) as to the admitted allegations and precluded affirmative defenses  
4 because jurisdiction is an affirmative defense subject to preclusion under NAC 288.220(3).  
5

6 **VI. RESPONDENTS' PARTIAL CONCESSION SUPPORTS RECORD**

7 **CLARIFICATION**

8 34. Respondents state that they do not oppose clarification of the record regarding any  
9 extension.  
10

11 35. Stewart welcomes that position.

12 36. Clarifying the procedural history will allow the Board to resolve the pending motion  
13 based on a complete and transparent record.

14 **VII. CONCLUSION**

15 Stewart respectfully requests that the Board:

16 1. Enforce NAC 288.220(2)-(3) to deem allegations admitted and preclude affirmative  
17 defenses asserted in Legacy's untimely Answer unless the Board expressly grants leave;  
18

19 2. Determine whether Vertex's Motion to Dismiss may be considered despite the  
20 untimely filing;

21 3. Clarify on the record whether an extension of time was granted and the authority for  
22 such extension; and  
23

24 4. Deny Vertex's Motion to Dismiss or defer ruling until the factual record regarding  
25 Vertex's role can be developed.

26 Stewart does not seek punitive relief.  
27

1 She seeks only enforcement of the Board's rules and clarification of the procedural  
2 record so that the case may proceed in an orderly and transparent manner.

3 **VIII. VERIFICATION**

4 I declare under penalty of perjury under the laws of the State of Nevada that the  
5 foregoing answers are true and correct.  
6

7 DATED this 16TH day of MARCH, 2026.

8  
9 By: /s/ELISA STEWART

10 ELISA STEWART

11 2950 N Green Vly Pkwy, Apt. 927

12 Henderson, NV 89014

13 Telephone: (702) 712-0589

14 Email: elisaste2039@gmail.com

15 *Pro Se Complainant*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 **CERTIFICATE OF SERVICE**

2  
3 **Original of the foregoing e-filed:**

4 This 16TH day of MARCH, 2026, to:

5  
6 **The Government Employee-Management Relations Board**  
7 3300 W. Sahara Avenue, Suite 490  
8 Las Vegas, Nevada 89102  
9 Email: [emrb@emrb.nv.gov](mailto:emrb@emrb.nv.gov)

10 **Copy of the foregoing e-mailed:**

11 This 16TH day of MARCH, 2026, to:

12 **Ogletree Deakins**  
13 Anthony L. Martin, Esq.  
14 10801 W. Charleston Boulevard, Ste. 500  
15 Las Vegas, Nevada 89135  
16 Email: [anthony.martin@ogletree.com](mailto:anthony.martin@ogletree.com)  
17 *Attorney for Respondents LTS and Vertex*

18 **Legacy Traditional School – Nevada, Inc.**  
19 6037 S Fort Apache Rd., Ste 130  
20 Las Vegas, NV, 89148  
21 *Respondent*

22 **Vertex Education, LLC.**  
23 716 N. Carson St. #B  
24 Carson City, NV, 89701  
25 *Respondent*