


CLERK OF THE COURT

Electronically Filed
Feb 23 2016 02:38 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
Patrick J. Reilly, Esq.
2 Nevada Bar No. 6103
Joseph G. Went, Esq.
3 Nevada Bar No. 9220
HOLLAND & HART LLP
4 9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134
5 Tel: (702) 669-4600
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jgwent@hollandhart.com

7 *Attorneys for Plaintiff*
8
9

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 TITLEMAX OF NEVADA, INC., a Nevada
13 corporation,

14 Plaintiff,

15 vs.

16 STATE OF NEVADA, DEPARTMENT OF
17 BUSINESS AND INDUSTRY FINANCIAL
INSTITUTIONS DIVISION,

18 Defendant.
19
20
21
22
23
24
25

Case No.: A-15-719176-C

Dept. No.: XXI

NOTICE OF APPEAL

26 ///

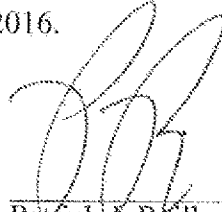
27 ///

28 ///

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiff TitleMax of Nevada, Inc. ("TitleMax") hereby appeals to the Supreme Court of the State of Nevada from the Order Re: Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies and Order Denying TitleMax's Motion for Summary Judgment, the notice of entry of which is attached hereto as **Exhibit "1"**.

DATED this 12th day of February, 2016.



Patrick J. Reilly, Esq.
Joseph G. Went, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2016, a true and correct copy of the foregoing **NOTICE OF APPEAL** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Adam Paul Laxalt
Attorney General
David J. Pope
Sr. Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Tel: (702) 486-3420
Fax: (702) 486-3416
Email: dpope@ag.nv.gov
Attorneys for Defendant

☒ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

Denise S. McKay, Esq.
Administrative Law Judge
Nevada Division of Business & Industry
555 E. Washington Avenue, Suite 4900
Las Vegas, Nevada 89101
Tel: (702) 486-7041

☒ Email: by electronically delivering a copy via email to the following e-mail address:

Denise S. McKay, Esq.
Email: dsmckay@business.nv.gov

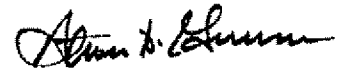
☐ Facsimile: by faxing a copy to the following numbers referenced below:


An Employee of Holland & Hart LLP

Holland & Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

1 NEOJ
Patrick J. Reilly, Esq.
2 Nevada Bar No. 6103
Joseph G. Went, Esq.
3 Nevada Bar No. 9220
HOLLAND & HART LLP
4 9555 Hillwood Drive, Second Floor
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5 Tel: (702) 669-4600
Fax: (702) 669-4650
6 Email: preilly@hollandhart.com
jgwent@hollandhart.com

7 *Attorneys for Plaintiff*

8
9
10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 TITLEMAX OF NEVADA, INC., a Nevada
corporation,

13
14 Plaintiff,

15 vs.

16 STATE OF NEVADA, DEPARTMENT OF
BUSINESS AND INDUSTRY FINANCIAL
17 INSTITUTIONS DIVISION,

18 Defendant.

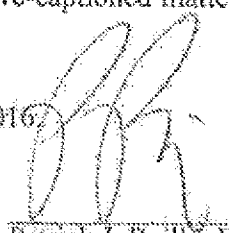
Case No.: A-15-719176-C

Dept. No.: XXI

19 **NOTICE OF ENTRY OF ORDER**

20 PLEASE TAKE NOTICE that an Order Granting Defendant's Motion to Dismiss For
21 Failure To Exhaust Administrative Remedies and Order Denying Titlemax's Motion For
22 Summary Judgment was entered in the above-captioned matter on February 3, 2016. A copy of
said Order is attached hereto.

23 DATED this 3rd day of February, 2016

24
25 
26 Patrick J. Reilly, Esq.
Joseph G. Went, Esq.
HOLLAND & HART LLP
27 9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

28 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Adam Paul Laxalt
Attorney General
David J. Pope
Sr. Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Email: dpope@ag.nv.gov

Attorneys for Defendant

☒ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

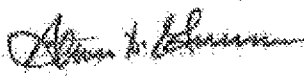
Denise S. McKay, Esq.
Administrative Law Judge
Nevada Division of Business & Industry
555 E. Washington Avenue, Suite 4900
Las Vegas, Nevada 89101
Tel: (702) 486-7041

