

# IN THE SUPREME COURT OF THE STATE OF NEVADA

## INDICATE FULL CAPTION:

TITLEMAX OF NEVADA, INC., A  
DELAWARE CORPORATION,  
Appellant,  
vs.  
THE STATE OF NEVADA DEPARTMENT  
OF BUSINESS AND INDUSTRY,  
Respondent.

No. 69807

Electronically Filed  
Mar 14 2016 03:32 p.m.

Tracie K. Lindeman  
Clerk of the Supreme Court

DOCKETING STATEMENT  
CIVIL APPEALS

## GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

## WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth District Department XXI  
County Clark Judge Valerie Adair  
District Ct. Case No. A-15-719176-C

**2. Attorney filing this docketing statement:**

Attorney Patrick J. Reilly Telephone (702) 669-4600  
Firm Holland & Hart, LLP  
Address 9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

Client(s) TitleMax of Nevada, Inc., Appellant

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Adam Paul Laxalt / David J. Pope Telephone (702) 486-3420  
Firm Nevada Attorney General's Office  
Address 555 E. Washington Ave., Suite 3900  
Las Vegas, Nevada 89101

Client(s) State of Nevada, Department Business & Industry, Financial Institutions Division

Attorney N/A Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input checked="" type="checkbox"/> Dismissal:                          |
| <input type="checkbox"/> Judgment after jury verdict        | <input checked="" type="checkbox"/> Lack of jurisdiction                |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

This action concerns the interpretation of NRS 604A.210, NRS 604A.445, and NAC 604A.230. The State of Nevada, Department of Business and Industry Financial Institutions Division ("FID") is an agency of the State of Nevada with regulatory authority over loans made pursuant to NRS Chapter 604A. TitleMax is a lender licensed under NRS Chapter 604A and offers auto title loans to its borrowers. The FID filed a Motion to Dismiss TitleMax's Complaint for Failure to Exhaust Administrative Remedies, and TitleMax filed a Motion for Summary Judgment. Though TitleMax was solely seeking an interpretation of NRS 604A.210, NRS 604A.445, and NAC 604A.230, the Court concluded that it possessed no jurisdiction to hear the action, concluding that issues of fact precluded it from interpreting the foregoing laws.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether the lower court possessed jurisdiction to interpret NRS 604A.210, NRS 604A.445, and NAC 604A.230.
2. Whether NRS 604A.210 and NRS 604A.445 together prohibit a grace period in which the originally contracted interest rate continues to accrue during the grace period, or whether it is treated as "additional" interest and thus barred by NRS 604A.210(2).
3. Whether NAC 604A.230(1)(a) prohibits a title lender from having a co-borrower on a title loan when the co-borrower is not listed on the title of a vehicle.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Unknown.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter involves the interpretation of two Nevada statutes and one regulation as applied to NRS Chapter 604A licensees, and thus is presumptively reviewable by the Nevada Supreme Court under NRAP 17(a)(14).

**14. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? N/A

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No.

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** February 3, 2016

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**17. Date written notice of entry of judgment or order was served** February 3, 2016

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** February 12, 2016

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)            | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify) _____    |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order: NRAP 3A(b)(1) allows an appeal to be taken from a final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered. Here, the District Court entered an order granting dismissal of TitleMax's case for failure to exhaust administrative remedies and denied TitleMax's motion for summary judgment on February 3, 2016. TitleMax appeals the February 3, 2016 order dismissing its case and denying summary judgment as moot.



**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Appellant: TitleMax of Nevada, Inc., (District Court Plaintiff)

Respondent: State of Nevada, Department Business & Industry, Financial Institutions Division, (District Court Defendant)

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

TitleMax brought a claim against FID for Declaratory Relief. FID filed the motion to dismiss at issue. On February 3, 2016, the District Court dismissed TitleMax's case for failure to exhaust its administrative remedies and denied its motion for summary judgment as moot.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

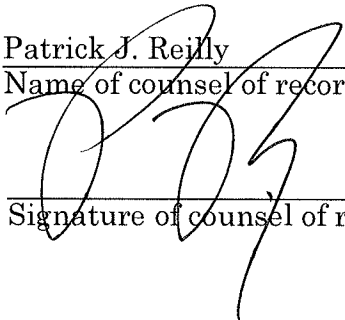
## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

TitleMax of Nevada, Inc.  
Name of appellant

March 14, 2016  
Date

Clark County, Nevada  
State and county where signed

Patrick J. Reilly  
Name of counsel of record  
  
Signature of counsel of record

## CERTIFICATE OF SERVICE


I certify that on the 14 day of March, 2016, I served a copy of this completed docketing statement upon all counsel of record:

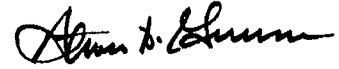
- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Adam Paul Laxalt  
David J. Pope  
555 E. Washington Ave., Suite 3900  
Las Vegas, NV 89101  
Attorneys for Respondent

