

Vertex Education, LLC (Respondent)

Motion to Dismiss Complainant's Verified Complaint

FILED
February 23, 2026
State of Nevada
E.M.R.B.
5:37 p.m.

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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.

**RESPONDENT VERTEX EDUCATION,
LLC'S MOTION TO DISMISS
COMPLAINANT'S VERIFIED
COMPLAINT**

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.

29 Respondent Vertex Education, LLC ("Respondent"), by and through undersigned counsel,
30 hereby files its Motion to Dismiss Complainant's Verified Complaint based on a lack of jurisdiction.

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1 This Motion is based on the records, 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 23rd day of February, 2026.

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

6 */s/ Anthony L. Martin*

7 Anthony L. Martin

8 Nevada Bar No. 8177

9 Cayla J. Witty

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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. INTRODUCTION**

17 Vertex is an improper party to this action. Vertex did not employ the Complainant, is not a
18 local government employer, and is not subject to the jurisdiction of the Government Employee-
19 Management Relations Board (“EMRB”).

20 Further, as a professional service provider, Vertex did not engage in bargaining on behalf of
21 Legacy as a designated representative, nor did Vertex interfere with any rights guaranteed under
22 NRS Chapter 288 as alleged in this dispute.

23 As such, Vertex should be dismissed from this action as the EMRB lacks jurisdiction over
24 Vertex.

25 **II. FACTUAL AND PROCEDURAL HISTORY**

26 On December 29, 2025, Complainant Elisa Stewart (“Ms. Stewart”) filed her Verified
27 Complaint for Prohibited Practices (NRS Chapter 288; NRS 288.110; NRS 288.270) (the
28 “Complaint”), against Legacy Traditional School – Nevada, Inc. (“Legacy”) and Vertex Education,
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.) In this role,
3 Ms. Stewart was an at-will employee of Legacy. (*See Exhibit 1*, Email from Monique Smith to Elisa
4 Stewart, dated December 12, 2025.) The Complaint states “Vertex (on behalf of LTS) sent an email
5 asserting that Complainant’s compensation was ‘incorrect’ due to an alleged “system error” in
6 connection with PERS/EPC.” (Complaint, ¶21.) Vertex had identified that Ms. Stewart’s pay was
7 incorrectly calculated at a higher amount because the required PERS deduction under her chosen
8 Employer-Paid Contribution (“EPC”) pay plan was not properly factored in. (*See Ex. 1*.) Ms. Stewart
9 continued to receive a higher take-home pay through that contract year, but received a new contract
10 for the following school year with the corrected pay details, properly reflecting her self-selected EPC
11 pay plan. (*See id.*)

12 Ms. Stewart makes no further factual allegations specifically naming Vertex.

13 **III. LEGAL ARGUMENT**

14 **A. Vertex Must Be Dismissed As It Is Not Covered By the EMRB’s Jurisdiction.**

15 The EMRB is granted jurisdiction pursuant to NRS 288.110. Under this provision,
16 [t] he Board may hear and determine any complaint arising out of the interpretation
17 of, or performance under, the provisions of this chapter by the Executive
18 Department, any local government employer, any employee, as defined in NRS
288.425, any local government employee, any employee organization or any labor
organization.

19 NRS 288.060 defines “local government employer” as “any political subdivision of this State or any
20 public or quasi-public corporation organized under the laws of this State and includes, without
21 limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts,
22 irrigation districts, and other special districts.”

23 Vertex simply is not covered by the jurisdictional requirements of NRS 288.110. Under NAC
24 288.030, there is no designation for a non-local government employer, such as Vertex, to be a
25 petitioner. Even Ms. Stewart’s argument that Vertex is a “designated representative” fails to provide
26 the EMRB jurisdiction over an entity that is not covered by NRS 288.110 because the proper party
27 is the local government employer, i.e., Legacy. There is no jurisdictional basis to include a payroll
28 provider.

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1 CERTIFICATE OF SERVICE

2 I hereby certify that I electronically transmitted the attached **RESPONDENT VERTEX**
3 **EDUCATION, LLC'S MOTION TO DISMISS COMPLAINANT'S VERIFIED**
4 **COMPLAINT** to the following via email:

5 Marisu Romualdez Abellar
6 mabellar@emrb.nv.gov

7 *Commissioner, Government Employee-Management Relations Board*

8 Elisa Stewart
9 2950 N. Green Valley Pkwy., Apt. 927
10 Henderson, NV 89014
11 elisaste2039@gmail.com

11 *Complainant*

12 DATED this 23rd day of February, 2026.

13 /s/ Monica Gonzalez

14 AN EMPLOYEE OF OGLETREE, DEAKINS,
15 NASH, SMOAK & STEWART, P.C.
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Exhibit 1



Clarification of Final Pay and AB398 Allotment

From Monique Smith <Monique.Smith@vertexeducation.com>
Date Fri 12/12/2025 10:25 AM
To elisaste2039@gmail.com <elisaste2039@gmail.com>
Cc Nicole Kirkley <Nicole.Kirkley@vertexeducation.com>; Lindsay Koehler <Lindsay.Koehler@vertexeducation.com>; Lauri Myracle <Lauri.Myracle@vertexeducation.com>; AJ Ellis <andrew.ellis@vertexeducation.com>; Tiffani Curtis <tiffani.curtis@legacytraditional.org>

Hello Ellsa,

I wanted to take a moment to clarify everything regarding your final pay and the AB398 allotment, as I understand there has been some confusion. I truly want to ensure you feel heard and have all the facts laid out clearly.

