

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. 59837

Electronically Filed
Dec 27 2011 10:42 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOTICE OF FILING CASE APPEAL STATEMENT

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 December 15, 2011, a copy of which is attached.

Dated this 23^d day of December, 2011.

LEWIS AND ROCA LLP

BY: s/ Daniel F. Polsenberg
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Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this NOTICE OF FILING CASE APPEAL STATEMENT was filed electronically with the Nevada Supreme Court on the 23rd day of December, 2011, Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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

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

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

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

s/ Mary Kay Carlton
An Employee of Lewis and Roca LLP


CLERK OF THE COURT

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2 GORDON SILVER
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18 Cash, Granite Financial Services, Inc., d/b/a
19 Rapid Cash, FMMR Investments, Inc., d/b/a
20 Rapid Cash, Prime Group, Inc., d/b/a Rapid
21 Cash and Advance Group, Inc., d/b/a Rapid
22 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
18 all persons similarly situated,

19 Plaintiffs,

20 vs.

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

Defendants.

CASE NO. A624982
DEPT. XI

CASE APPEAL STATEMENT

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...

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.
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Defendants/Appellants

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6 Attorney for Rapid Cash
7 Defendants/Appellants

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14 Attorneys for Plaintiffs/Respondents

15 J. Randall Jones, Esq.
16 Jennifer C. Dorsey, Esq.
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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 of the original
14 complaint. The District Court denied the Motion to Compel Arbitration by order dated
15 November 29, 2010. That denial Order is the order subject to appeal in Supreme Court Docket
16 No. 57625 and review by writ of mandamus in Supreme Court Docket No. 57371.

17 Thereafter, on February 28, 2011, Plaintiffs filed a First Amended Complaint.
18 Defendants filed a Motion to Compel Arbitration of the First Amended Complaint. The District
19 Court denied the Motion to Compel Arbitration of the First Amended Complaint by order dated
20 November 30, 2011. That denial Order is the order subject to appeal in this case.

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

24 A Petition for Writ of Mandamus was filed with the Nevada Supreme Court on December
25 17, 2010 regarding the November 29, 2010 Order denying a Motion to Compel Arbitration of the
26 original complaint [See Supreme Court Docket No. 57371]. The Writ Petition was denied by
27 Order filed January 18, 2011.

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1 A Petition for Rehearing was filed on February 14, 2011. Rapid Cash Defendants assert
2 that the Notice of Filing Writ Petition and attached Writ Petition filed with the Eighth Judicial
3 District Court on December 17, 2010 constituted the functional equivalent of filing a Notice of
4 Appeal.

5 The Writ proceeding before the Supreme Court was captioned Principal Investments, Inc.
6 D/B/A Rapid Cash et al, Petitioners, v. Eighth Judicial District Court of the State of Nevada, in
7 and for the County of Clark; and the Honorable Elizabeth Goff Gonzalez, District Judge,
8 Respondents, and Cassandra Harrison et al, Real Parties in Interest.

9 Following the denial of the Petition for Writ of Mandamus, Rapid Cash Defendants also
10 promptly filed a Notice of Appeal of the November 29, 2010 Order denying a Motion to Compel
11 Arbitration of the original complaint [See Supreme Court Docket No. 57625]. That appeal is
12 pending.

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

14 This appeal does not involve child custody or visitation.

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

16 This appeal does not involve the possibility of settlement. The parties have gone through
17 the Supreme Court Settlement Program in connection with Supreme Court Docket No. 57625
18 and 57371. The parties negotiated in good faith for several months and were close to settlement

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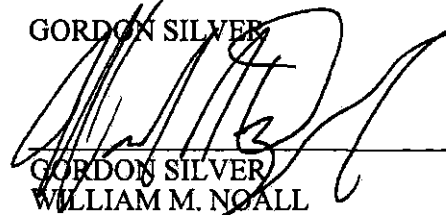
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1 but could not ultimately resolve several significant issues.

2 DATED this 15 day of December, 2011.

3 GORDON SILVER

4 

5 GORDON SILVER

6 WILLIAM M. NOALL

7 Nevada Bar No. 3549

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18 Cash, Granite Financial Services, Inc., d/b/a

19 Rapid Cash, FMMR Investments, Inc., d/b/a

20 Rapid Cash, Prime Group, Inc., d/b/a Rapid

21 Cash and Advance Group, Inc., d/b/a Rapid

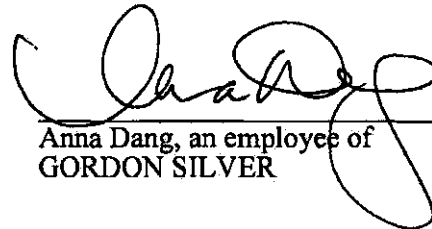
22 Cash

CERTIFICATE OF SERVICE

The undersigned, an employee of Gordon Silver, hereby certifies that on the 15th day of December, 2011, she served a copy of the **CASE APPEAL STATEMENT**, 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
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