Denise S. McKay, Esq.  
Administrative Law Judge  
Nevada Division of Business & Industry  
555 E. Washington Avenue, Suite 4900  
Las Vegas, NV 89101

Dated this 14 day of March, 2016

  
Signature



CLERK OF THE COURT

**ACOM**

Patrick J. Reilly, Esq.  
Nevada Bar No. 6103  
Joseph G. Went, Esq.  
Nevada Bar No. 9220  
HOLLAND & HART LLP  
9555 Hillwood Drive, Second Floor  
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[jgwent@hollandhart.com](mailto: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

**AMENDED COMPLAINT**

**Arbitration Exemption Claimed—  
Declaratory Relief and Action Seeking  
Extraordinary Relief**

Plaintiff TitleMax of Nevada, Inc. dba TitleMax and/or TitleBucks ("TitleMax"), by and through its attorneys of record, the law firm of Holland & Hart LLP, for its Amended Complaint against State of Nevada, Department of Business and Industry, Financial Institutions Division (the "FID"), hereby states and alleges as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. TitleMax is an entity created pursuant to the laws of the State of Nevada and is authorized to do business in Clark County, Nevada.

2. The FID is an agency of the State of Nevada.

3. This Court has subject matter jurisdiction pursuant to Article VI of the Nevada Constitution, and personal jurisdiction over the FID in accordance with NRS 14.065, on the

1 grounds that such jurisdiction is not inconsistent with the Nevada Constitution or the United  
2 States Constitution, and in accordance with NRS 41.031, under which the State of Nevada  
3 waives its sovereign immunity.

4 4. Venue is proper in the Eighth Judicial District Court in accordance NRS 41.031.

5 **GENERAL ALLEGATIONS**

6 5. TitleMax is a lender licensed pursuant to NRS Chapter 604A and is a "licensee"  
7 within the meaning of NRS 604A.075.

8 6. TitleMax offers title loans to its borrowers.

9 7. Title loans are governed by NRS Chapter 604A and are regulated by the FID and  
10 its Commissioner.

11 8. In 2014, the FID conducted an examination of TitleMax.

12 9. After the completion of the examination, the FID issued reports of examination  
13 (collectively "ROEs") covering statutory and regulatory compliance at TitleMax's various retail  
14 stores located in the State of Nevada.

15 **INCORRECT CONCLUSIONS OF LAW IN ROES RELATED TO NAC 604A.230**

16 10. The ROEs provided that TitleMax violated NAC 604A.230 whenever TitleMax  
17 allowed a co-borrower to be associated with said loan when that co-borrower not on the title of  
18 the vehicle.

19 11. The FID examiner concluded erroneously that the co-borrower was a "guarantor"  
20 and that TitleMax was violating NAC 604A.230.

21 12. When there is a co-borrower not listed on the title of the vehicle associated with  
22 said loan, the co-borrower becomes contractually bound as a principal obligor, and not as a  
23 guarantor.

24 13. Based on the examiner's incorrect interpretation of NAC 604A.230, the FID  
25 issued a "Needs Improvement" rating, thereby indicating that TitleMax had demonstrated less  
26 than satisfactory compliance in the examination.

27 14. NAC 604A.230 does not prohibit the underwriting of a title loan with a co-  
28 borrower as a principal obligor.

1           15. In 2015, the FID conducted another examination of TitleMax. The FID has  
2 advised that it intends forthwith to issue an "Unsatisfactory" rating in this year's ROE based  
3 upon the exact same legal issue.

4           16. The FID has further advised that, after the issuance of an "Unsatisfactory" rating,  
5 the FID intends to refer TitleMax to the Attorney General for enforcement.

6                           **INCORRECT CONCLUSIONS OF LAW IN ROEs RELATED TO**  
7   **NRS 604A.210 AND NRS 604A.445**

8           17. The ROEs provided that TitleMax violated NRS 604A.210 and NRS 604A.445  
9 whenever a customer executed a grace period payment deferment agreement (the "Deferment  
10 Agreement") on a 210-day installment loan.

11           18. The FID examiner's legal conclusion was incorrect in determining that the  
12 foregoing constituted a violation of NRS 604A.210 and NRS 604A.445, based upon an incorrect  
13 reading of these statutes.

14           19. Based on the examiner's incorrect interpretation of the foregoing statutes, the FID  
15 issued a "Needs Improvement" rating thereby indicating that TitleMax had demonstrated less  
16 than satisfactory compliance in the examination.

17           20. In 2015, the FID conducted another examination of TitleMax. The FID has  
18 advised that it intends to issue forthwith an "Unsatisfactory" rating in this year's ROE based  
19 upon the exact same legal interpretation.

20           21. The FID has further advised that, after the issuance of an "Unsatisfactory" rating,  
21 the FID intends to refer TitleMax to the Attorney General for enforcement.