☒ Email: by electronically delivering a copy via email to the following e-mail address:

Denise S. McKay, Esq.
Email: dsckay@business.nv.gov

☐ Facsimile: by faxing a copy to the following numbers referenced below:


An Employee of Holland & Hart LLP


CLERK OF THE COURT

1 **ORDER**
2 Patrick J. Reilly, Esq.
3 Nevada Bar No. 6103
4 Joseph G. Went, Esq.
5 Nevada Bar No. 9220
6 HOLLAND & HART LLP
7 9555 Hillwood Drive, Second Floor
8 Las Vegas, Nevada 89134
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10 Fax: (702) 669-4650
11 Email: preilly@hollandhart.com
12 jwent@hollandhart.com

13 *Attorneys for Plaintiff*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **TITLEMAX OF NEVADA, INC., a Nevada**
17 **corporation,**

18 **Plaintiff,**

19 **vs.**

20 **STATE OF NEVADA, DEPARTMENT OF**
21 **BUSINESS AND INDUSTRY FINANCIAL**
22 **INSTITUTIONS DIVISION,**

23 **Defendant.**

Case No.: A-15-719176-C

Dept. No.: XXI

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS FOR FAILURE
TO EXHAUST ADMINISTRATIVE
REMEDIES

AND

ORDER DENYING TITLEMAX'S
MOTION FOR SUMMARY JUDGMENT

24 Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies and
25 TitleMax's Motion for Summary Judgment came on for hearing before this Court on December
26 9, 2015.

27 David J. Pope, Senior Deputy Attorney General appeared on behalf of the Defendant;
28 Patrick J. Reilly, Esq., of Holland & Hart LLP, appeared on behalf of the Plaintiff.

The Court, having considered the papers and pleadings regarding the motion, as well as
the oral argument presented by the parties, hereby orders as follows:

///

///

Holland & Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

1 Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies is hereby
2 granted.

3 As to the first question of whether Plaintiff has violated NAC 604A.230(1)(a) anytime a
4 co-borrower (as the term is used by Plaintiff) is not listed on the title of a vehicle, the Court finds
5 that there are questions of fact as to what the differences are between a co-borrower and a
6 guarantor.

7 As to the second question of whether Plaintiff is in violation of NRS 604A.210 by
8 charging interest during a grace period, the Court finds that there is a question of fact as to the
9 implementation of these grace periods and whether the total interest charged during the grace
10 period plus the interest charged during the term of the loan (with extensions) exceeds the amount
11 of allowable interest under NRS 604A.445.


12 Consequently, this case is dismissed and Plaintiff must exhaust its administrative
13 remedies and, thereafter, seek judicial review by a district court pursuant to Chapter 233B of the
14 NRS. Given the foregoing, TitleMax's Motion for Summary Judgment is hereby denied as
15 moot.

16 IT IS SO ORDERED.

17 DATED this 9 day of January, 2016.

18
19
20 
DISTRICT COURT JUDGE

21 Submitted by:

22 
23
24 Patrick J. Reilly, Esq.
Joseph G. Went, Esq.
25 HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
26 Las Vegas, Nevada 89134

27 Attorneys for Plaintiff
28

Susann Thompson

From: Susann Thompson
Sent: Wednesday, February 03, 2016 2:11 PM
To: 'dsmckay@business.nv.gov'
Cc: Patrick Reilly
Subject: TitleMax of Nevada/State of Nevada - Notice of Entry of Order
Attachments: Notice of Entry of Order

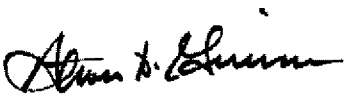
Please see attached Notice of Entry of Order
Thank you.

Susann Thompson

Legal Assistant for Patrick J. Reilly, Constance L. Akridge and David J. Freeman
Holland & Hart LLP
9555 Hillwood Drive, Second Floor.
Las Vegas, NV 89134
Phone (702) 222-2527
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CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.


CLERK OF THE COURT

1 **ASTA**
Patrick J. Reilly, Esq.
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3 Nevada Bar No. 9220
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6 Email: preilly@hollandhart.com
jgwent@hollandhart.com

7 *Attorneys for Plaintiff*

8
9
10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 **TITLEMAX OF NEVADA, INC., a Nevada**
13 **corporation,**

14 **Plaintiff,**

15 **vs.**

16 **STATE OF NEVADA, DEPARTMENT OF**
17 **BUSINESS AND INDUSTRY FINANCIAL**
18 **INSTITUTIONS DIVISION,**

19 **Defendant.**

Case No.: A-15-719176-C

Dept. No.: XXI

CASE APPEAL STATEMENT

19 1. Names of Appellant filing the Case Appeal Statement: TitleMax of Nevada, Inc.

