

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

DOLLAR LOAN CENTER, LLC, a
domestic liability company,

Respondent.

Supreme Court Case No.: 70002

District Court Case No.: A-15-720959-C

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REPLY IN SUPPORT OF APPELLANT'S NOTICE OF CLARIFICATION

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REPLY IN SUPPORT OF APPELLANT’S NOTICE OF CLARIFICATION

Shortly after oral argument, Appellant filed a short notice with the Court for the singular purpose of clarifying what is already evident from the record and briefing in this case, but what Appellant was concerned may have become confused at oral argument: that Dollar Loan has issued both new loans and refinance loans under NRS 604A.480(2) and Appellant’s arguments apply to both practices. Dollar Loan has answered with a response in which it appears to argue that the practice of issuing new loans under NRS 604A.480(2) is not properly before the Court in this appeal.

Respectfully, that is incorrect. Both in its briefing and at the hearing in the case below, Appellant repeatedly acknowledged the Subsection 2 loans were, as a matter of practice, issued as both new and refinance loans, and argued that lenders should not be able to sue on either. *See, e.g.*, Appellant’s App. at FID0210, FID0475. So, too, Appellant’s briefing in this Court. *See, e.g.*, Reply Br. at 2 (explaining, that, in the litigation below, “Dollar Loan backtracked, alleging that paragraph (f) applies only to *some* Subsection 2 loans (if the loan is used to refinance an existing loan), but *not* others (if not used to refinance an existing loan)”; *id.* at 6-7 (“If Dollar Loan can sue on *any* Subsection 2 loan ... then paragraph (f) does nothing to stop the debt treadmill.”) (emphasis added). As noted at oral argument, Dollar Loan’s legal arguments changed repeatedly in the

litigation below, but at least at one point, Dollar Loan itself specifically urged the District Court to consider precisely the distinction that it now appears to claim is off limits for this Court's review. *See, e.g.,* Appellant's App. at FID0471 ("And we'd ask the Court to rule that NRS 604A.480 only applies to agreements to extend a repayment or consolidate term or something along those lines and it does not prohibit the right to sue with regards to an original loan").

Whether to treat original and refinance loans issued under Subsection 2 differently is obviously a legal question for this Court to decide, and Appellant is content to rest on the arguments made in its briefing and at oral argument in that regard. But the record is clear and let there be no mistake: the issue is squarely before the Court in this appeal.

Respectfully submitted this 20th day of June 2017.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on June 20th, 2017.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system:

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I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, for delivery within three calendar days to the following non-CM/ECF participants:

/s/ Sandra L. Geyer

An employee of the
Office of the Attorney General