

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRINCIPAL INVESTMENTS, INC. d/b/a RAPID
CASH; GRANITE FINANCIAL SERVICES,
INC. d/b/a RAPID CASH; FMMR
INVESTMENTS, INC. d/b/a RAPID CASH;
PRIME GROUP, INC. d/b/a RAPID CASH; and
ADVANCE GROUP, INC. d/b/a RAPID CASH,

Appellants,

vs.

CASANDRA HARRISON; EUGENE
VARCADOS; CONCEPCION QUINTINO; and
MARY DUNGAN, individually and on
behalf of all persons similarly situated,

Respondents.

Case No. 57625

Electronically Filed
NOTICE OF FILING CASE
DEC 12 2011 9:49 p.m.
APPEAL STATEMENT
Hacie K. Lindeman
Clerk of Supreme Court

Appellants PRINCIPAL INVESTMENTS, INC. d/b/a RAPID CASH; GRANITE
FINANCIAL SERVICES, INC. d/b/a RAPID CASH; FMMR INVESTMENTS, INC. d/b/a RAPID
CASH; PRIME GROUP, INC. d/b/a RAPID CASH; and ADVANCE GROUP, INC. d/b/a RAPID
CASH filed their case appeal statement in the district court on February 10, 2011.
Pursuant to this Court's November 30 Order Reinstating Briefing, which instructed
Rapid Cash to submit a copy of the case appeal statement to the Court, a copy is
attached.

DATED this 12th day of December, 2011.

LEWIS AND ROCA LLP

BY: s/ Joel D. Henriod

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Attorney for Appellants

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that this NOTICE OF FILING CASE APPEAL STATEMENT was
3 filed electronically with the Nevada Supreme Court on the 12th day of December,
4 2011, Electronic service of the foregoing document shall be made in accordance with
5 the Master Service List as follows:

6 J. Randall Jones
Kemp Jones & Coulthard
7 3800 Howard Hughes Parkway, 17th Floor
Las Vegas, NV 89169

8 Mark Dzarnoski
9 Gordon Silver
3960 Howard Hughes Pkwy.
10 Ninth Floor
Las Vegas, NV 89169

11
12 I further certify that I served a copy of this document by mailing a true and
13 correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

14 Dan L. Wulz
15 Legal Aid Center of Southern Nevada, Inc.
800 South Eighth Street
16 Las Vegas, NV 89101

17
18
19 s/ Mary Kay Carlton
20 An Employee of Lewis and Roca LLP
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Cash, Granite Financial Services, Inc., d/b/a
10 Rapid Cash, FMMR Investments, Inc., d/b/a
Rapid Cash, Prime Group, Inc., d/b/a Rapid
11 Cash and Advance Group, Inc., d/b/a Rapid
12 Cash

13 DISTRICT COURT

14 CLARK COUNTY, NEVADA

15 CASANDRA HARRISON; EUGENE
16 VARCADOS; CONCEPCION QUINTINO; and
17 MARY DUNGAN, individually and on behalf of
all persons similarly situated,

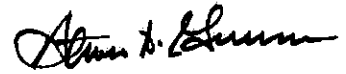
18 Plaintiffs,

19 vs.

20 PRINCIPAL INVESTMENTS, INC. d/b/a
21 RAPID CASH; GRANITE FINANCIAL
SERVICES, INC. d/b/a RAPID CASH; FMMR
22 INVESTMENTS, INC. d/b/a RAPID CASH;
PRIME GROUP, INC. d/b/a RAPID CASH;
23 ADVANCE GROUP, INC. d/b/a RAPID CASH;
MAURICE CARROLL, individually and d/b/a
24 ON SCENE MEDIATIONS; VILISIA
COLEMAN, and DOES I through X, inclusive,

25 Defendants.
26
27 ...
28 ...

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CLERK OF THE COURT

CASE NO. A624982
DEPT. XI

CASE APPEAL STATEMENT

1 **1. Name of appellant filing this case appeal statement:**

2 Principal Investments, Inc., d/b/a Rapid Cash, Granite Financial Services, Inc., d/b/a
3 Rapid Cash, FMMR Investments, Inc., d/b/a Rapid Cash, Prime Group, Inc., d/b/a Rapid Cash
4 and Advance Group, Inc., d/b/a Rapid Cash ("Rapid Cash Defendants").

5 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

6 Eighth Judicial District Court, Department XI, Judge Elizabeth Gonzalez.

7 **3. Identify all parties to the proceedings in the district court:**

8 1. Plaintiffs Casandra Harrison; Eugene Varcados; Concepcion Quintino; and Mary
9 Dungan, individually and on Behalf of All Persons Similarly Situated;

10 2. Defendants Principal Investments, Inc., d/b/a Rapid Cash, Granite Financial
11 Services, Inc., d/b/a Rapid Cash, FMMR Investments, Inc., d/b/a Rapid Cash, Prime Group, Inc.,
12 d/b/a Rapid Cash and Advance Group, Inc., d/b/a Rapid Cash ("Rapid Cash Defendants "); and

13 3. Defendants Maurice Carroll, individually and d/b/a On Scene Mediations; and
14 Vilisia Coleman.