20 2. Judge issuing the decision, judgment, and order appealed from: Eighth Judicial
21 District Court Judge Valerie Adair.

22 3. Identify each appellant and the name and address of counsel for each appellant:
23 TitleMax of Nevada, Inc., Appellant; and Patrick J. Reilly, Esq. and Joseph G. Went, Esq.,
24 Holland & Hart LLP, 9555 Hillwood Drive, Second Floor, Las Vegas, Nevada 89134.

25 4. Identify each respondent and the name and address of counsel for each
26 respondent: State of Nevada, Department of Business and Industry Financial Institutions
27 Division, Respondent; and Adam Paul Laxalt, Attorney General, David J. Pope, Senior Deputy
28 Attorney General, 555 E. Washington Ave., Suite 3900, Las Vegas, NV 89101.

1 5. All attorneys identified above are licensed to practice law in Nevada.

2 6. The Appellant was represented by retained counsel in the district court.

3 7. The Appellant is represented by retained counsel on appeal.

4 8. The Appellant was not granted leave to proceed *in forma pauperis*.

5 9. The proceedings in the district court were commenced on June 1, 2015.

6 10. A brief description of the nature of the action and result in the district court,
7 including the type of judgment or order being appealed and the relief granted by the district
8 court:

9 This is an appeal of an Order Granting State of Nevada, Department of Business and
10 Industry Financial Institutions Division's ("FID") Motion to Dismiss for Failure to Exhaust
11 Administrative Remedies and Order Denying TitleMax of Nevada, Inc.'s ("TitleMax") Motion
12 for Summary Judgment. The FID is an agency of the State of Nevada with regulatory authority
13 over loans made pursuant to NRS Chapter 604A. TitleMax is a lender licensed pursuant to NRS
14 Chapter 604A and is a "licensee" within the meaning of NRS 604A.075. TitleMax offers
15 automobile title loans to its borrowers, which are governed by NRS Chapter 604A and are
16 regulated by the FID and its Commissioner. The declaratory relief action involves a dispute over
17 the interpretation of NRS 604A.210, NRS 604A.445, and NAC 604A.230.

18 On October 6, 2015, FID filed a Motion to Dismiss TitleMax's Complaint for Failure to
19 Exhaust Administrative Remedies. Subsequently on October 14, 2016, TitleMax filed a Motion
20 for Summary Judgment. On December 9, 2015, both motions came on for hearing. Although
21 TitleMax was purely seeking an interpretation as to NRS 604A.210, NRS 604A.445, and NAC
22 604A.230, the lower court concluded that as to the first question of whether TitleMax had
23 violated NAC 604A.230(1)(a) anytime a co-borrower is not listed on the title of a vehicle, that
24 there are questions of fact as to what the differences are between co-borrower and a guarantor.
25 The Court further held that as to the second question of whether NRS 604A.210 prohibits the
26 charging of any interest during a grace period, that there was a question of fact as to the
27 implementation of these grace periods and whether the total interest charged during the grace
28 period plus the interest charged during the time of the loan (with extensions) exceeded the

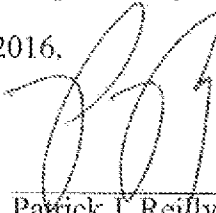
1 amount of allowable interest under NRS 604A.445. The Court therefore dismissed TitleMax's
2 action and denied its Motion for Summary Judgment as moot.

3 11. This case has not previously been the subject of an appeal to or original writ
4 proceeding in the Supreme Court.

5 12. This appeal does not involve child custody or visitation.

6 13. This appeal does not involve the possibility of settlement.