1. Salary Correction Was a Required Adjustment (Not a Pay Cut)

When you signed your 2025–2026 contract in March, the salary listed was unfortunately incorrect due to a system error. It didn't factor in the required PERS deduction under the Employer-Paid Contribution (EPC) plan.

This deduction is not optional - it applies to all employees enrolled in EPC and is based on state retirement regulations.

Once this was identified, we sent you the corrected amount, and you signed the revised contract in May. To prevent financial hardship, you and others affected continued receiving the higher, incorrect pay through the remainder of the 2024–2025 school year. No money was ever collected back from you. The corrected pay only went into effect with the new school year on July 20, 2025 (2025–2026 School Year).

2. AB398 Allotment Was Paid Correctly Based on Your Resignation Date

The AB398 funding came from the state in October 2025. Payments began on November 14 and were divided into 19 installments.

Because your resignation was effective December 1, you were eligible for 3(three) AB398 payments during active employment. Those payments were included in your paychecks on:

- November 14
- November 28
- December 5

Each one included \$238.45, totalling \$715.35, the full amount you were eligible for before your separation. AB398 is not retroactive and is only paid while employed.

3. Final Pay Review

We've double-checked your contract, pay records, resignation date, and AB398 payments. Based on everything reviewed, you have received all wages owed to you under Nevada law and in accordance with your signed agreements.

4. No Valid Wage Claim Exists

After reviewing all applicable documentation, including your signed contracts, payroll records, and the timing of both your resignation and the AB398 funding, can confirm that all wages owed to you have been paid in full. Based on the facts and state labor guidelines, there is no outstanding wage balance, and therefore, no valid wage claim exists under Nevada law.

5. Voluntary Contract Amendment – No Coercion or Duress

We are aware of your assertion that the corrected 2025–2026 contract was signed under coercion or duress. This claim is not supported, particularly given the at-will nature of your employment.

You voluntarily signed the revised contract on May 15, 2025, well in advance of the contract start date. At no point were you forced to sign the agreement, nor were any threats of retaliation made. As an at-will employee, you retained the right to decline the amended offer and voluntarily separate. No statements or actions were made that would have undermined that choice.

Accordingly, there is no basis for a legal claim of coercion, intimidation, or contract duress under Nevada law.

Elisa, I understand this situation has felt frustrating and confusing. It’s a lot of information involving state-mandated deductions and funding timelines. Please know we’ve done everything we can to ensure accuracy and fairness.

Thank you again for your time and service with Legacy.

Thank you,

Monique Smith, SHRM-CP
Regional HR Manager



3125 S Gilbert Road
Chandler, AZ 85286
O: 480-270-5438 x1722
E: monique.smith@vertexeducation.com
vertexeducation.com

From: Monique Smith <Monique.Smith@vertexeducation.com>
Sent: Wednesday, December 10, 2025 8:25 AM
To: elisaste2039@gmail.com <elisaste2039@gmail.com>
Subject: Response to Demand Letter – Payment of Wages

Dear Ms. Stewart,

We acknowledge receipt of your letter dated November 24, 2025, alleging unpaid wages and related compensation during your employment as a 6th Grade English Language Arts Teacher with Legacy Traditional School – Nevada, Inc. (LTS), and Vertex Education, LLC.

We take all wage-related concerns seriously and are currently conducting a thorough review of the claims outlined in your correspondence. This includes your allegations regarding:

2/8/28, 7:17 PM

Mall - Monique Smith - Outlook

- Salary differential due to mid-year compensation changes,
- Unpaid AB398 compensation adjustments, and
- Claims of coerced contract amendment under duress.

We aim to resolve this matter professionally and in accordance with all applicable state and federal laws. You will receive a follow-up from our office on or before December 12, 2025.

Please be advised that we will respond formally once we have completed our internal review.

Thank you,

Monique Smith, SHRM-CP
Regional HR Manager



3125 S Gilbert Road
Chandler, AZ 85286
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E: monique.smith@vertexeducation.com
vertexeducation.com

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.

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6 *Pro Se Complainant*

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

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

9 ELISA STEWART,

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.

Case No.: 2025-029

**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

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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

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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
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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

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27 **COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING**
MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL
28 **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 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.
6

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.
12

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

24 28. It is also consistent with constitutional fairness standards requiring a meaningful
25

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;**

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COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING
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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

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27 COMPLAINTANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINTANT’S PENDING
28 MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL
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6 *Pro Se Complainant*
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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

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
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*

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27
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COMPLAINANT STEWART: CONSOLIDATED REPLY IN SUPPORT OF COMPLAINANT'S PENDING
MOTION TO DEEM ALLEGATIONS ADMITTED, PRECLUDE AFFIRMATIVE DEFENSES, COMPEL
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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.

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13 *Attorneys for Respondent Vertex Education, LLC*

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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*

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.
22
23
24
25
26
27
28

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

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
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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

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
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*