

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 OPPOSITION TO NEVADANS FOR THE
COMMON GOOD'S MOTION FOR LEAVE TO FILE AMICUS BRIEF**

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I. INTRODUCTION

Leave to file an amicus brief is not granted as a right to any non-governmental party. Instead, private actors must timely file a non-duplicative brief within seven days of the date the opening brief was filed. Such a deadline adequately allows the opposing party ample time to oppose both the merits brief and the amicus brief. Here, however, Nevadans for the Common Good ("NCG") filed an untimely amicus brief the day before Respondents Nevadans for Financial Choice and Christina Bauer's (collectively, "Respondents")¹ answering brief was due. Not only is NCG's amicus brief untimely (and prejudicial in light of the Court-ordered expedited briefing schedule), but it is duplicative of Appellants' arguments. Thus, this Court should deny NCG's Motion for Leave to File Amicus Brief ("Motion") and strike NCG's amicus brief.

II. ARGUMENT

This Court must deny the motion for three reasons. First, the motion is untimely. "An amicus curiae *must* file its brief . . . *no later than 7 days after the brief of the party being supported.*" NRAP 29(f) (emphases added). Here, NCG proposes to file its amicus brief in support of Appellants. (Mot. at 1). Appellants filed their opening brief on May 1, 2024, *Feldman v. Nevadans for Fin. Choice et al.*,

¹ Respondents Nevadans for Financial Choice and Christina Bauer do not file this opposition on behalf of any of the other respondents in this case.

No. 88526, at *23 (Appellants' Opening Brief May 1, 2024), making any supporting amicus brief due no later than May 8, 2024, NRAP 29(f). Thus, NCG's brief, filed May 9, 2024, is untimely, and should be denied on that ground alone.

Second, allowing the untimely amicus brief would prejudice Respondents. This Court expedited briefing and arguments in this case, ordering Respondents to file answering briefs by May 10, 2024 – nine days after the opening brief was filed. *Feldman*, No. 88526, at *2 (Order Granting Motion to Expedite Apr. 26, 2024). As such, Respondents lack adequate time to a new brief filed a day before the responsive brief is due – especially in light of this Court's order that "[n]o extensions to the" briefing schedule "will be granted absent . . . extraordinary and compelling circumstances." *Id.*

Third, this Court should deny the Motion as the proposed amicus brief is duplicative of Appellants' brief. As this Court makes clear, amicus briefs that are duplicative of a particular party's arguments are not desirable or helpful, and thus leave to file duplicative amicus briefs will be denied. *See, e.g., Valley Health Sys., LLC v. Murray*, Nos. 79658, 80113 & 80968, at *1 (Order Dec. 6, 2021) ("Having considered the proposed amicus brief, this court is not convinced that NJA's participation as amicus will be helpful in resolving these appeals, especially

given that portions of the proposed amicus brief are almost identical to portions of the answering brief."); *see also Miller-Wohl Co. v. Comm'n of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (indicating that the classic role of an amicus curiae is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the court's attention to law that may have escaped consideration).

Here NCG's amicus brief largely reiterates Appellants' contention that S-01-2024 does not violate the single subject rule. *Compare* AOB 13 ("The Petition Satisfies The Single-Subject Rule."), *with* Br. Amicus Curiae at 2-11 ("The Initiative Petition Has A Single Subject"). Moreover, it parrots Appellants' argument that the interest-rate cap and wage garnishment provisions somehow work together. *Compare* AOB 14 ("In combination, these provisions provide consumers with an improved framework of protections on both the front and back ends of the debtor experience."), *with* Br. Amicus Curiae at 4 ("Interest Rate Caps And Debt Collection Protections Are Interconnected Consumer Protections Needed To Curb 'Set Up To Fail' Lending."). NCG even relies on the same cases that Appellants do.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 10th day of May 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 OPPOSITION TO NEVADANS FOR THE COMMON GOOD'S MOTION FOR LEAVE TO FILE AMICUS BRIEF** to all parties registered for service, as follows:

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