7 DATED this 12th day of February, 2016,



8
9
10 Patrick J. Reilly, Esq.
Joseph G. Went, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

11
12
13 *Attorneys for Plaintiff*
14
15
16
17
18
19
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21
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23
24
25
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27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2016, a true and correct copy of the foregoing **CASE APPEAL STATEMENT** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Adam Paul Laxalt
Attorney General
David J. Pope
Sr. Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Tel: (702) 486-3420
Fax: (702) 486-3416
Email: dpope@ag.nv.gov
Attorneys for Defendant


☒ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

Denise S. McKay, Esq.
Administrative Law Judge
Nevada Division of Business & Industry
555 E. Washington Avenue, Suite 4900
Las Vegas, Nevada 89101
Tel: (702) 486-7041

☒ Email: by electronically delivering a copy via email to the following e-mail address:

Denise S. McKay, Esq.
Email: dsmckay@business.nv.gov

☐ Facsimile: by faxing a copy to the following numbers referenced below:


An Employee of Holland & Hart LLP

Holland & Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

DEPARTMENT 21
CASE SUMMARY
CASE NO. A-15-719176-C

Titlemax of Nevada Inc, Plaintiff(s)
vs.
Nevada Department of Business and Industry Financial
Institutions, Defendant(s)

§
§
§
§
§

Location: **Department 21**
Judicial Officer: **Adair, Valerie**
Filed on: **06/01/2015**
Cross-Reference Case Number: **A719176**

CASE INFORMATION

Case Type: **Other Civil Matters**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-15-719176-C
Court Department 21
Date Assigned 06/01/2015
Judicial Officer Adair, Valerie

PARTY INFORMATION

Plaintiff **Titlemax of Nevada Inc**

Lead Attorneys

Reilly, Patrick J.
Retained
702-669-4600(W)







Defendant **Nevada Department of Business and Industry Financial Institutions**

Laxalt, Adam Paul
Retained
702-486-3420(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX











06/01/2015	 Complaint Filed By: Plaintiff Titlemax of Nevada Inc <i>Complaint</i>	
06/01/2015	 Initial Appearance Fee Disclosure Filed By: Plaintiff Titlemax of Nevada Inc <i>Initial Appearance Fee Disclosure</i>	
06/01/2015	Case Opened	
06/11/2015	 Summons Filed by: Plaintiff Titlemax of Nevada Inc <i>Summons - Civil</i>	
09/17/2015	 Amended Complaint Filed By: Plaintiff Titlemax of Nevada Inc <i>Amended Complaint</i>	
09/23/2015	 Motion for Preliminary Injunction Filed By: Plaintiff Titlemax of Nevada Inc <i>Plaintiff's Motion For Preliminary Injunction and Ex Parte Application For Order Shortening Time and Order Thereon</i>	
10/05/2015	 Summons	

DEPARTMENT 21
CASE SUMMARY
CASE NO. A-15-719176-C

Filed by: Plaintiff Titlemax of Nevada Inc
Summons - Civil

10/06/2015	 Motion to Dismiss Filed By: Defendant Nevada Department of Business and Industry Financial Institutions <i>Nevada Financial Institutions Division's Motion to Dismiss for Failure to Exhaust Administrative Remedies</i>
10/06/2015	 Opposition to Motion Filed By: Defendant Nevada Department of Business and Industry Financial Institutions <i>Opposition to Motion for Preliminary Injunction on Order Shortening Time</i>
10/08/2015	 Errata <i>Errata Providing the Complete Exhibit B of Defendants' Opposition to Motion for Preliminary Injunction on Order Shortening Time</i>
10/08/2015	 Amended Certificate of Service Party: Defendant Nevada Department of Business and Industry Financial Institutions <i>Amended Certificate of Service</i>
10/08/2015	 Amended Certificate of Service Party: Defendant Nevada Department of Business and Industry Financial Institutions <i>Amended Certificate of Service</i>
10/09/2015	 Reply Filed by: Plaintiff Titlemax of Nevada Inc <i>Plaintiff's Reply In Support Of The Motion For Preliminary Injunction</i>
10/14/2015	 Motion for Summary Judgment Filed By: Plaintiff Titlemax of Nevada Inc <i>Plaintiff's Motion for Summary Judgment</i>
10/14/2015	 Motion for Preliminary Injunction (9:30 AM) (Judicial Officer: Adair, Valerie) 10/14/2015, 10/19/2015 <i>Plaintiff's Motion For Preliminary Injunction and Ex Parte Application For Order Shortening Time and Order Thereon</i>
10/26/2015	 Errata Filed By: Plaintiff Titlemax of Nevada Inc <i>Errata to Plaintiff's Motion For Preliminary Injunction And Motion For Summary Judgment</i>
10/27/2015	 Opposition to Motion Filed By: Plaintiff Titlemax of Nevada Inc <i>Plaintiff's Opposition To Defendant's Motion To Dismiss For Failure To Exhaust Administrative Remedies</i>
11/02/2015	 Order Denying Motion Filed By: Plaintiff Titlemax of Nevada Inc <i>Order Denying Motion For Preliminary Injunction</i>
11/03/2015	 Notice of Entry of Order Filed By: Plaintiff Titlemax of Nevada Inc <i>Notice of Entry of Order Denying Motion For Preliminary Injunction</i>
11/10/2015	