22                           **FIRST CLAIM FOR RELIEF**  
23   **(Declaratory Relief)**

24           22. TitleMax hereby repeats, realleges, and incorporates all of the allegations  
25 contained in the preceding paragraphs as though fully set forth herein.

26           23. A true and ripe controversy exists between TitleMax and the FID as to the  
27 interpretation of NRS 604A.210, NRS 604A.445, and NAC 604A.230, which led to the FID's  
28 conclusion that TitleMax "violated" said statutes and regulation.

1           24.     TitleMax seeks a declaration that an individual may be a co-borrower on a title  
2     loan without violating NAC 604A.230 when said individual is not listed on title of the vehicle  
3     associated with said loan.

4           25.     TitleMax seeks a declaration interpreting NRS 604A.210 and NRS 604A.445, as  
5     referenced herein.

6           26.     Declaratory relief is necessary to determine the foregoing rights, status, or other  
7     legal relations thereunder.

8                               **PRAYER FOR RELIEF**

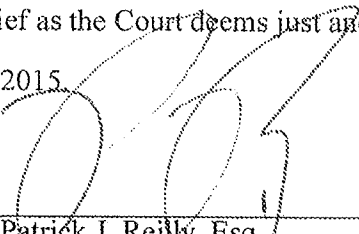
9           WHEREFORE, TitleMax demands judgment against Defendant as follows:

10          1.     For declaratory relief as described herein;

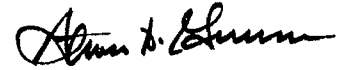
11          2.     For preliminary and permanent injunctive relief enjoining the FID from  
12     imposing or seeking to impose discipline based upon alleged violations of NRS 604A.210,  
13     NRS 604A.445, and NAC 604A.230, in particular as to whether TitleMax "violated" said  
14     statutes and regulation; and

15          3.     For such other and further relief as the Court deems just and proper.

16     DATED this 17th day of September, 2015.

17  
18                                 
19                               Patrick J. Reilly, Esq.  
20                               Joseph G. Went, Esq.  
21                               HOLLAND & HART LLP  
22                               9555 Hillwood Drive, Second Floor  
23                               Las Vegas, Nevada 89134

24                               *Attorneys for Plaintiff*  
25  
26  
27  
28



CLERK OF THE COURT

**ORDER**

Patrick J. Reilly, Esq.  
Nevada Bar No. 6103  
Joseph G. Went, Esq.  
Nevada Bar No. 9220  
HOLLAND & HART LLP  
9555 Hillwood Drive, Second Floor  
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Tel: (702) 669-4600  
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[jgwent@hollandhart.com](mailto: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.

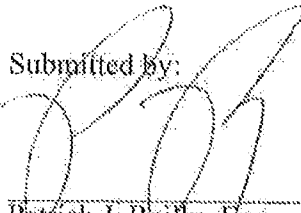
12 Consequently, this case is dismissed and Plaintiff must exhaust its administrative  
13 remedies and, thereafter, seek judicial review by a district court pursuant to Chapter 233B of the  
14 NRS. Given the foregoing, TitleMax's Motion for Summary Judgment is hereby denied as  
15 moot.

16 IT IS SO ORDERED.

17 DATED this 0 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*

  
CLERK OF THE COURT

1 NEOJ  
2 Patrick J. Reilly, Esq.  
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12 [jwent@hollandhart.com](mailto:jwent@hollandhart.com)

13 *Attorneys for Plaintiff*

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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.

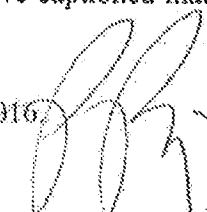
Case No.: A-15-719176-C

Dept. No.: XXI

NOTICE OF ENTRY OF ORDER

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

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*

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

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> 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](mailto: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:

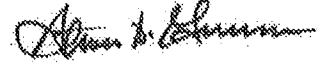
Denise S. McKay, Esq.  
Administrative Law Judge  
Nevada Division of Business & Industry  
555 E. Washington Avenue, Suite 4900  
Las Vegas, Nevada 89101  
Tel: (702) 486-7041

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

Denise S. McKay, Esq.  
Email: [dsmckay@business.nv.gov](mailto:dsmckay@business.nv.gov)

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

  
An Employee of Holland & Hart LLP



CLERK OF THE COURT

**ORDER**

Patrick J. Reilly, Esq.  
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**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:

///

///

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 0 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*

**Susann Thompson**

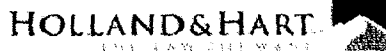
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**From:** Susann Thompson  
**Sent:** Wednesday, February 03, 2016 2:11 PM  
**To:** 'dsmckay@business.nv.gov'  
**Cc:** Patrick Reilly  
**Subject:** TitleMax of Nevada/State of Nevada - Notice of Entry of Order  
**Attachments:** Notice of Entry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

Please see attached Notice of Entry of Order  
Thank you.

**Susann Thompson**

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