15 **4. Identify all parties involved in this appeal:**

16 1. Plaintiffs Casandra Harrison; Eugene Varcados; Concepcion Quintino; and Mary
17 Dungan, individually and on Behalf of All Persons Similarly Situated; and

18 2. Defendants Principal Investments, Inc., d/b/a Rapid Cash, Granite Financial
19 Services, Inc., d/b/a Rapid Cash, FMMR Investments, Inc., d/b/a Rapid Cash, Prime Group, Inc.,
20 d/b/a Rapid Cash and Advance Group, Inc., d/b/a Rapid Cash ("Rapid Cash Defendants ").

21 **5. Set forth the name, law firm, address, and telephone number of all counsel on**
22 **appeal and identify the party or parties whom they represent:**

23 William M. Noall, Esq.
24 Mark S. Dzarnoski, Esq.
25 Jeffrey L. Hulet, Esq.
26 GORDON SILVER
27 3960 Howard Hughes Pkwy., 9th Floor
28 Las Vegas, Nevada 89169
Tel: (702) 796-5555
Attorneys for Rapid Cash
Defendants/Appellants

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6 Attorney for Rapid Cash
7 Defendants/Appellants

8 Dan L. Wulz, Esq.
9 Venicia Considine, Esq.
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13 Tel: (702) 386-1070
14 Attorneys for Plaintiffs/Respondents

15 J. Randall Jones, Esq.
16 Jennifer C. Dorsey, Esq.
17 KEMP, JONES & COULTHARD, LLP
18 3800 Howard Hughes Parkway, 17th Floor
19 Las Vegas, NV 89169
20 Tel: (702) 385-6000
21 Attorneys for Plaintiffs/Respondents

22 **6. Indicate whether appellant was represented by appointed or retained counsel in the
23 District Court:**

24 Retained

25 **7. Indicate whether appellant is represented by appointed or retained counsel on
26 appeal:**

27 Retained

28 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the
date of entry of the District Court order granting such leave:**

Appellant was not granted leave to proceed in forma pauperis.

**9. Indicate the date the proceedings commenced in the District Court (e.g., date
complaint, indictment, information, or petition was filed):**

The Complaint was filed and commenced in the Eighth Judicial District Court, Clark
County, Nevada, on September 9, 2010.

...

1 **10. Provide a brief description of the nature of the action and result in the district court,**
2 **including the type of judgment or order being appealed and the relief granted by the**
3 **district court.**

4 Plaintiffs applied for and obtained short term loans from the Rapid Cash Defendants on
5 which they defaulted. Plaintiffs filed collection actions in Clark County Justice Courts and used
6 On Scene Mediations to serve the customers with process. Rapid Cash Defendants obtained
7 default judgments against Plaintiffs in the Justice Court actions and obtained wage garnishments
8 to satisfy the judgments. Plaintiffs claim that they were never served with process in the Justice
9 Court actions and, among other things, seek to have the Justice Court actions set aside under a
10 theory that false affidavits of service submitted by the process server constitute a fraud upon the
11 court. Plaintiffs seek certification of the action as a class action

12 The loan agreements contain an Arbitration Provision and waiver of rights to participate
13 in class actions. Rapid Cash Defendants filed a Motion to Compel Arbitration. The District
14 Court denied the Motion to Compel Arbitration. The denial Order is the order subject to this
15 appeal.

16 **11. Indicate whether the case has previously been the subject of an appeal to or original**
17 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
18 **number of the proceeding.**

19 A Petition for Writ of Mandamus was filed with the Nevada Supreme Court on December
20 17, 2010 regarding the Order that is the subject of this appeal. The Writ Petition was denied by
21 Order filed January 18, 2011. Rapid Cash Defendants assert that the Notice of Filing Writ
22 Petition and attached Writ Petition filed with the Eighth Judicial District Court on December 17,
23 2010 constituted the functional equivalent of filing a Notice of Appeal.

24 The Writ proceeding before the Supreme Court was captioned Principal Investments, Inc.
25 D/B/A Rapid Cash et al, Petitioners, v. Eighth Judicial District Court of the State of Nevada, in
26 and for the County of Clark; and the Honorable Elizabeth Goff Gonzalez, District Judge,
27 Respondents, and Cassandra Harrison et al, Real Parties in Interest. The Supreme Court Case
28 Number was 57371.

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12. Indicate whether the appeal involves child custody or visitation.

This appeal does not involve child custody or visitation.

13. In civil cases, indicate whether the appeal involves the possibility of settlement.

This appeal does involve the possibility of settlement.

DATED this 10 day of February, 2011.

GORDON SILVER



GORDON SILVER

WILLIAM M. NOALL

Nevada Bar No. 3549

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Nevada Bar No. 3398

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Attorneys for Defendants

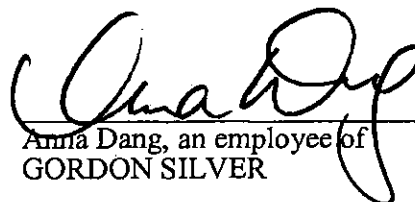
Principal Investments, Inc., d/b/a Rapid
Cash, Granite Financial Services, Inc., d/b/a
Rapid Cash, FMMR Investments, Inc., d/b/a
Rapid Cash, Prime Group, Inc., d/b/a Rapid
Cash and Advance Group, Inc., d/b/a Rapid
Cash

CERTIFICATE OF SERVICE

The undersigned, an employee of Gordon Silver, hereby certifies that on the 10th day of February, 2011, she served a copy of the **CASE APPEAL STATEMENT ON CROSS-APPEAL**, by facsimile, and by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at Las Vegas, Nevada, said envelope addressed to:

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Anna Dang, an employee of
GORDON SILVER