DEPARTMENT 21
CASE SUMMARY
CASE NO. A-15-719176-C

	 Opposition to Motion For Summary Judgment Filed By: Defendant Nevada Department of Business and Industry Financial Institutions <i>Nevada Financial Institutions Division's Opposition to Motion for Summary Judgment</i>	
12/04/2015	 Reply Filed by: Defendant Nevada Department of Business and Industry Financial Institutions <i>Nevada Financial Institutions Division's Reply to it's Motion to Dismiss for Failure to Exhaust Administrative Remedies</i>	
12/04/2015	 Reply Filed by: Plaintiff Titlemax of Nevada Inc <i>Plaintiff's Reply Memorandum In Support Of Motion For Summary Judgment</i>	
12/08/2015	 Certificate of Service Filed by: Plaintiff Titlemax of Nevada Inc <i>Amended Certificate of Service</i>	
12/09/2015	Motion to Dismiss (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Nevada Financial Institutions Division's Motion to Dismiss for Failure to Exhaust Administrative Remedies</i>	
12/09/2015	Motion for Summary Judgment (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Plaintiff's Motion for Summary Judgment</i>	
12/09/2015	 All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)	
12/14/2015	 Decision (3:00 AM) (Judicial Officer: Adair, Valerie) <i>Decision: Nevada Financial Institutions Division's Motion to Dismiss for Failure to Exhaust Administrative Remedies; and Plaintiff's Motion for Summary Judgment</i>	
02/03/2016	 Notice of Entry of Order Filed By: Plaintiff Titlemax of Nevada Inc <i>Notice of Entry of Order</i>	
02/03/2016	 Order Filed By: Plaintiff Titlemax of Nevada Inc <i>Order Granting Defendant's Motion To Dismiss For Failure To Exhaust Administrative Remedies and Order Denying Titlemax's Motion for Summary Judgment</i>	
02/12/2016	 Notice of Appeal Filed By: Plaintiff Titlemax of Nevada Inc <i>Notice of Appeal</i>	
02/12/2016	 Case Appeal Statement Filed By: Plaintiff Titlemax of Nevada Inc <i>Case Appeal Statement</i>	
DATE	FINANCIAL INFORMATION	
	Plaintiff Titlemax of Nevada Inc	
	Total Charges	553.50
	Total Payments and Credits	553.50
	Balance Due as of 2/17/2016	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. A-15-719176-C Dept XXI
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <p style="text-align: center;">TITLEMAX OF NEVADA, INC., a Nevada Corporation</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">State of Nevada, Department of Business and Industry Financial Institutions Division</p>
Attorney (name/address/phone): <p style="text-align: center;">Patrick J. Reilly, Esq. Holland & Hart, LLP 9555 Hillwood Drive, 2nd Floor Las Vegas, Nevada 89134</p>	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil cover sheet.

5-29-15

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

ORDR

Patrick J. Reilly, Esq.
Nevada Bar No. 6103
Joseph G. Went, Esq.
Nevada Bar No. 9220
HOLLAND & HART LLP
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Tel: (702) 669-4600
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Email: preilly@hollandhart.com
jgwent@hollandhart.com

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TITLEMAX OF NEVADA, INC., a Nevada
corporation,

Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF
BUSINESS AND INDUSTRY FINANCIAL
INSTITUTIONS DIVISION,

Defendant.

Case No.: A-15-719176-C

Dept. No.: XXI

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS FOR FAILURE
TO EXHAUST ADMINISTRATIVE
REMEDIES**

AND

**ORDER DENYING TITLEMAX'S
MOTION FOR SUMMARY JUDGMENT**

Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies and TitleMax's Motion for Summary Judgment came on for hearing before this Court on December 9, 2015.

David J. Pope, Senior Deputy Attorney General appeared on behalf of the Defendant; Patrick J. Reilly, Esq., of Holland & Hart LLP, appeared on behalf of the Plaintiff.

