

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATE FELDMAN, an individual,
and STOP PREDATORY LENDING
NV, a Nevada nonprofit corporation,

Appellants,

v.

NEVADANS FOR FINANCIAL
CHOICE, a Nevada Political Action
Committee; CHRISTINA BAUER,
an individual; FRANCISCO V.
AGUILAR, in his official capacity as
Nevada Secretary of State;
DAILYPAY, INC., a Delaware
Corporation; PREFERRED
CAPITAL FUNDING-NEVADA,
LLC, a Nevada limited liability
company; ALLIANCE FOR
RESPONSIBLE CONSUMER
LEGAL FUNDING, an Illinois
nonprofit corporation;
ACTIVEHOURS, INC., a Delaware
corporation; and STACY PRESS, an
individual,

Respondents.

Case No. 88526

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**RESPONDENTS NEVADANS FOR FINANCIAL CHOICE AND
CHRISTINA BAUER'S RESPONSE TO APPELLANTS' MOTION FOR
EXPEDITED CONSIDERATION OF APPEAL**

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NRAP 26.1 DISCLOSURE

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

Respondent Nevadans for Financial Choice is a Nevada Political Action Committee. Respondent Christina Bauer is an individual. Pisanelli Bice PLLC is the only law firm whose attorneys are expected to appear for Respondents Nevadans for Financial Choice and Christina Bauer on appeal. Pisanelli Bice PLLC was also the only law firm who appeared for Respondents Nevadans for Financial Choice and Christina Bauer below.

DATED this 25th day of April, 2024.

PISANELLI BICE PLLC

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I. INTRODUCTION

Appellants' motion seeks two outcomes. Initially, it seeks summary adjudication of the appeal without appellate briefing. Alternatively, it seeks expedited briefing and consideration of this appeal. While Respondents Nevadans for Financial Choice and Christina Bauer do not oppose an expedited briefing schedule that allows a reasonable time for all parties to complete the necessary appellate briefing, Appellants' request for summary adjudication absent consent of all parties to the appeal fails as a matter of law. This Court should deny the request for summary adjudication and direct a reasonable briefing schedule that allows all parties an appropriate amount of time to prepare the fulsome briefing that pre-election ballot-initiative challenges require.

II. ARGUMENT

Appellants functionally seek summary adjudication of this appeal based on the briefing below. Mot. at 7. But in ballot initiative cases, this Court only submits appeals for summary adjudication on the district court briefing where the parties agree to do so. *Compare Prevent Sanctuary Cities v. Haley*, No. 74966, 2018 WL 2272955, at *1 (Nev. 2018) (considering full briefing and oral argument to resolve a ballot initiative challenge appeal), *with Educ. Initiative v. Comm. to Protect Nev. Jobs*, 129 Nev. 35, 39 n.2, 293 P.3d 874, 877 n.2 (2013) (resolving an appeal regarding a ballot initiative challenge without appellate briefing where the

parties "agreed to not file appellate briefs"). Indeed, in this past election cycle, this Court denied a motion for summary adjudication without appellate briefing, *Helton v. Nev. Voters First Pac*, No. 84110, at *1 (Order Denying Motion for Summary Adjudication Jan. 28, 2022), and set the matter for resolution after full briefing, *Helton*, No. 84110, at *1 (Order Granting Motion to Expedite Feb. 17, 2022).

Ballot challenges are technical cases that deserve fulsome briefing and a detailed review by this Court. And, such fulsome briefing is even more important here as this Court published a controlling opinion on a similar pre-election challenge to a ballot initiative during the time between the district court's order and Appellants' Notice of Appeal. *See Nevs. for Reprod. Freedom v. Washington*, 140 Nev., Adv. Op. 28, ___ P.3d ___, 2024 WL 168803 (2024). Thus, while Respondents Nevadans for Financial Choice and Christina Bauer do not oppose a prompt briefing schedule, the schedule should nonetheless permit adequate time to fully brief the pertinent legal issues here.¹

¹ As Appellants noted, on April 15, 2024, the district court denied Respondents' challenge to S-03-2024, Appellants' companion ballot measure that is substantively identical to S-01-2024 – the ballot measure at issue in this appeal. Mot. at 5. Respondents' notice of appeal is due May 15, 2024. As such, this Court may wish to wait for Respondents to file their notices of appeal of S-03-2024 and consolidate those matters for judicial efficiency.

III. CONCLUSION

This Court should deny the request to summarily adjudicate this appeal on the district court briefing and set a reasonable schedule for full briefing and oral argument, if necessary.

DATED this 25th day of April, 2024.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 25th day of April, 2024, I caused to be served through the Court's CM/ECF website true and correct copies of the above and foregoing

RESPONDENTS NEVADANS FOR FINANCIAL CHOICE AND

CHRISTINA BAUER'S RESPONSE TO APPELLANTS' MOTION

FOR EXPEDITED CONSIDERATION OF APPEAL to all parties

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