

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA COLLECTORS
ASSOCIATION, a Nevada non-profit
corporation,

Appellant,

v.

SANDY O'LAUGHLIN, in her
official capacity as Commissioner of
the State of Nevada Department of
Business and Industry and Financial
Institution Division; STATE OF
NEVADA DEPARTMENT OF
BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS
DIVISION; JUSTICE COURT OF
LAS VEGAS TOWNSHIP; DOE
DEFENDANTS 1 through 20; and
ROE ENTITY DEFENDANTS 1
through 20,

Respondents.

Supreme Court Case No.: 81930

District Court Case No.: A-19-805334-C

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Appeal from Eighth Judicial District Court, State of Nevada, County of Clark
The Honorable Nancy L. Allf, District Judge

**RESPONSE TO MOTION FOR LEAVE TO FILE AMICUS CURIAE
BRIEF**

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Appellant Nevada Collectors Association (“NCA”), by and through its attorneys at the law firm Brownstein Hyatt Farber Schreck, LLP, hereby responds to Legal Aid Center of Southern Nevada’s (“LACSN”) Motion for Leave to File Amicus Curiae Brief.

Amicus briefs are only appropriate if they will assist the Court in rendering a decision. *See Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997) (J. Posner) (rejecting an amicus brief that “does not tell us anything we don’t know already [and] adds nothing to the already amply proportioned brief of the petitioner”); *Advanced Sys. Tech., Inc. v. United States*, 69 Fed. Cl. 355, 357 (2006) (rejecting an amicus brief that “does not address issues presently pending before the Court and does not illuminate factors or circumstances which would aid the Court in resolving the matter”); *United States v. Gotti*, 755 F. Supp. 1157, 1159 (E.D.N.Y. 1991) (amicus briefs are not appropriate “when it appears that the parties are well represented and that their counsel do not need supplemental assistance....”).

Here, LACSN’s proposed amicus brief does not add anything to the issues pending before this Court. Its proposed brief does not address any of the specific procedural or constitutional issues raised in NCA’s opening brief. Instead, LACSN simply argues that the challenged statute is “reasonable” and then repeats comparisons to the “American Rule” that are already addressed at great length in the Respondents’ answering briefs. To be sure, it appears that the primary purpose of

the proposed amicus brief is to telegraph its political support for this particular statute. Respectfully, amicus briefs are not meant for such a purpose, and LACSN's nod of approval will not assist this Court with its constitutional analysis. Because LACSN's proposed amicus brief will not assist this Court with rendering a decision on the merits of NCA's appeal, it is unnecessary for this Court to consider it.

DATED this 17th day of November, 2021.

/s/ Patrick J. Reilly

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CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Appellate Procedure 25(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **RESPONSE TO MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF** was served by submitting electronically for filing and/or service with Supreme Court of Nevada's EFlex Filing system and serving all parties with an email address on record, as indicated below, pursuant to Rule 8 of the N.E.F.C.R. on the 17th day of November, to the addresses shown below:

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