The Court, having considered the papers and pleadings regarding the motion, as well as the oral argument presented by the parties, hereby orders as follows:

///

///

1 Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies is hereby
2 granted.

3 As to the first question of whether Plaintiff has violated NAC 604A.230(1)(a) anytime a
4 co-borrower (as the term is used by Plaintiff) is not listed on the title of a vehicle, the Court finds
5 that there are questions of fact as to what the differences are between a co-borrower and a
6 guarantor.

7 As to the second question of whether Plaintiff is in violation of NRS 604A.210 by
8 charging interest during a grace period, the Court finds that there is a question of fact as to the
9 implementation of these grace periods and whether the total interest charged during the grace
10 period plus the interest charged during the term of the loan (with extensions) exceeds the amount
11 of allowable interest under NRS 604A.445.

12 Consequently, this case is dismissed and Plaintiff must exhaust its administrative
13 remedies and, thereafter, seek judicial review by a district court pursuant to Chapter 233B of the
14 NRS. Given the foregoing, TitleMax's Motion for Summary Judgment is hereby denied as
15 moot.

16 IT IS SO ORDERED.

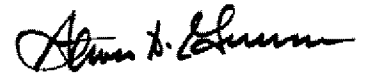
17 DATED this 10 day of January, 2016.

18
19
20 
DISTRICT COURT JUDGE

21 Submitted by:

22 
23
24 Patrick J. Rully, Esq.
Joseph G. Went, Esq.
25 HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
26 Las Vegas, Nevada 89134

27 Attorneys for Plaintiff
28



CLERK OF THE COURT

1 **NEOJ**
2 Patrick J. Reilly, Esq.
3 Nevada Bar No. 6103
4 Joseph G. Went, Esq.
5 Nevada Bar No. 9220
6 **HOLLAND & HART LLP**
7 9555 Hillwood Drive, Second Floor
8 Las Vegas, Nevada 89134
9 Tel: (702) 669-4600
10 Fax: (702) 669-4650
11 Email: preilly@hollandhart.com
12 jwent@hollandhart.com

13 *Attorneys for Plaintiff*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **TITLEMAX OF NEVADA, INC., a Nevada**
17 **corporation,**

18 **Plaintiff,**

19 **vs.**

20 **STATE OF NEVADA, DEPARTMENT OF**
21 **BUSINESS AND INDUSTRY FINANCIAL**
22 **INSTITUTIONS DIVISION,**

23 **Defendant.**


Case No.: A-15-719176-C

Dept. No.: XXI

NOTICE OF ENTRY OF ORDER

24 PLEASE TAKE NOTICE that an Order Granting Defendant's Motion to Dismiss For
25 Failure To Exhaust Administrative Remedies and Order Denying Titlemax's Motion For
26 Summary Judgment was entered in the above-captioned matter on February 3, 2016. A copy of
27 said Order is attached hereto.

28 DATED this 3rd day of February, 2016.



Patrick J. Reilly, Esq.
Joseph G. Went, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Adam Paul Laxalt
Attorney General
David J. Pope
Sr. Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Email: dpope@ag.nv.gov

Attorneys for Defendant

☒ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

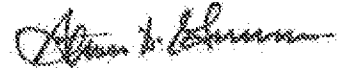
Denise S. McKay, Esq.
Administrative Law Judge
Nevada Division of Business & Industry
555 E. Washington Avenue, Suite 4900
Las Vegas, Nevada 89101
Tel: (702) 486-7041

☒ Email: by electronically delivering a copy via email to the following e-mail address:

Denise S. McKay, Esq.
Email: dsrmckay@business.nv.gov

☐ Facsimile: by faxing a copy to the following numbers referenced below:


An Employee of Holland & Hart LLP



CLERK OF THE COURT

1 **ORDER**
Patrick J. Reilly, Esq.
2 Nevada Bar No. 6103
Joseph G. Went, Esq.
3 Nevada Bar No. 9220
HOLLAND & HART LLP
4 9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134
5 Tel: (702) 669-4600
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6 Email: preilly@hollandhart.com
jwent@hollandhart.com

7 *Attorneys for Plaintiff*

8
9
10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 **TITLEMAX OF NEVADA, INC., a Nevada**
13 **corporation,**

14 **Plaintiff,**

15 **vs.**

16 **STATE OF NEVADA, DEPARTMENT OF**
17 **BUSINESS AND INDUSTRY FINANCIAL**
18 **INSTITUTIONS DIVISION,**

19 **Defendant.**

Case No.: A-15-719176-C

Dept. No.: XXI

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS FOR FAILURE
TO EXHAUST ADMINISTRATIVE
REMEDIES

AND

ORDER DENYING TITLEMAX'S
MOTION FOR SUMMARY JUDGMENT

20 Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies and
21 TitleMax's Motion for Summary Judgment came on for hearing before this Court on December
22 9, 2015.

