



Electronically Filed
Jul 29 2019 09:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

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

14 Plaintiff,

15 vs.

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

19 Defendant.

Case No. A-18-786784-C
Dept. No. XXX

19 **CASE APPEAL STATEMENT**

20 Pursuant to NRAP 3(f), STATE OF NEVADA, DEPARTMENT OF BUSINESS AND
21 INDUSTRY, FINANCIAL INSTITUTIONS DIVISION hereby submits the following case
22 appeal statement:
23

24 A. District court case number and caption, showing names of all parties to the
25 proceedings (without using *et al.*): The full case numbers and captions, showing names of
26 all parties, are as follows: Case Number A-18-786784-C; TitleMax of Nevada, Inc., a
27 Delaware corporation v. State of Nevada, Department of Business and Industry, Financial
28

1 Institutions Division.

2 B. Name of judge who entered order or judgment being appealed:

3 The Honorable Jerry A. Wiese, II.

4 C. Name of each appellant, and name and address of counsel for each appellant:

5 State of Nevada, Department of Business and Industry, Financial Institutions Division
6 (“FID”) through its counsel

7
8 Aaron D. Ford
9 Attorney General
10 David J. Pope
11 Chief Deputy Attorney General
12 Vivienne Rakowsky
13 Deputy Attorney General
14 555 E. Washington Avenue, #3900
15 Las Vegas, NV 89101

16 D. Name of each respondent, and name and address of each respondent’s

17 appellate counsel, if known: TitleMax of Nevada, Inc., a Delaware corporation, through its
18 counsel:

19 Daniel F. Polsenberg, Esq.
20 Joel D. Henriod, Esq.
21 Malani Dale Kotchka-Alanes
22 Lewis Roca Rothgerber Christie LLP
23 3993 Howard Hughes Parkway, Suite 600
24 Las Vegas, NV 89169-5996

25 E. Whether attorneys identified in subparagraph D are not licensed to practice

26 law in Nevada; and, if so, whether the district court granted permission to appear under

27 SCR 42 (include copy of district court order granting permission): N/A.

28 F. Whether appellant was represented by appointed counsel in the district court

or on appeal: No appointed counsel; retained counsel only.

G. Whether appellant was granted leave to proceed *in forma pauperis*: No.

1 H. Date proceedings were commenced in district court: Complaint was filed on
2 December 31, 2018.

3 I. Brief description of nature of the action and result in district court, including
4 type of judgment or order being appealed and relief granted by district court:

5 On December 31, 2018, TitleMax, a lender licensed under Chapter 604A, filed
6 a Complaint for Declaratory Judgment naming the Department of Business and Industry,
7 Financial Institutions Division as Defendant (“FID”). TitleMax pled for the Court to
8 declare that refinancing a title loan does not violate NRS 604A.5074(3) or NRS 604A.065
9 and for the Court to declare that interest and fees should not be considered as part of the
10 fair market value of the vehicle when determining loan amount for a title loan and the
11 customers’ ability to repay the loan.

12 The FID filed a motion for summary judgment. TitleMax responded with a counter-
13 motion for summary judgment. The matter was fully briefed and oral argument was heard
14 on May 1, 2019. On June 20, 2019 the Court issued an Order denying the FID’s motion for
15 summary judgment and granting TitleMax’s counter motion. The FID is appealing the
16 District Court’s Order on both issues.

17 J. Whether case was previously the subject of appeal or writ proceeding in
18 Nevada Supreme Court or Court of Appeals and, if so, caption and docket number of prior
19 proceeding: N/A.

20 K. Whether appeal involves child custody or visitation: No.

21 L. Whether appeal involves possibility of settlement: Unknown at this time.

22 DATED this 24th day of July, 2019.

23 AARON D. FORD
24 Attorney General
25 /s/ Vivienne Rakowsky
26 David J. Pope, Esq.
27 Chief Deputy Attorney General
28 Nevada Bar No. 8617
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