

**In the  
Supreme Court of the State of Nevada**

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

Appellants,

vs.

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;

Respondents.

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Case No.: 88526

District Case No.:

Lead Case No.: 24 OC 00018 1B

Consolidated with:

Case No.: 24 OC 00021 1B

Case No.: 24 OC 00023 1B

Case No.: 24 OC 00029 1B

**RESPONDENT DAILYPAY, INC.'S OPPOSITION TO NEVADANS  
FOR THE COMMON GOOD'S LATE-FILED MOTION**

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NRAP 26.1 DISCLOSURE

Pursuant to NRAP 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in NRAP 26.1(a) that must be disclosed.

The following law firm has appeared and/or is expected to appear in this Court on behalf of Respondents:

Matthew Morris, Esq., and Jay Malcolm DeVoy, Esq., of Holland and Hart LLP.

DATED this 10th day of May 2024.

**HOLLAND & HART LLP**

By: 

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*Attorneys for Appellant Daily Pay, Inc.*

Respondent DailyPay, Inc. opposes the untimely Motion for Leave to file an Amicus Brief, submitted by Nevadans for the Common Good.

Under NRAP 29(f), “an amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the brief of the party being supported is filed.” Even where an amicus curiae does not support either party, that amicus “must file its brief no later than 7 days after the appellant’s opening brief is filed.” NRAP 29(f).

Appellant Stop Predatory Lending NV filed its opening brief on May 1, 2024. Any amicus brief in this matter was therefore due on May 8, 2024. Nevadans for the Common Good filed its motion and putative amicus brief on May 9, 2024.

Accordingly, Nevadans for the Common Good missed the May 8th deadline to seek leave to file an amicus brief. Nor did the purported amicus request leave for a later filing as NRAP 29(f) requires. Particularly in light of this Court’s order requiring expedited briefing in this matter, this Court should deny the motion and strike the untimely amicus brief from the record.

If the Court declines to strike Nevadans for the Common Good's s untimely amicus brief, this Court should alternatively allow DailyPay

sufficient “time within which an opposing party may answer” under NRAP 29(f). Nevadans for the Common Good’s untimely brief was filed the day before DailyPay’s Answering Brief is due, leaving no meaningful opportunity for DailyPay to respond to Nevadans for the Common Good’s assertions. This is particularly problematic here because the brief makes multiple incorrect points pertaining to Senate Bill 290 (Nev., 2023) (See Nevadans for the Common Good Amicus Brief, at 7, n.7).<sup>1</sup> A response to the untimely brief will help ensure the record on appeal is complete accurate.

DATED this 10th day of May 2024.

**HOLLAND & HART LLP**

By: 

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<sup>1</sup> For example, Nevadans for the Common Good misrepresents that SB 290 is an attempted “loophole” or “new loan product[ ] designed to evade existing consumer protections.” Amicus Brief, at 7 n. 7. Not so. During SB 290’s committee hearings, the Nevada Coalition of Legal Service Providers testified that “[W]e are very comfortable with the consumer protections in [SB 290],” including that its “non-recourse nature,” and that SB 290’s earned wage access service provisions “offers an alternative” to “predatory business” that “will save Nevadans a lot of money in the long run.” 82d Leg. Nev., Assm. Cmte. on Comm. & Labor Hearing on SB 290 (May 31, 2023), Testimony of Jonathan Norman for Nevada Coal. of Legal Svc. Providers, at 15-16.



**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(1)(b) and 25(1)(d), I, the undersigned, hereby certify that I electronically filed the foregoing **RESPONDENT DAILY PAY, INC.'s OPPOSITION TO LATE-FILED MOTION** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada's E-filing system on the 10th day of May, 2022.

I further certify that all participants in this case are registered with the Supreme Court of Nevada's E-filing system, and that service has been accomplished to the following individuals through the Court's E-filing System or by first class United States mail, postage prepaid, at Las Vegas, Nevada as follows:

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