23 David J. Pope, Senior Deputy Attorney General appeared on behalf of the Defendant;
24 Patrick J. Reilly, Esq., of Holland & Hart LLP, appeared on behalf of the Plaintiff.

25 The Court, having considered the papers and pleadings regarding the motion, as well as
26 the oral argument presented by the parties, hereby orders as follows:

27 ///

28 ///

1 Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies is hereby
2 granted.

3 As to the first question of whether Plaintiff has violated NAC 604A.230(1)(a) anytime a
4 co-borrower (as the term is used by Plaintiff) is not listed on the title of a vehicle, the Court finds
5 that there are questions of fact as to what the differences are between a co-borrower and a
6 guarantor.

7 As to the second question of whether Plaintiff is in violation of NRS 604A.210 by
8 charging interest during a grace period, the Court finds that there is a question of fact as to the
9 implementation of these grace periods and whether the total interest charged during the grace
10 period plus the interest charged during the term of the loan (with extensions) exceeds the amount
11 of allowable interest under NRS 604A.445.



12 Consequently, this case is dismissed and Plaintiff must exhaust its administrative
13 remedies and, thereafter, seek judicial review by a district court pursuant to Chapter 233B of the
14 NRS. Given the foregoing, TitleMax's Motion for Summary Judgment is hereby denied as
15 moot.

16 IT IS SO ORDERED.

17 DATED this 9 day of January, 2016.


DISTRICT COURT JUDGE

21 Submitted by:

22 
23 
24 Patrick J. Reilly, Esq.
25 Joseph G. Went, Esq.
26 HOLLAND & HART LLP
27 9555 Hillwood Drive, Second Floor
28 Las Vegas, Nevada 89134

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 14, 2015

A-15-719176-C Titlemax of Nevada Inc, Plaintiff(s)
vs.
Nevada Department of Business and Industry Financial Institutions,
Defendant(s)

October 14, 2015 9:30 AM Motion for Preliminary
Injunction

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Eccles, Christopher Attorney
 Pope, David J. Attorney
 Reilly, Patrick J. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, the defense stated they received the reply. Mr. Pope advised that this matter should be handled administratively; he cited case law in support of his position. Mr. Pope stated that he filed a Motion to Dismiss and Mr. Reilly advised that he filed a Motion for Summary Judgment. Following further arguments, counsel provided a case for the Court to read. As the print was extremely small, COURT ORDERED, matter CONTINUED in order to review and to render a decision.

CONTINUED TO: 10/19/15 IN CHAMBERS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 19, 2015

A-15-719176-C	Titlemax of Nevada Inc, Plaintiff(s) vs. Nevada Department of Business and Industry Financial Institutions, Defendant(s)
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October 19, 2015	3:00 AM	Motion for Preliminary Injunction	Plaintiff's Motion for Preliminary Injunction and Ex- Parte Application for Order Shortening Time and Order Thereon
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HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Motion for Preliminary Injunction is DENIED.

CLERK'S NOTE: A copy of this minute order placed in the attorney folder of:

Paul Reilly (HOLLAND & HART LLP)

and mailed to:

David Pope, Sr. Deputy Attorney General
555 E. Washington, Suite 3900
Las Vegas, NV 891101

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 09, 2015

A-15-719176-C Titlemax of Nevada Inc, Plaintiff(s)
vs.
Nevada Department of Business and Industry Financial Institutions,
Defendant(s)

December 09, 2015 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie COURTROOM: RJC Courtroom 11C

COURT CLERK: Nora Pena

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Pope, David J. Attorney
 Reilly, Patrick J. Attorney

JOURNAL ENTRIES

- NEVADA FINANCIAL INSTITUTIONS DIVISION'S MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.....PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

ALSO PRESENT: Commissioner Burns and Ms. Sekhon for the FID.

Court asked the Deputy Attorney General, Mr. Pope what are the factual disputes in this case. Mr. Pope advised as to additional persons on the loans, the statutes require that the person who obtains the loan is the legal owner and that can be established by either showing you have the title that it's in your name and you can turn it over; or you have the title and you have the ability to put a security interest on it. Court asked if they are conceding that these co-borrowers don't have title to the car. Mr. Pope stated FID has not agreed or can agree they are co-borrowers. Upon inquire by the Court as to what factual issue is left, Mr. Pope advised there is no indication of who the co-borrower is or why they are there, so if you remove the co-borrower and say these additional persons are not the legal owners then the question can be answered. Court advised the facts need to be flushed out on the issue of co-borrower and guarantor. Statement by Mr. Pope. Court advised interest or additional

interest is a factual dispute. Mr. Pope addressed deferment agreement and not extending the loan. Colloquy regarding statutory interpretation. Response by Mr. Pope. Court asked what is the consumer's policy, can they change the interest under the grace period or have no interest. Statement by Mr. Pope to allow the FID to opine as to statutory scheme. Argument by Mr. Reilly that the Division has to comply with the statute and the problem is rule making by enforcement; therefore, he asked for declaratory relief. Response by Mr. Pope. Court stated she finds no problem for selective enforcement or interpretation of the statute. Mr. Reilly asked to rely on the language and he addressed the guarantor. Mr. Pope addressed regulation and statute and believed plain language controls. Comments by the Court. COURT ORDERED, matter UNDER ADVISEMENT and set for Decision on the chamber calendar.

12/14/15 DECISION: NEVADA FINANCIAL INSTITUTIONS DIVISION'S MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.....PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT - chamber calendar

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 14, 2015

A-15-719176-C Titlemax of Nevada Inc, Plaintiff(s)
vs.
Nevada Department of Business and Industry Financial Institutions,
Defendant(s)

December 14, 2015 3:00 AM Decision

HEARD BY: Adair, Valerie COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES
PRESENT:

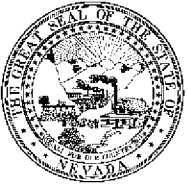
JOURNAL ENTRIES

- COURT ORDERED, Plaintiff s Motion for Summary Judgment is DENIED; Defendants Motion to Dismiss is GRANTED. As to the first question of whether Plaintiff has violated NAC 604A.230(1)(a) anytime a co-borrower is not listed on the title, the COURT FINDS that there are questions of fact as to what the differences are between a co-borrower and a guarantor such that the Plaintiff must exhaust its administrative remedies and, later, seek judicial review by this Court. As to the second question of whether Plaintiff is in violation of NAC 604A.210 by charging interest during the grace period, the COURT FINDS that there is a question of fact as to the implementation of these grace periods and whether the total interest charged during the grace period plus the interest charged during the term of the loan (with extensions) exceeds the amount of allowable interest under NRS 604A.445.

CLERK'S NOTE: The Attorney General s office is directed to prepare the order.

Copies of this minute order placed in the attorney folders of:

Patrick J. Reilley, Esq. (HOLLAND & HART LLP)
Christopher Eccles (DEPUTY ATTORNEY GENERAL)



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

PATRICK J. REILLY, ESQ.
9555 HILLWOOD DR., SECOND FLOOR
LAS VEGAS, NV 89134

DATE: February 17, 2016
CASE: A719176

**RE CASE: TITLEMAX OF NEVADA, INC. vs. STATE OF NEVADA, DEPARTMENT OF
BUSINESS AND INDUSTRY FINANCIAL INSTITUTIONS DIVISION**

NOTICE OF APPEAL FILED: February 12, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ **\$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)****
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ **\$24 – District Court Filing Fee (Make Check Payable to the District Court)****
- ☒ **\$500 – Cost Bond on Appeal (Make Check Payable to the District Court)****
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ **Case Appeal Statement**
 - NRAP 3 (a)(1), Form 2
- ☐ **Order**
- ☐ **Notice of Entry of Order**

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES AND ORDER DENYING TITLEMAX'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

TITLEMAX OF NEVADA, INC.,

Plaintiff(s),

vs.

STATE OF NEVADA, DEPARTMENT OF
BUSINESS AND INDUSTRY FINANCIAL
INSTITUTIONS DIVISION,

Defendant(s),

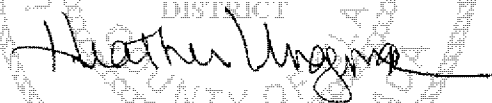
Case No: A719176

Dept No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of February 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk