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7 *Attorneys for Plaintiffs*

8 **IN THE FIRST JUDICIAL DISTRICT COURT**
9 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

10 NEVADANS FOR FINANCIAL CHOICE, a
Nevada Political Action Committee, and
11 CHRISTINA BAUER, an Individual,

12 *Plaintiffs,*

13 v.

14 KATE FELDMAN, an Individual;
STOP PREDATORY LENDING NV, a
15 Nevada Non-Profit Corporation; and
FRANCISCO AGUILAR, in his Official
Capacity as Nevada Secretary of State,

16 *Defendants.*

17 DAILYPAY, INC., a Delaware Corporation,

18 *Plaintiff,*

19 v.

20 FRANCISCO V. AGUILAR, in his official
capacity as NEVADA SECRETARY OF
21 STATE,

22 *Defendant,*

23 and

24 STOP PREDATORY LENDING NV, a
Nevada Nonprofit Corp., and KATE
FELDMAN, an individual,

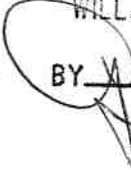
25 *Intervenor-Defendants.*

26 PREFERRED CAPITAL FUNDING
NEVADA, LLC, a Nevada limited liability
company, and ALLIANCE FOR
27 RESPONSIBLE CONSUMER LEGAL
FUNDING, an Illinois nonprofit corporation,

28 *Plaintiffs.*

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2024 MAY -3 PH 4: 36

WILLIAM SCOTT BROWN
BY  **Electronically Filed**
May 08 2024 01:14 PM
DEPUTY
Elizabeth A. Brown
Clerk of Supreme Court

Lead Case No.: 24OC000181B
Dept. No.: II

Consolidated with:
Case No. 24 OC 00021 1B
Dept. No.: II

Case No. 24 OC 00023 1B
Dept. No.: I

Case No. 24 OC 00029 1B
Dept. No.: 1

NOTICE OF APPEAL

1 v.
2 FRANCISCO V. AGUILAR, in his official
3 capacity as NEVADA SECRETARY OF
4 STATE,
5 Defendant,
6 and
7 STOP PREDATORY LENDING NV, a
8 Nevada Nonprofit Corp., and KATE
9 FELDMAN, an individual,
10 Intervenor-Defendants.
11 ACTIVEHOURS, INC., a Delaware
12 corporation; STACY PRESS, an individual,
13 Plaintiffs,
14 v.
15 KATE FELDMAN, an individual, STOP
16 PREDATORY LENDING NV, a Nevada
17 Nonprofit Corp., and FRANCISCO V.
18 AGUILAR, in his official capacity as Nevada
19 Secretary of State,
20 Defendants.

21 Notice is hereby given that Plaintiffs Nevadans for Financial Choice and Christina Bauer
22 (collectively, "Plaintiffs") hereby appeal to the Supreme Court of Nevada from the Findings of Fact
23 and Conclusions of Law and Order Denying Plaintiffs' Legal Challenge to Initiative Petition S-03-
24 2024, attached as Exhibit 1. Plaintiffs also appeal all orders, rulings, or decisions relating thereto,
25 and any other order, ruling, or decision made appealable thereby.

26 ///

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AFFIRMATION

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 30th day of April 2024.

PISANELLI BICE PLLC

By: 

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 30 day of April 2024, pursuant to NRCP 5(b), I served a true and correct copy of the above and foregoing **NOTICE OF APPEAL**, via electronic mail, per the February 22, 2024 Stipulation and Scheduling Order of the Court, to the following:

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*Attorneys for Plaintiffs Activehours, Inc. and
Stacy Press*

*Attorneys for Plaintiffs Preferred Capital
Funding-Nevada, LLC and Alliance For
Responsible Consumer Legal Funding*

An employee of PISANELLI BICE PLLC

EXHIBIT 1

REC'D & FILED

April 15, 2024

Date

WILLIAM SCOTT HOEN
CLERK

IN THE FIRST JUDICIAL DISTRICT COURT By Deputy

OF THE STATE OF NEVADA IN AND FOR CARSON CITY

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BRAVO SCHRAGER LLP

NEVADANS FOR FINANCIAL CHOICE,
a Nevada Political Action Committee, and
CHRISTINA BAUER, an individual,

Plaintiffs,

vs.

KATE FELDMAN, an individual, STOP
PREDATORY LENDING NV, a Nevada
Nonprofit Corp., and FRANCISCO V.
AGUILAR, in his official capacity as
Nevada Secretary of State,

Defendants.

Lead Case No.: 24 OC 00018 1B

Dept. No.: II

Consolidated with

DAILYPAY, INC., a Delaware
Corporation,

Plaintiff,

vs.

FRANCISCO V. AGUILAR, in his official
capacity as NEVADA SECRETARY OF
STATE,

Defendant,

and

STOP PREDATORY LENDING NV, a
Nevada Nonprofit Corp., and
KATE FELDMAN, an individual,

Intervenor-Defendants.

Case No.: 24 OC 00021 1B

Dept. No.: II

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PREFERRED CAPITAL FUNDING-NEVADA, LLC, a Nevada limited liability company, and ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING, an Illinois nonprofit corporation,

Plaintiffs,

vs.

FRANCISCO V. AGUILAR, in his official capacity as NEVADA SECRETARY OF STATE, and KATE FELDMAN, an individual,

Defendants,

and

STOP PREDATORY LENDING NV, a Nevada Nonprofit Corp.,

Intervenor-Defendant.

ACTIVEHOURS, INC., a Delaware corporation; STACY PRESS, an individual,

Plaintiffs,

vs.

KATE FELDMAN, an individual; STOP PREDATORY LENDING NV, a Nevada Nonprofit Corp.; and FRANCISCO V. AGUILAR, in his official capacity as NEVADA SECRETARY OF STATE,

Defendants.

Case No.: 24 OC 00023
Dept. No.: I

Case No.: 24 OC 00029 1B
Dept. No.: I

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FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING PLAINTIFFS' LEGAL CHALLENGE TO INITIATIVE PETITION S-03-2024

This matter came before this Court following four complaints, filed by four different sets of plaintiffs, pursuant to NRS 295.061, challenging the legal sufficiency of Initiative Petition S-03-2024 (the "Petition"). On January 24, 2024, Kate Feldman filed Initiative Petition S-03-2024 with the Nevada Secretary of State (the

1 “Secretary”).

2 The Court, having reviewed the papers and pleadings on file, considered the
3 matter, being fully advised, and good cause appearing, finds, concludes, and orders
4 as follows:

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW¹**

6 **A. FINDINGS OF FACT**

7 **1. Initiative Petition S-03-2024**

8 On January 24, 2024, Kate Feldman, on behalf of Stop Predatory Lending NV,
9 filed the Petition with the Secretary. The Petition seeks to amend the Nevada Revised
10 Statutes by adding thereto a new Chapter, to be designated Chapter 604D:
11 Preventing Predatory Payday and Other Loans Act.

12 The Petition includes a description of effect as required by NRS 295.009(1)(b),
13 which reads, in full:

14 This measure addresses high-interest lending practices by
15 establishing maximum interest rates charged to consumers.

16 Currently, most consumer loans have no interest rate cap. The
17 proposed cap would set a maximum interest rate of 36% annually on
18 the unpaid balance of the amount financed, and would apply to
19 consumer loans; deferred-deposit transactions (“payday loans”); title
20 loans; and other loan types dependent on future earnings and
21 income.

19 The initiative also prohibits evading the interest rate cap by
20 structuring transactions to mask their nature as loans covered by
21 this measure, or partnering with out-of-state lenders to violate the
22 rate cap. The initiative voids transactions that violate the cap, and
23 establishes civil penalties.

22 **2. Procedural History**

23 On January 26, 2024, Plaintiffs Nevadans For Financial Choice and Christina
24 Bauer (collectively, “Nevadans for Financial Choice” or “NFFC”) filed a Complaint for
25 Declaratory and Injunctive Relief challenging the legal sufficiency of Initiative
26

27 ¹ Any findings of fact which are more appropriately considered conclusions of
28 law shall be treated as such, and any conclusions of law which are more appropriately
considered findings of fact shall be treated as such.

1 Petition S-01-2024, pursuant to NRS 295.061, and a Brief in Support of the
2 Complaint. Subsequently, on February 14, Plaintiffs Nevadans for Financial Choice
3 filed a First Amended Complaint timely adding Initiative Petition S-03-2024 to their
4 challenge.

5 On January 29, Plaintiff DailyPay, Inc. (“DailyPay”) filed a Complaint for
6 Declaratory and Injunctive Relief challenging the legal sufficiency of both Initiative
7 Petition S-01-2024 and Initiative Petition S-03-2024, pursuant to NRS 295.061.

8 On January 29, Plaintiffs Preferred Capital Funding - Nevada, LLC and
9 Alliance For Responsible Consumer Legal Funding (collectively, “Preferred Capital”)
10 filed a Complaint for Declaratory and Injunctive Relief challenging the legal
11 sufficiency of both Initiative Petition S-01-2024 and Initiative Petition S-03-2024,
12 pursuant to NRS 295.061.

13 On February 13, Plaintiffs ActiveHours, Inc. and Stacy Press (collectively,
14 “ActiveHours”) filed a Complaint for Declaratory and Injunctive Relief challenging
15 the legal sufficiency of Initiative Petition S-03-2024, pursuant to NRS 295.061.

16 On or about February 22, the parties stipulated to, and the Court ordered, that
17 the filed suits be consolidated into one action to make the matter more efficient in
18 terms of judicial economy, and the parties agreed to a briefing schedule. After
19 briefing, the Court held hearing on the consolidated matters on March 22, 2024.

20 **B. CONCLUSIONS OF LAW**

21 **1. The Petition Does Not Violate Nevada’s Single Subject Rule**

22 NRS 295.009(1) provides that “[e]ach petition for initiative or referendum must
23 ... [e]mbrace but one subject and matters necessarily connected therewith and
24 pertaining thereto.” Subsection 2 of that statute explains that an initiative “embraces
25 but one subject and matters necessarily connected therewith and pertaining thereto,
26 if the parts of the proposed initiative ... are functionally related and germane to each
27 other in a way that provides sufficient notice of the general subject of, and of the
28 interests likely to be affected by, the proposed initiative.” NRS 295.009(2).

1 The single-subject requirement “facilitates the initiative process by preventing
2 petition drafters from circulating confusing petitions that address multiple subjects.”
3 *Nevadans for the Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 902, 141 P.3d
4 1235, 1240 (2006). Thus, “the single-subject requirement helps both in promoting
5 informed decisions and in preventing the enactment of unpopular provisions by
6 attaching them to more attractive proposals or concealing them in lengthy, complex
7 initiatives (i.e., logrolling).” *Las Vegas Taxpayer Accountability Comte. v. City Council*
8 *of City of Las Vegas*, 125 Nev. 165, 176-77, 208 P.3d 429, 436-37 (2009).

9 In considering single-subject challenges, courts must first determine the
10 initiative’s purpose or subject. “To determine the initiative’s purpose or subject, this
11 court looks to its textual language and the proponents’ arguments.” *Las Vegas*
12 *Taxpayer*, 125 Nev. at 180, 208 P.3d at 439. Courts also will look at whether the
13 description of effect articulates an overarching purpose and explains how provisions
14 relate to a single subject. *Id.*

15 Furthermore, and most recently, in *Helton v. Nevada Voters First PAC*, 138
16 Nev. Adv. Op. 45, 512 P.3d 309 (2022), the Nevada Supreme Court stated that “even
17 if an initiative petition proposes more than one change, each of which could be
18 brought in separate initiative petitions, the proper consideration is whether the
19 changes are functionally related and germane to each other and the petition’s
20 subject.” *Id.*, 512 P.3d at 314. The Court found that “(b)oth categories of changes
21 proposed in the ... initiative concern the election process in Nevada and more
22 specifically how candidates for the specifically defined partisan offices are presented
23 to voters and elected.” *Id.*, 512 P.3d at 314-15.

24 In this case, the Court finds that the primary purpose of the Petition is to limit
25 interest rates on consumer loan transactions, and that all components of the Petition
26 are functionally related and germane to that purpose. The Court finds that the
27 Petition limits consumer interest rates on the transactions it defines as loans to 36%
28 annually. Each of the provisions of the Petition either establish that limit, make

1 conforming or ancillary changes to other statutes, or—in the case of the Sections 10
2 through 14, provide enforcement mechanisms necessary and germane to the
3 operation of the Petition’s purpose. Further, the Court finds that the Petition’s text,
4 its description, and the arguments of the Proponents in briefing and at hearing of
5 effect confirm the Petition’s primary purpose. Therefore, this Court finds that
6 Initiative Petition S-03-2024 does not violate NRS 295.009(1)(a)’s single-subject
7 requirement.

8 **2. The Petition’s Descriptions Of Effect Is Legally Adequate**

9 Under NRS 295.009(1)(b), every initiative must “[s]et forth, in not more than
10 200 words, a description of the effect of the initiative or referendum if the initiative
11 or referendum is approved by the voters.” The purpose of the description is to “prevent
12 voter confusion and promote informed decisions.” *Nevadans for Nev. v. Beers*, 122
13 Nev. 930, 939, 142 P.3d 339, 345 (2006). Thus, “[t]he importance of the description of
14 effect cannot be minimized, as it is what the voters see when deciding whether to
15 even sign a petition.” *Coal. for Nev.’s Future v. RIP Com. Tax, Inc.*, No. 69501, 2016
16 WL 2842925 at *2 (2016) (unpublished disposition) (citing *Educ. Initiative PAC v.*
17 *Comm. to Protect Nev. Jobs*, 129 Nev. 35, 37, 293 P.3d 874, 876 (2013)). “[T]he
18 description of effect may hold even more impact with respect to a referendum, since
19 merely gathering sufficient signatures to place a referendum on the ballot guarantees
20 a change to the law regardless of the election’s outcome.” *Id.* (citing Nev. Const.
21 art. 19, § 1(3) (providing that, if the voters approve the referendum, the statute “shall
22 stand as the law of the state and shall not be amended, annulled, repealed, set aside,
23 suspended or in any way made inoperative except by the direct vote of the people,”
24 and if the voters disapprove the statute or resolution, it is rendered void)).

25 The Nevada Supreme Court has repeatedly held that “a description of effect
26 must be straightforward, succinct, and non-argumentative, and it must not be
27 deceptive or misleading.” *Educ. Initiative PAC*, 129 Nev. at 42, 293 P.3d at 879
28 (internal quotation marks and citation omitted). It must also “explain the[]

1 ramifications of the proposed amendment” in order to allow voters to make an
2 informed decision. *Nev. Judges Ass’n v. Lau*, 112 Nev. 51, 59, 910 P.2d 898, 903
3 (1996).

4 This Court finds that the Petition’s description of effect meets the
5 requirements of Nevada law. The description of effect is straightforward, succinct,
6 under 200 words, and there is no basis for a finding of any argumentative language.
7 The description proceeds, succinctly and directly, through (1) a general statement of
8 the Petition’s purpose; (2) a neutral and accurate statement of current law regarding
9 interest rate limitations; (3) a description of the transactions to which the proposed
10 cap would apply; and (4) a statement of enforcement aspects of the proposal. The
11 Court finds that Plaintiffs fail to meet the burden of showing that the Petition’s
12 description of effect does not comply with NRS 295.009. Therefore, the Court finds
13 the description of effect for Initiative Petition S-03-2024 satisfies Nevada’s
14 NRS 295.009 requirement as the plain language of the description is straightforward,
15 succinct, and non-argumentative.

16 **3. The Petition Does Not Contain An Unfunded Mandate**

17 Article 19, section 2(1) of the Nevada Constitution provides that the initiative
18 process is “subject to the limitations of Article 19, Section 6, which “does not permit
19 the proposal of any statute or statutory amendment which makes an appropriation
20 or otherwise requires the expenditure of money, unless such statute or amendment
21 also imposes a sufficient tax, not prohibited by the constitution, or otherwise
22 constitutionally provides for raising the necessary revenue.” As the Nevada Supreme
23 Court holds, Section 6 applies to all proposed initiatives. *Rogers v. Heller*, 117 Nev.
24 169, 173, 18 P.3d 1034, 1036 (2001). The primary purpose behind this requirement is
25 to ensure that no initiative is presented to the voters without funding provisions when
26 the initiative requires an appropriation or expenditure.

27 “[A]n appropriation is the setting aside of funds, and an expenditure of money
28 is the payment of funds.” *Rogers v. Heller*, 117 Nev. 169, 173, 18 P.3d 1034, 1036

1 (2001). “A necessary appropriation or expenditure in *any* set amount or percentage is
2 a new requirement that otherwise does not exist.” *Id.*, 117 Nev. at 176. “[A]n initiative
3 makes an appropriation or expenditure when it leaves budgeting officials no
4 discretion in appropriating or expending the money mandated by the initiative—the
5 budgeting official must approve the appropriation or expenditure, regardless of any
6 other financial considerations.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 890, 141
7 P.3d 1224, 1233 (2006).

8 Here, this Court finds that plaintiffs do not provide any evidence regarding the
9 expected unfunded expenditures or costs they insist come along with the Petition, but
10 rather argue that increased regulation must somehow necessarily increase the
11 workload of state personnel, and therefore will increase state expenditures in some
12 form. While the Court is not unsympathetic to that argument, Nevada Supreme
13 Court case law authority interpreting Article 19, Section 6 does not support
14 invalidating a proposed ballot measure on those grounds. This Petition does not
15 require specific enforcement procedures, creates no additional regulatory bodies or
16 agencies, and Plaintiffs cannot point to specific instances of mandatory, non-
17 discretionary appropriations that would have to be made should this Petition become
18 law. Therefore, the Court finds that Plaintiffs fail to meet the burden of showing that
19 the Petition violates Article 19, Section 6 of the Nevada Constitution.

20 **4. The Petition Does Not Violate Article 19, Section 3**

21 Under Article 19, Section 3 of the Nevada Constitution, proponents must
22 “include the full text of the measure proposed” with their initiative petition. Nev.
23 Const. art. 19, § 3. Plaintiffs DailyPay and Nevadans for Financial Choice make “full-
24 text” arguments against the Petition. This Court rejects plaintiffs’ arguments and
25 finds that the Petition contains every provision that is proposed to be circulated for
26 signatures and to considered by the electorate, and that therefore there is no violation
27 of Article 19, Section 3.

28 Furthermore, this Court rejects the other various challenges to the Petition’s

1 legal sufficiency.²

2 **ORDER**

3 Based on the foregoing findings of fact and conclusions of law:

4 1. **IT IS THEREFORE ORDERED** and declared that Initiative Petition
5 S-03-2024 is legally sufficient.

6 2. **IT IS FURTHER ORDERED** and declared that Initiative Petition
7 S-03-2024 does not violate Nevada's single subject rule.

8 3. **IT IS FURTHER ORDERED** and declared that Initiative Petition
9 S-03-2024's description of effect meets the requirements of Nevada law.

10 4. **IT IS FURTHER ORDERED** and declared that Initiative Petition
11 S-03-2024 does not contain an unfunded mandate.

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24 ² To the extent other arguments were raised by any Plaintiffs, like DailyPay's
25 contention that the Petition is a referendum instead of an initiative, the Court has
26 considered them and finds them without merit. The Petition does not change a single
27 word of SB 290 (2023). Further, the Petition makes numerous amendments to Nevada
28 statutes, and creates new statutory sections; therefore the Petition is a statutory
initiative pursuant to Article 19, Section 2(3).

1 5. IT IS FURTHER ORDERED that plaintiffs' challenges to Initiative
2 Petition S-03-2023 are rejected, and Plaintiffs' complaints are dismissed with
3 prejudice as to their challenge to Initiative Petition S-03-2023.

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Dated this 12th day of April _____, 2024.

William A. Maddox
District Court Judge

Respectfully Submitted by:

/s/ Bradley S. Schrager
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Telephone: 702.214.2100
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7 *Attorneys for Plaintiffs*

8 **IN THE FIRST JUDICIAL DISTRICT COURT**
9 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

10 NEVADANS FOR FINANCIAL CHOICE, a
Nevada Political Action Committee, and
11 CHRISTINA BAUER, an Individual,

12 *Plaintiffs,*

13 v.

14 KATE FELDMAN, an Individual;
STOP PREDATORY LENDING NV, a
15 Nevada Non-Profit Corporation; and
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Capacity as Nevada Secretary of State,

16 *Defendants.*

17 DAILYPAY, INC., a Delaware Corporation,

18 *Plaintiff,*

19 v.

20 FRANCISCO V. AGUILAR, in his official
capacity as NEVADA SECRETARY OF
21 STATE,

22 *Defendant,*

23 and


24 STOP PREDATORY LENDING NV, a
Nevada Nonprofit Corp., and KATE
FELDMAN, an individual,

25 *Intervenor-Defendants.*

26 PREFERRED CAPITAL FUNDING
NEVADA, LLC, a Nevada limited liability
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27 RESPONSIBLE CONSUMER LEGAL
FUNDING, an Illinois nonprofit corporation,

28 *Plaintiffs.*

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2024 MAY -3 PM 4:36

WILLIAM SCOTT HESTER
CLERK
BY  DEPUTY

Lead Case No.: 24OC000181B
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Consolidated with:
Case No. 24 OC 00021 1B
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Case No. 24 OC 00023 1B
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Case No. 24 OC 00029 1B
Dept. No.: 1

CASE APPEAL STATEMENT

1 v.
2 FRANCISCO V. AGUILAR, in his official
3 capacity as NEVADA SECRETARY OF
4 STATE,
5 Defendant,
6 and
7 STOP PREDATORY LENDING NV, a
8 Nevada Nonprofit Corp., and KATE
9 FELDMAN, an individual,
10 Intervenor-Defendants.
11 ACTIVEHOURS, INC., a Delaware
12 corporation; STACY PRESS, an individual,
13 Plaintiffs,
14 v.
15 KATE FELDMAN, an individual, STOP
16 PREDATORY LENDING NV, a Nevada
17 Nonprofit Corp., and FRANCISCO V.
18 AGUILAR, in his official capacity as Nevada
19 Secretary of State,
20 Defendants.

- 16 **1. Name of appellants filing this case appeal statement:**
17 Plaintiffs Nevadans for Financial Choice and Christina Bauer.
- 18 **2. The judge issuing the decision, judgment, or order appealed from:**
19 The Honorable William A. Maddox (Ret.), Senior Judge sitting by designation.
- 20 **3. Identify each appellant and the name and address of each counsel for each appellant:**
21 Appellants: Nevadans for Financial Choice and Christina Bauer.
22 Appellants' Counsel:
23 Todd L. Bice
24 Jordan T. Smith
25 Daniel R. Brady
26 PISANELLI BICE PLLC
27 400 South 7th Street, Suite 300
28 Las Vegas, Nevada 89101
Telephone: 702.214.2100

- 1 4. **Identify each respondent and the name and address of appellate counsel, if known,
2 for each respondent:**
- 3 Respondents: Kate Feldman and Stop Predatory Lending NV, and Francisco V. Aguilar
4 Respondents' Counsel:
- 5 Bradley S. Schragger
6 Daniel Bravo
7 BRAVO SCHRAGER LLP
8 6675 South Tenaya Way, Ste. 200
9 Las Vegas, Nevada 89113
10 Telephone: 702.996.1724
- 11 Respondents: Francisco V. Aguilar
12 Respondents' Counsel:
- 13 Laena St. Jules
14 Senior Deputy Attorney General
15 OFFICE OF THE ATTORNEY GENERAL
16 100 N. Carson Street
17 Carson City, Nevada 89701
18 Telephone: 775.684.1265
- 19 5. **Indicate whether any attorney identified above in response to question 3 or 4 is not
20 licensed to practice law in Nevada and, if so, whether the district court granted that
21 attorney permission to appear under SCR 42:**
- 22 N/A
- 23 6. **Indicate whether appellants were represented by appointed or retained counsel in the
24 district court:**
- 25 Appellants were represented by retained counsel in the district court.
- 26 7. **Indicate whether appellants are represented by appointed or retained counsel on
27 appeal:**
- 28 Appellants are represented by retained counsel on appeal.
8. **Indicate whether appellants were granted leave to proceed in forma pauperis and the
date of entry of the district court order granting such leave:**
- N/A
9. **The date the proceedings commenced in the district court:**
January 26, 2024: Case Number 24 OC 00018 1B
January 29, 2024: Case Number 24 OC 0021 1B
January 29, 2024: Case Number 24 OC 00023 1B
February 13, 2024: Case Number 24 OC 00029 1B

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

The action involves a pre-election challenge to ballot initiatives S-01-2024 and S-03-2024. Respondents Kate Feldman and Stop Predatory Lending NV proposed two initiatives, both substantively identical, proposing to regulate payday lending (and, in reality, a smorgasbord of other forms of lending). Appellants Nevadans for Financial Choice and Christina Bauer (collectively, "Appellants") filed a complaint challenging both initiatives for several violations of the single-subject rule and for misleading descriptions of effect. The district court granted Appellants complaint seeking injunctive relief as to initiative S-01-2024, concluding that it violated the single-subject rule. However, the district court concluded that S-03-2024 did not violate the single-subject rule or otherwise have a misleading description of effect. Accordingly, the district court denied Appellants' challenge to S-03-2024.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

Plaintiff DailyPay, Inc. filed an appeal of this order, which was docketed as: *DailyPay, Inc. v. Aguilar*, Case No. 88557.

Defendants Kate Feldman and Stop Predatory Lending NV filed an appeal of the order granting Plaintiffs' injunctive relief regarding the companion ballot initiative, which was docketed as *Feldman v. Aguilar*, Case No. 88526.

12. Indicate whether the appeal involves child custody or visitation:

This appeal does not involve child custody or visitation.

13. Indicate whether the appeal involves the possibility of settlement:

This case does not involve the possibility of settlement.

///


PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

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AFFIRMATION

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 30th day of April 2024.

PISANELLI BICE PLLC
By: 
Todd L. Bice, Esq., #4534
Jordan T. Smith, Esq., #12097
Daniel R. Brady, Esq., #15508
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 20 day of April 2024, pursuant to NRCP 5(b), I served a true and correct copy of the above and foregoing **CASE APPEAL STATEMENT**, via electronic mail, per the February 22, 2024 Stipulation and Scheduling Order of the Court, to the following:

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First Judicial District Court, Dept. II
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Stacy Press*

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Responsible Consumer Legal Funding*

/s/ 
An employee of PISANELLI BICE PLLC

Judge: LUIS, KRISTIN

Case No. 24 OC 00018 1B
Ticket No.
CTN:

NEVADANS FOR FINANCIAL CHOICE
et al

By:

AGUILAR, FRANCISCO DRSPND

-vs-

By:

Dob: Sex:
Lic: Sid:
FELDMAN, KATE DRSPND

By: SCHRAGER, BRADLEY S
3773 HOWARD HUGHES PKWY
3RD FLOOR SOUTH
LAS VEGAS, NV 89169

Dob: Sex:
Lic: Sid:
STOP PREDATORY LENDING NV DRSPND

By: SCHRAGER, BRADLEY S
3773 HOWARD HUGHES PKWY
3RD FLOOR SOUTH
LAS VEGAS, NV 89169

Dob: Sex:
Lic: Sid:

Plate#:
Make:
Year: Accident:
Type:
Venue:
Location:

BAUER, CHRISTINA PLNTPET
NEVADANS FOR FINANCIAL PLNTPET
CHOICE

Bond: Set:
Type: Posted:

Charges:

Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:

Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:

Ct. Offense Dt: Cvr:
Arrest Dt:
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	05/06/24	NOTICE OF DEFICIENCY IN NOTICE OF APPEAL	1BCCOOPER	0.00	0.00
2	05/03/24	CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
3	05/03/24	NOTICE OF APPEAL	1BCCOOPER	24.00	24.00
4	04/24/24	RECEIPT	1BCCOOPER	0.00	0.00
5	04/24/24	APPEAL BOND DEPOSIT Receipt: 84534 Date: 04/24/2024	1BCCOOPER	500.00	0.00
5	04/24/24	DAILYPAY INCS CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
7	04/24/24	DAILYPAY INCS NOTICE OF APPEAL Receipt: 84534 Date: 04/24/2024	1BCCOOPER	24.00	0.00
3	04/17/24	APPEAL BOND DEPOSIT Receipt: 84455 Date: 04/17/2024	1BCCOOPER	500.00	0.00
3	04/17/24	RECEIPT	1BCCOOPER	0.00	0.00
0	04/17/24	CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
1	04/17/24	NOTICE OF APPEAL Receipt: 84455 Date: 04/17/2024	1BCCOOPER	24.00	0.00
2	04/16/24	NOTICE OF ENTRY OF OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER (2)	1BDORTIZ	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
13	04/15/24	FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFFS' LEGAL CHALLENGE TO INITIATIVE PETITION S-01-2024	1BPETERSON	0.00	0.00
14	04/15/24	FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING PLAINTIFFS' LEGAL CHALLENGE TO INITIATIVE PETITION S-03-2024	1BDORTIZ	0.00	0.00
15	03/22/24	HEARING HELD: The following event: PETITION HEARING scheduled for 03/22/2024 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: LUIS, KRISTIN Location: DEPT II	1BSBARAJAS	0.00	0.00
16	03/21/24	NOTICE OF FILING OF AFFIDAVITS OF SERVICE	1BSBARAJAS	0.00	0.00
17	03/21/24	ACCEPTANCE OF SERVICE	1BSBARAJAS	0.00	0.00
18	03/12/24	REPLY OF PREFERRED CAPITAL FUNDING - NEVADA, LLC AND CONSUMER LEGAL FUNDING IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITIONS S-01-2024 AND S-03-2024	1BDORTIZ	0.00	0.00
19	03/11/24	REPLY BRIEF IN SUPPORT OF CHALLENGE TO STATEWIDE INITIATIVES S-01-2024 & S-03-2024	1BDORTIZ	0.00	0.00
20	03/08/24	ACTIVEHOURS, INC.'S AND STACY PRESS'S REPLY IN SUPPORT OF THEIR BRIEF IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CHALLENGING INITIATIVE PETITION S- 03-2024	1BDORTIZ	0.00	0.00
21	03/08/24	PLAINTIFF DAILY PAY'S REPLY IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF	1BDORTIZ	0.00	0.00
22	03/01/24	DEFENDANTS/INTERVENORS KATE FELMAN'S AND STOP PREDATORY LENDING NV'S OMNIBUS RESPONSE	1BDORTIZ	0.00	0.00
23	02/28/24	ACCEPTANCE OF SERVICE - (2)	1BVANESSA	0.00	0.00
24	02/26/24	NOTICE OF ENTRY OF STIPULATION AND ORDER (4)	1BCCOOPER	0.00	0.00
25	02/26/24	ADDITIONAL DEFENDANT (STOP PREDATORY LENDING NV) Receipt: 83689 Date: 02/26/2024	1BCCOOPER	30.00	0.00
26	02/26/24	INITIAL APPEARANCE FEE DISCLOSURE Receipt: 83689 Date: 02/26/2024	1BCCOOPER	218.00	0.00
27	02/26/24	NOTICE OF ENTRY OF STIPULATION AND ORDER	1BCCOOPER	0.00	0.00
28	02/23/24	SECRETARY OF STATE'S LIMITED OMNIBUS RESPONSE	1BPETERSON	0.00	0.00
29	02/22/24	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
30	02/22/24	STIPULATION AND SCHEDULING ORDER OF THE COURT	1BPETERSON	0.00	0.00
31	02/14/24	BRIEF IN SUPPORT OF FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CONCERNING STATE-WIDE BALLOT INITIATIVE	1BVANESSA	0.00	0.00
32	02/14/24	FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CONCERNING STATEWIDE BALLOT INITIATIVES-S-01-2024 AND S-03-2024	1BVANESSA	0.00	0.00
33	02/14/24	ISSUING SUMMONS FIRST AMENDED COMPLAINT & ADDITIONAL SUMMONS (3)	1BDORTIZ	0.00	0.00
34	01/26/24	ISSUING SUMMONS AND ADDITIONAL SUMMONS	1BPETERSON	0.00	0.00
35	01/26/24	BRIEF IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CONCERNING STATE-WIDE BALLOT INITIATIVE	1BPETERSON	0.00	0.00
36	01/26/24	ADDITIONAL PLAINTIFF Receipt: 83286 Date: 01/26/2024	1BPETERSON	30.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
37	01/26/24	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELEIF CONCERNING STATEWIDE BALLOT INITIATIVE Receipt: 83286 Date: 01/26/2024	1BPETERSON	265.00	0.00
			Total:	1,615.00	24.00
			Totals By: COST	615.00	24.00
			HOLDING	1,000.00	0.00
			INFORMATION	0.00	0.00

*** End of Report ***

BRAVO SCHRAGER LLP

REC'D & FILED

April 15, 2024
Date

WILLIAM SCOTT HOEN
CLERK

IN THE FIRST JUDICIAL DISTRICT COURT By Deputy

OF THE STATE OF NEVADA IN AND FOR CARSON CITY

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NEVADANS FOR FINANCIAL CHOICE,
a Nevada Political Action Committee, and
CHRISTINA BAUER, an individual,

Plaintiffs,

vs.

KATE FELDMAN, an individual, STOP
PREDATORY LENDING NV, a Nevada
Nonprofit Corp., and FRANCISCO V.
AGUILAR, in his official capacity as
Nevada Secretary of State,

Defendants.

Lead Case No.: 24 OC 00018 1B

Dept. No.: II

Consolidated with

DAILYPAY, INC., a Delaware
Corporation,

Plaintiff,

vs.

FRANCISCO V. AGUILAR, in his official
capacity as NEVADA SECRETARY OF
STATE,

Defendant,

and

STOP PREDATORY LENDING NV, a
Nevada Nonprofit Corp., and
KATE FELDMAN, an individual,

Intervenor-Defendants.

Case No.: 24 OC 00021 1B

Dept. No.: II

1 PREFERRED CAPITAL FUNDING-
2 NEVADA, LLC, a Nevada limited liability
3 company, and ALLIANCE FOR
4 RESPONSIBLE CONSUMER LEGAL
5 CORPORATION,

6 Plaintiffs,

7 vs.

8 FRANCISCO V. AGUILAR, in his official
9 capacity as NEVADA SECRETARY OF
10 STATE, and KATE FELDMAN, an
11 individual,

12 Defendants,

13 and

14 STOP PREDATORY LENDING NV, a
15 Nevada Nonprofit Corp.,

16 Intervenor-Defendant.

17 ACTIVEHOURS, INC., a Delaware
18 corporation; STACY PRESS, an
19 individual,

20 Plaintiffs,

21 vs.

22 KATE FELDMAN, an individual; STOP
23 PREDATORY LENDING NV, a Nevada
24 Nonprofit Corp.; and FRANCISCO V.
25 AGUILAR, in his official capacity as
26 NEVADA SECRETARY OF STATE,

27 Defendants.

Case No.: 24 OC 00023

Dept. No.: I

REC'D
2024 APR 18 8:11
FILED IN ERROR
BY
WILLIAM S. GREEN

Case No.: 24 OC 00029 1B

Dept. No.: I

28 **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**
DENYING PLAINTIFFS' LEGAL CHALLENGE
TO INITIATIVE PETITION S-03-2024

29 This matter came before this Court following four complaints, filed by four
30 different sets of plaintiffs, pursuant to NRS 295.061, challenging the legal sufficiency
31 of Initiative Petition S-03-2024 (the "Petition"). On January 24, 2024, Kate Feldman
32 filed Initiative Petition S-03-2024 with the Nevada Secretary of State (the

1 “Secretary”).

2 The Court, having reviewed the papers and pleadings on file, considered the
3 matter, being fully advised, and good cause appearing, finds, concludes, and orders
4 as follows:

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW¹**

6 **A. FINDINGS OF FACT**

7 **1. Initiative Petition S-03-2024**

8 On January 24, 2024, Kate Feldman, on behalf of Stop Predatory Lending NV,
9 filed the Petition with the Secretary. The Petition seeks to amend the Nevada Revised
10 Statutes by adding thereto a new Chapter, to be designated Chapter 604D:
11 Preventing Predatory Payday and Other Loans Act.

12 The Petition includes a description of effect as required by NRS 295.009(1)(b),
13 which reads, in full:

14 This measure addresses high-interest lending practices by
15 establishing maximum interest rates charged to consumers.

16 Currently, most consumer loans have no interest rate cap. The
17 proposed cap would set a maximum interest rate of 36% annually on
18 the unpaid balance of the amount financed, and would apply to
19 consumer loans; deferred-deposit transactions (“payday loans”); title
20 loans; and other loan types dependent on future earnings and
21 income.

19 The initiative also prohibits evading the interest rate cap by
20 structuring transactions to mask their nature as loans covered by
21 this measure, or partnering with out-of-state lenders to violate the
22 rate cap. The initiative voids transactions that violate the cap, and
23 establishes civil penalties.

22 **2. Procedural History**

23 On January 26, 2024, Plaintiffs Nevadans For Financial Choice and Christina
24 Bauer (collectively, “Nevadans for Financial Choice” or “NFFC”) filed a Complaint for
25 Declaratory and Injunctive Relief challenging the legal sufficiency of Initiative
26

27 ¹ Any findings of fact which are more appropriately considered conclusions of
28 law shall be treated as such, and any conclusions of law which are more appropriately
considered findings of fact shall be treated as such.

1 Petition S-01-2024, pursuant to NRS 295.061, and a Brief in Support of the
2 Complaint. Subsequently, on February 14, Plaintiffs Nevadans for Financial Choice
3 filed a First Amended Complaint timely adding Initiative Petition S-03-2024 to their
4 challenge.

5 On January 29, Plaintiff DailyPay, Inc. (“DailyPay”) filed a Complaint for
6 Declaratory and Injunctive Relief challenging the legal sufficiency of both Initiative
7 Petition S-01-2024 and Initiative Petition S-03-2024, pursuant to NRS 295.061.

8 On January 29, Plaintiffs Preferred Capital Funding - Nevada, LLC and
9 Alliance For Responsible Consumer Legal Funding (collectively, “Preferred Capital”)
10 filed a Complaint for Declaratory and Injunctive Relief challenging the legal
11 sufficiency of both Initiative Petition S-01-2024 and Initiative Petition S-03-2024,
12 pursuant to NRS 295.061.

13 On February 13, Plaintiffs ActiveHours, Inc. and Stacy Press (collectively,
14 “ActiveHours”) filed a Complaint for Declaratory and Injunctive Relief challenging
15 the legal sufficiency of Initiative Petition S-03-2024, pursuant to NRS 295.061.

16 On or about February 22, the parties stipulated to, and the Court ordered, that
17 the filed suits be consolidated into one action to make the matter more efficient in
18 terms of judicial economy, and the parties agreed to a briefing schedule. After
19 briefing, the Court held hearing on the consolidated matters on March 22, 2024.

20 B. CONCLUSIONS OF LAW

21 1. The Petition Does Not Violate Nevada’s Single Subject Rule

22 NRS 295.009(1) provides that “[e]ach petition for initiative or referendum must
23 ... [e]mbrace but one subject and matters necessarily connected therewith and
24 pertaining thereto.” Subsection 2 of that statute explains that an initiative “embraces
25 but one subject and matters necessarily connected therewith and pertaining thereto,
26 if the parts of the proposed initiative ... are functionally related and germane to each
27 other in a way that provides sufficient notice of the general subject of, and of the
28 interests likely to be affected by, the proposed initiative.” NRS 295.009(2).

1 The single-subject requirement “facilitates the initiative process by preventing
2 petition drafters from circulating confusing petitions that address multiple subjects.”
3 *Nevadans for the Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 902, 141 P.3d
4 1235, 1240 (2006). Thus, “the single-subject requirement helps both in promoting
5 informed decisions and in preventing the enactment of unpopular provisions by
6 attaching them to more attractive proposals or concealing them in lengthy, complex
7 initiatives (i.e., logrolling).” *Las Vegas Taxpayer Accountability Comte. v. City Council*
8 *of City of Las Vegas*, 125 Nev. 165, 176-77, 208 P.3d 429, 436-37 (2009).

9 In considering single-subject challenges, courts must first determine the
10 initiative’s purpose or subject. “To determine the initiative’s purpose or subject, this
11 court looks to its textual language and the proponents’ arguments.” *Las Vegas*
12 *Taxpayer*, 125 Nev. at 180, 208 P.3d at 439. Courts also will look at whether the
13 description of effect articulates an overarching purpose and explains how provisions
14 relate to a single subject. *Id.*

15 Furthermore, and most recently, in *Helton v. Nevada Voters First PAC*, 138
16 Nev. Adv. Op. 45, 512 P.3d 309 (2022), the Nevada Supreme Court stated that “even
17 if an initiative petition proposes more than one change, each of which could be
18 brought in separate initiative petitions, the proper consideration is whether the
19 changes are functionally related and germane to each other and the petition’s
20 subject.” *Id.*, 512 P.3d at 314. The Court found that “(b)oth categories of changes
21 proposed in the ... initiative concern the election process in Nevada and more
22 specifically how candidates for the specifically defined partisan offices are presented
23 to voters and elected.” *Id.*, 512 P.3d at 314-15.

24 In this case, the Court finds that the primary purpose of the Petition is to limit
25 interest rates on consumer loan transactions, and that all components of the Petition
26 are functionally related and germane to that purpose. The Court finds that the
27 Petition limits consumer interest rates on the transactions it defines as loans to 36%
28 annually. Each of the provisions of the Petition either establish that limit, make

1 conforming or ancillary changes to other statutes, or—in the case of the Sections 10
2 through 14, provide enforcement mechanisms necessary and germane to the
3 operation of the Petition’s purpose. Further, the Court finds that the Petition’s text,
4 its description, and the arguments of the Proponents in briefing and at hearing of
5 effect confirm the Petition’s primary purpose. Therefore, this Court finds that
6 Initiative Petition S-03-2024 does not violate NRS 295.009(1)(a)’s single-subject
7 requirement.

8 **2. The Petition’s Descriptions Of Effect Is Legally Adequate**

9 Under NRS 295.009(1)(b), every initiative must “[s]et forth, in not more than
10 200 words, a description of the effect of the initiative or referendum if the initiative
11 or referendum is approved by the voters.” The purpose of the description is to “prevent
12 voter confusion and promote informed decisions.” *Nevadans for Nev. v. Beers*, 122
13 Nev. 930, 939, 142 P.3d 339, 345 (2006). Thus, “[t]he importance of the description of
14 effect cannot be minimized, as it is what the voters see when deciding whether to
15 even sign a petition.” *Coal. for Nev.’s Future v. RIP Com. Tax, Inc.*, No. 69501, 2016
16 WL 2842925 at *2 (2016) (unpublished disposition) (citing *Educ. Initiative PAC v.*
17 *Comm. to Protect Nev. Jobs*, 129 Nev. 35, 37, 293 P.3d 874, 876 (2013)). “[T]he
18 description of effect may hold even more impact with respect to a referendum, since
19 merely gathering sufficient signatures to place a referendum on the ballot guarantees
20 a change to the law regardless of the election’s outcome.” *Id.* (citing Nev. Const.
21 art. 19, § 1(3) (providing that, if the voters approve the referendum, the statute “shall
22 stand as the law of the state and shall not be amended, annulled, repealed, set aside,
23 suspended or in any way made inoperative except by the direct vote of the people,”
24 and if the voters disapprove the statute or resolution, it is rendered void)).

25 The Nevada Supreme Court has repeatedly held that “a description of effect
26 must be straightforward, succinct, and non-argumentative, and it must not be
27 deceptive or misleading.” *Educ. Initiative PAC*, 129 Nev. at 42, 293 P.3d at 879
28 (internal quotation marks and citation omitted). It must also “explain the[]

1 ramifications of the proposed amendment” in order to allow voters to make an
2 informed decision. *Nev. Judges Ass’n v. Lau*, 112 Nev. 51, 59, 910 P.2d 898, 903
3 (1996).

4 This Court finds that the Petition’s description of effect meets the
5 requirements of Nevada law. The description of effect is straightforward, succinct,
6 under 200 words, and there is no basis for a finding of any argumentative language.
7 The description proceeds, succinctly and directly, through (1) a general statement of
8 the Petition’s purpose; (2) a neutral and accurate statement of current law regarding
9 interest rate limitations; (3) a description of the transactions to which the proposed
10 cap would apply; and (4) a statement of enforcement aspects of the proposal. The
11 Court finds that Plaintiffs fail to meet the burden of showing that the Petition’s
12 description of effect does not comply with NRS 295.009. Therefore, the Court finds
13 the description of effect for Initiative Petition S-03-2024 satisfies Nevada’s
14 NRS 295.009 requirement as the plain language of the description is straightforward,
15 succinct, and non-argumentative.

16 3. The Petition Does Not Contain An Unfunded Mandate

17 Article 19, section 2(1) of the Nevada Constitution provides that the initiative
18 process is “subject to the limitations of Article 19, Section 6, which “does not permit
19 the proposal of any statute or statutory amendment which makes an appropriation
20 or otherwise requires the expenditure of money, unless such statute or amendment
21 also imposes a sufficient tax, not prohibited by the constitution, or otherwise
22 constitutionally provides for raising the necessary revenue.” As the Nevada Supreme
23 Court holds, Section 6 applies to all proposed initiatives. *Rogers v. Heller*, 117 Nev.
24 169, 173, 18 P.3d 1034, 1036 (2001). The primary purpose behind this requirement is
25 to ensure that no initiative is presented to the voters without funding provisions when
26 the initiative requires an appropriation or expenditure.

27 “[A]n appropriation is the setting aside of funds, and an expenditure of money
28 is the payment of funds.” *Rogers v. Heller*, 117 Nev. 169, 173, 18 P.3d 1034, 1036

1 (2001). “A necessary appropriation or expenditure in *any* set amount or percentage is
2 a new requirement that otherwise does not exist.” *Id.*, 117 Nev. at 176. “[A]n initiative
3 makes an appropriation or expenditure when it leaves budgeting officials no
4 discretion in appropriating or expending the money mandated by the initiative—the
5 budgeting official must approve the appropriation or expenditure, regardless of any
6 other financial considerations.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 890, 141
7 P.3d 1224, 1233 (2006).

8 Here, this Court finds that plaintiffs do not provide any evidence regarding the
9 expected unfunded expenditures or costs they insist come along with the Petition, but
10 rather argue that increased regulation must somehow necessarily increase the
11 workload of state personnel, and therefore will increase state expenditures in some
12 form. While the Court is not unsympathetic to that argument, Nevada Supreme
13 Court case law authority interpreting Article 19, Section 6 does not support
14 invalidating a proposed ballot measure on those grounds. This Petition does not
15 require specific enforcement procedures, creates no additional regulatory bodies or
16 agencies, and Plaintiffs cannot point to specific instances of mandatory, non-
17 discretionary appropriations that would have to be made should this Petition become
18 law. Therefore, the Court finds that Plaintiffs fail to meet the burden of showing that
19 the Petition violates Article 19, Section 6 of the Nevada Constitution.

20 **4. The Petition Does Not Violate Article 19, Section 3**

21 Under Article 19, Section 3 of the Nevada Constitution, proponents must
22 “include the full text of the measure proposed” with their initiative petition. Nev.
23 Const. art. 19, § 3. Plaintiffs DailyPay and Nevadans for Financial Choice make “full-
24 text” arguments against the Petition. This Court rejects plaintiffs’ arguments and
25 finds that the Petition contains every provision that is proposed to be circulated for
26 signatures and to considered by the electorate, and that therefore there is no violation
27 of Article 19, Section 3.

28 Furthermore, this Court rejects the other various challenges to the Petition’s

1 legal sufficiency.²

2 **ORDER**

3 Based on the foregoing findings of fact and conclusions of law:

4 1. **IT IS THEREFORE ORDERED** and declared that Initiative Petition
5 S-03-2024 is legally sufficient.

6 2. **IT IS FURTHER ORDERED** and declared that Initiative Petition
7 S-03-2024 does not violate Nevada's single subject rule.

8 3. **IT IS FURTHER ORDERED** and declared that Initiative Petition
9 S-03-2024's description of effect meets the requirements of Nevada law.

10 4. **IT IS FURTHER ORDERED** and declared that Initiative Petition
11 S-03-2024 does not contain an unfunded mandate.

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23 ///

24 ² To the extent other arguments were raised by any Plaintiffs, like DailyPay's
25 contention that the Petition is a referendum instead of an initiative, the Court has
26 considered them and finds them without merit. The Petition does not change a single
27 word of SB 290 (2023). Further, the Petition makes numerous amendments to Nevada
28 statutes, and creates new statutory sections; therefore the Petition is a statutory
initiative pursuant to Article 19, Section 2(3).

ORIGINAL

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2024 APR 16 AM 11:25
WILLIAM SCOTT JEN
CLERK
BY [Signature]
DEPUTY

1 BRADLEY S. SCHRAGER, ESQ. (SBN 10217)
DANIEL BRAVO, ESQ. (SBN 13078)
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5 Attorneys for Kate Feldman and
Intervenor-Defendant

6
7 **IN THE FIRST JUDICIAL DISTRICT COURT**
8 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

9 NEVADANS FOR FINANCIAL CHOICE,
a Nevada Political Action Committee, and
10 CHRISTINA BAUER, an individual,

Lead Case No.: 24 OC 00018 1B
Dept. No.: II

11 Plaintiffs,

12 vs.

13 KATE FELDMAN, an individual, STOP
PREDATORY LENDING NV, a Nevada
14 Nonprofit Corp., and FRANCISCO V.
AGUILAR, in his official capacity as
15 Nevada Secretary of State,

16 Defendants,

Consolidated with

18 DAILYPAY, INC., a Delaware
Corporation,

Case No.: 24 OC 00021 1B

19 Plaintiff,

Dept. No.: II

20 vs.

21 FRANCISCO V. AGUILAR, in his official
22 capacity as NEVADA SECRETARY OF
STATE,

23 Defendant,

24 and

25 STOP PREDATORY LENDING NV, a
26 Nevada Nonprofit Corp., and
KATE FELDMAN, an individual,

27 Intervenor-Defendants.
28

BRAVO SCHRAGER LLP

1 PREFERRED CAPITAL FUNDING-
2 NEVADA, LLC, a Nevada limited liability
3 company, and ALLIANCE FOR
4 RESPONSIBLE CONSUMER LEGAL
5 FUNDING, an Illinois nonprofit
6 corporation,

7 Plaintiffs,

8 vs.

9 FRANCISCO V. AGUILAR, in his official
10 capacity as NEVADA SECRETARY OF
11 STATE, and KATE FELDMAN, an
12 individual,

13 Defendants,

14 and

15 STOP PREDATORY LENDING NV, a
16 Nevada Nonprofit Corp.,

17 Intervenor-Defendant.

Case No.: 24 OC 00023 1B

Dept. No.: I

18 ACTIVEHOURS, INC., a Delaware
19 corporation; STACY PRESS, an
20 individual,

21 Plaintiffs,

22 vs.

23 KATE FELDMAN, an individual; STOP
24 PREDATORY LENDING NV, a Nevada
25 Nonprofit Corp.; and FRANCISCO V.
26 AGUILAR, in his official capacity as
27 NEVADA SECRETARY OF STATE,

28 Defendants.

Case No.: 24 OC 00029 1B

Dept. No.: I

29 **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF**
30 **LAW AND ORDER**

31 NOTICE IS HEREBY GIVEN that the FINDINGS OF FACT AND
32 CONCLUSIONS OF LAW AND ORDER DENYING PLAINTIFFS' LEGAL
33 CHALLENGE TO INITIATIVE PETITION S-03-2024 was entered in the above-

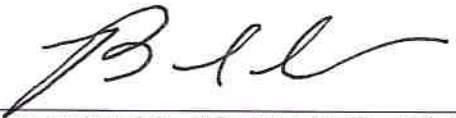
1 captioned matter on the 15th of April, 2024. A true and correct copy is attached
2 hereto as Exhibit 1.

3 **AFFIRMATION**

4 The undersigned hereby affirm that the foregoing document does not contain
5 the social security number of any person.

6 DATED this 15th day of February, 2024.

7 **BRAVO SCHRAGER LLP**

8 By: 

9
10 BRADLEY S. SCHRAGER, ESQ. (SBN 10217)
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17 *Attorneys for Kate Feldman and Intervenor-Defendant*

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 15th day of February, 2024, I served the foregoing
3 **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**
4 **AND ORDER** via electronic mail, per the February 22, 2024, Stipulation and
5 Scheduling Order of the Court, as follows:

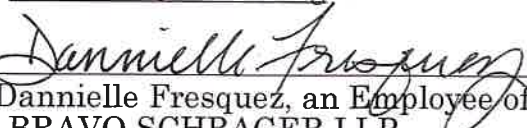
6 Laena St Jules, Esq.
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24 *and Stacy Press*

Billie Shadron
Judicial Assistant
First Judicial District Court, Dept. II
bshadron@carson.org

Dannielle Fresquez, an Employee of
BRAVO SCHRAGER LLP

25 **INDEX OF EXHIBITS**

26

Exhibit No.	Document Title	No. of Pages
1	Findings of Fact and Conclusions of Law And Order Denying Plaintiffs' Legal Challenge to Initiative Petition S-03-2024	10

27
28

EXHIBIT 1

EXHIBIT 1

BRAVO SCHRAGER LLP

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REC'D & FILED

April 15, 2024
Date

WILLIAM SCOTT HOEN
CLERK

IN THE FIRST JUDICIAL DISTRICT COURT By  Deputy
OF THE STATE OF NEVADA IN AND FOR CARSON CITY

NEVADANS FOR FINANCIAL CHOICE,
a Nevada Political Action Committee, and
CHRISTINA BAUER, an individual,

Plaintiffs,

vs.

KATE FELDMAN, an individual, STOP
PREDATORY LENDING NV, a Nevada
Nonprofit Corp., and FRANCISCO V.
AGUILAR, in his official capacity as
Nevada Secretary of State,

Defendants.

DAILYPAY, INC., a Delaware
Corporation,

Plaintiff,

vs.

FRANCISCO V. AGUILAR, in his official
capacity as NEVADA SECRETARY OF
STATE,

Defendant,

and

STOP PREDATORY LENDING NV, a
Nevada Nonprofit Corp., and
KATE FELDMAN, an individual,

Intervenor-Defendants.

Lead Case No.: 24 OC 00018 1B

Dept. No.: II

Consolidated with

Case No.: 24 OC 00021 1B

Dept. No.: II

1 PREFERRED CAPITAL FUNDING-
2 NEVADA, LLC, a Nevada limited liability
3 company, and ALLIANCE FOR
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corporation,

5 Plaintiffs,

6 vs.

7 FRANCISCO V. AGUILAR, in his official
8 capacity as NEVADA SECRETARY OF
STATE, and KATE FELDMAN, an
9 individual,

10 Defendants,

11 and

12 STOP PREDATORY LENDING NV, a
Nevada Nonprofit Corp.,

13 Intervenor-Defendant.

14 ACTIVEHOURS, INC., a Delaware
15 corporation; STACY PRESS, an
16 individual,

17 Plaintiffs,

18 vs.

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Nonprofit Corp.; and FRANCISCO V.
AGUILAR, in his official capacity as
21 NEVADA SECRETARY OF STATE,

22 Defendants.

Case No.: 24 OC 00023

Dept. No.: I

BY

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FILED IN ERROR

Case No.: 24 OC 00029 1B

Dept. No.: I

23 **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**
24 **DENYING PLAINTIFFS' LEGAL CHALLENGE**
TO INITIATIVE PETITION S-03-2024

25 This matter came before this Court following four complaints, filed by four
26 different sets of plaintiffs, pursuant to NRS 295.061, challenging the legal sufficiency
27 of Initiative Petition S-03-2024 (the "Petition"). On January 24, 2024, Kate Feldman
28 filed Initiative Petition S-03-2024 with the Nevada Secretary of State (the

1 “Secretary”).

2 The Court, having reviewed the papers and pleadings on file, considered the
3 matter, being fully advised, and good cause appearing, finds, concludes, and orders
4 as follows:

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW¹**

6 **A. FINDINGS OF FACT**

7 **1. Initiative Petition S-03-2024**

8 On January 24, 2024, Kate Feldman, on behalf of Stop Predatory Lending NV,
9 filed the Petition with the Secretary. The Petition seeks to amend the Nevada Revised
10 Statutes by adding thereto a new Chapter, to be designated Chapter 604D:
11 Preventing Predatory Payday and Other Loans Act.

12 The Petition includes a description of effect as required by NRS 295.009(1)(b),
13 which reads, in full:

14 This measure addresses high-interest lending practices by
15 establishing maximum interest rates charged to consumers.

16 Currently, most consumer loans have no interest rate cap. The
17 proposed cap would set a maximum interest rate of 36% annually on
18 the unpaid balance of the amount financed, and would apply to
19 consumer loans; deferred-deposit transactions (“payday loans”); title
20 loans; and other loan types dependent on future earnings and
21 income.

19 The initiative also prohibits evading the interest rate cap by
20 structuring transactions to mask their nature as loans covered by
21 this measure, or partnering with out-of-state lenders to violate the
22 rate cap. The initiative voids transactions that violate the cap, and
23 establishes civil penalties.

22 **2. Procedural History**

23 On January 26, 2024, Plaintiffs Nevadans For Financial Choice and Christina
24 Bauer (collectively, “Nevadans for Financial Choice” or “NFFC”) filed a Complaint for
25 Declaratory and Injunctive Relief challenging the legal sufficiency of Initiative
26

27 ¹ Any findings of fact which are more appropriately considered conclusions of
28 law shall be treated as such, and any conclusions of law which are more appropriately
considered findings of fact shall be treated as such.

1 Petition S-01-2024, pursuant to NRS 295.061, and a Brief in Support of the
2 Complaint. Subsequently, on February 14, Plaintiffs Nevadans for Financial Choice
3 filed a First Amended Complaint timely adding Initiative Petition S-03-2024 to their
4 challenge.

5 On January 29, Plaintiff DailyPay, Inc. (“DailyPay”) filed a Complaint for
6 Declaratory and Injunctive Relief challenging the legal sufficiency of both Initiative
7 Petition S-01-2024 and Initiative Petition S-03-2024, pursuant to NRS 295.061.

8 On January 29, Plaintiffs Preferred Capital Funding - Nevada, LLC and
9 Alliance For Responsible Consumer Legal Funding (collectively, “Preferred Capital”)
10 filed a Complaint for Declaratory and Injunctive Relief challenging the legal
11 sufficiency of both Initiative Petition S-01-2024 and Initiative Petition S-03-2024,
12 pursuant to NRS 295.061.

13 On February 13, Plaintiffs ActiveHours, Inc. and Stacy Press (collectively,
14 “ActiveHours”) filed a Complaint for Declaratory and Injunctive Relief challenging
15 the legal sufficiency of Initiative Petition S-03-2024, pursuant to NRS 295.061.

16 On or about February 22, the parties stipulated to, and the Court ordered, that
17 the filed suits be consolidated into one action to make the matter more efficient in
18 terms of judicial economy, and the parties agreed to a briefing schedule. After
19 briefing, the Court held hearing on the consolidated matters on March 22, 2024.

20 **B. CONCLUSIONS OF LAW**

21 **1. The Petition Does Not Violate Nevada’s Single Subject Rule**

22 NRS 295.009(1) provides that “[e]ach petition for initiative or referendum must
23 ... [e]mbrace but one subject and matters necessarily connected therewith and
24 pertaining thereto.” Subsection 2 of that statute explains that an initiative “embraces
25 but one subject and matters necessarily connected therewith and pertaining thereto,
26 if the parts of the proposed initiative ... are functionally related and germane to each
27 other in a way that provides sufficient notice of the general subject of, and of the
28 interests likely to be affected by, the proposed initiative.” NRS 295.009(2).

1 The single-subject requirement “facilitates the initiative process by preventing
2 petition drafters from circulating confusing petitions that address multiple subjects.”
3 *Nevadans for the Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 902, 141 P.3d
4 1235, 1240 (2006). Thus, “the single-subject requirement helps both in promoting
5 informed decisions and in preventing the enactment of unpopular provisions by
6 attaching them to more attractive proposals or concealing them in lengthy, complex
7 initiatives (i.e., logrolling).” *Las Vegas Taxpayer Accountability Comte. v. City Council*
8 *of City of Las Vegas*, 125 Nev. 165, 176-77, 208 P.3d 429, 436-37 (2009).

9 In considering single-subject challenges, courts must first determine the
10 initiative’s purpose or subject. “To determine the initiative’s purpose or subject, this
11 court looks to its textual language and the proponents’ arguments.” *Las Vegas*
12 *Taxpayer*, 125 Nev. at 180, 208 P.3d at 439. Courts also will look at whether the
13 description of effect articulates an overarching purpose and explains how provisions
14 relate to a single subject. *Id.*

15 Furthermore, and most recently, in *Helton v. Nevada Voters First PAC*, 138
16 Nev. Adv. Op. 45, 512 P.3d 309 (2022), the Nevada Supreme Court stated that “even
17 if an initiative petition proposes more than one change, each of which could be
18 brought in separate initiative petitions, the proper consideration is whether the
19 changes are functionally related and germane to each other and the petition’s
20 subject.” *Id.*, 512 P.3d at 314. The Court found that “(b)oth categories of changes
21 proposed in the ... initiative concern the election process in Nevada and more
22 specifically how candidates for the specifically defined partisan offices are presented
23 to voters and elected.” *Id.*, 512 P.3d at 314-15.

24 In this case, the Court finds that the primary purpose of the Petition is to limit
25 interest rates on consumer loan transactions, and that all components of the Petition
26 are functionally related and germane to that purpose. The Court finds that the
27 Petition limits consumer interest rates on the transactions it defines as loans to 36%
28 annually. Each of the provisions of the Petition either establish that limit, make

1 conforming or ancillary changes to other statutes, or—in the case of the Sections 10
2 through 14, provide enforcement mechanisms necessary and germane to the
3 operation of the Petition’s purpose. Further, the Court finds that the Petition’s text,
4 its description, and the arguments of the Proponents in briefing and at hearing of
5 effect confirm the Petition’s primary purpose. Therefore, this Court finds that
6 Initiative Petition S-03-2024 does not violate NRS 295.009(1)(a)’s single-subject
7 requirement.

8 **2. The Petition’s Descriptions Of Effect Is Legally Adequate**

9 Under NRS 295.009(1)(b), every initiative must “[s]et forth, in not more than
10 200 words, a description of the effect of the initiative or referendum if the initiative
11 or referendum is approved by the voters.” The purpose of the description is to “prevent
12 voter confusion and promote informed decisions.” *Nevadans for Nev. v. Beers*, 122
13 Nev. 930, 939, 142 P.3d 339, 345 (2006). Thus, “[t]he importance of the description of
14 effect cannot be minimized, as it is what the voters see when deciding whether to
15 even sign a petition.” *Coal. for Nev.’s Future v. RIP Com. Tax, Inc.*, No. 69501, 2016
16 WL 2842925 at *2 (2016) (unpublished disposition) (citing *Educ. Initiative PAC v.*
17 *Comm. to Protect Nev. Jobs*, 129 Nev. 35, 37, 293 P.3d 874, 876 (2013)). “[T]he
18 description of effect may hold even more impact with respect to a referendum, since
19 merely gathering sufficient signatures to place a referendum on the ballot guarantees
20 a change to the law regardless of the election’s outcome.” *Id.* (citing Nev. Const.
21 art. 19, § 1(3) (providing that, if the voters approve the referendum, the statute “shall
22 stand as the law of the state and shall not be amended, annulled, repealed, set aside,
23 suspended or in any way made inoperative except by the direct vote of the people,”
24 and if the voters disapprove the statute or resolution, it is rendered void)).

25 The Nevada Supreme Court has repeatedly held that “a description of effect
26 must be straightforward, succinct, and non-argumentative, and it must not be
27 deceptive or misleading.” *Educ. Initiative PAC*, 129 Nev. at 42, 293 P.3d at 879
28 (internal quotation marks and citation omitted). It must also “explain the[]

1 ramifications of the proposed amendment” in order to allow voters to make an
2 informed decision. *Nev. Judges Ass’n v. Lau*, 112 Nev. 51, 59, 910 P.2d 898, 903
3 (1996).

4 This Court finds that the Petition’s description of effect meets the
5 requirements of Nevada law. The description of effect is straightforward, succinct,
6 under 200 words, and there is no basis for a finding of any argumentative language.
7 The description proceeds, succinctly and directly, through (1) a general statement of
8 the Petition’s purpose; (2) a neutral and accurate statement of current law regarding
9 interest rate limitations; (3) a description of the transactions to which the proposed
10 cap would apply; and (4) a statement of enforcement aspects of the proposal. The
11 Court finds that Plaintiffs fail to meet the burden of showing that the Petition’s
12 description of effect does not comply with NRS 295.009. Therefore, the Court finds
13 the description of effect for Initiative Petition S-03-2024 satisfies Nevada’s
14 NRS 295.009 requirement as the plain language of the description is straightforward,
15 succinct, and non-argumentative.

16 **3. The Petition Does Not Contain An Unfunded Mandate**

17 Article 19, section 2(1) of the Nevada Constitution provides that the initiative
18 process is “subject to the limitations of Article 19, Section 6, which “does not permit
19 the proposal of any statute or statutory amendment which makes an appropriation
20 or otherwise requires the expenditure of money, unless such statute or amendment
21 also imposes a sufficient tax, not prohibited by the constitution, or otherwise
22 constitutionally provides for raising the necessary revenue.” As the Nevada Supreme
23 Court holds, Section 6 applies to all proposed initiatives. *Rogers v. Heller*, 117 Nev.
24 169, 173, 18 P.3d 1034, 1036 (2001). The primary purpose behind this requirement is
25 to ensure that no initiative is presented to the voters without funding provisions when
26 the initiative requires an appropriation or expenditure.

27 “[A]n appropriation is the setting aside of funds, and an expenditure of money
28 is the payment of funds.” *Rogers v. Heller*, 117 Nev. 169, 173, 18 P.3d 1034, 1036

1 (2001). “A necessary appropriation or expenditure in *any* set amount or percentage is
2 a new requirement that otherwise does not exist.” *Id.*, 117 Nev. at 176. “[A]n initiative
3 makes an appropriation or expenditure when it leaves budgeting officials no
4 discretion in appropriating or expending the money mandated by the initiative—the
5 budgeting official must approve the appropriation or expenditure, regardless of any
6 other financial considerations.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 890, 141
7 P.3d 1224, 1233 (2006).

8 Here, this Court finds that plaintiffs do not provide any evidence regarding the
9 expected unfunded expenditures or costs they insist come along with the Petition, but
10 rather argue that increased regulation must somehow necessarily increase the
11 workload of state personnel, and therefore will increase state expenditures in some
12 form. While the Court is not unsympathetic to that argument, Nevada Supreme
13 Court case law authority interpreting Article 19, Section 6 does not support
14 invalidating a proposed ballot measure on those grounds. This Petition does not
15 require specific enforcement procedures, creates no additional regulatory bodies or
16 agencies, and Plaintiffs cannot point to specific instances of mandatory, non-
17 discretionary appropriations that would have to be made should this Petition become
18 law. Therefore, the Court finds that Plaintiffs fail to meet the burden of showing that
19 the Petition violates Article 19, Section 6 of the Nevada Constitution.

20 4. The Petition Does Not Violate Article 19, Section 3

21 Under Article 19, Section 3 of the Nevada Constitution, proponents must
22 “include the full text of the measure proposed” with their initiative petition. Nev.
23 Const. art. 19, § 3. Plaintiffs DailyPay and Nevadans for Financial Choice make “full-
24 text” arguments against the Petition. This Court rejects plaintiffs’ arguments and
25 finds that the Petition contains every provision that is proposed to be circulated for
26 signatures and to considered by the electorate, and that therefore there is no violation
27 of Article 19, Section 3.

28 Furthermore, this Court rejects the other various challenges to the Petition’s

1 legal sufficiency.²

2 **ORDER**

3 Based on the foregoing findings of fact and conclusions of law:

4 1. **IT IS THEREFORE ORDERED** and declared that Initiative Petition
5 S-03-2024 is legally sufficient.

6 2. **IT IS FURTHER ORDERED** and declared that Initiative Petition
7 S-03-2024 does not violate Nevada’s single subject rule.

8 3. **IT IS FURTHER ORDERED** and declared that Initiative Petition
9 S-03-2024’s description of effect meets the requirements of Nevada law.

10 4. **IT IS FURTHER ORDERED** and declared that Initiative Petition
11 S-03-2024 does not contain an unfunded mandate.

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24 ² To the extent other arguments were raised by any Plaintiffs, like DailyPay's
25 contention that the Petition is a referendum instead of an initiative, the Court has
26 considered them and finds them without merit. The Petition does not change a single
27 word of SB 290 (2023). Further, the Petition makes numerous amendments to Nevada
28 statutes, and creates new statutory sections; therefore the Petition is a statutory
initiative pursuant to Article 19, Section 2(3).

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. <u>24 OC 00023 1B</u>	TITLE: <u>PREFERRED CAPITAL FUNDING-NEVADA, LLC; ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV</u>
CASE NO. <u>24 OC 00018 1B</u>	TITLE: <u>NEVADANS FOR FINANCIAL CHOICE; CHRISTINA BAUER VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV</u>
CASE NO. <u>24 OC 00021 1B</u>	TITLE: <u>DAILYPAY VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV</u>
CASE NO. <u>24 OC 00029 1B</u>	TITLE: <u>ACTIVEHOURSE, INC; STACY PRESS VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV</u>

03/22/24 – DEPT. II – HONORABLE WILLIAM A. MADDOX
S. Barajas, Clerk – Not Reported

PETITION HEARING

Present: Via Zoom, Todd Bice & Daniel Brady, counsel for Nevadans for Financial Choice, Plaintiff; J. Malcolm DeVoy & Matthew Morris, counsel for Dailypay, Plaintiff; Joshua Reisman & Elizabeth Sorokac, via Zoom, counsel for Preferred Capital Funding, LLC. Plaintiff; Severin Carlson & Sihomara Graves, counsel for ActiveHours, Inc, Plaintiff; Bradley Schragger & Daniel Bravo, via Zoom, counsel for Stop Predatory Lending NV, Defendant; Leana St-Jules, District Attorney General, counsel for Francisco V. Aguilar, Defendant.

Statements were made by Court.
Counsel gave opening arguments.
Court took recess.
Matter resumed.
Statements were made by Court.
Further arguments were made by counsel.
Court stated its findings of fact and conclusion of law.

CASE NO. 24 OC 00023 1B TITLE: PREFERRED CAPITAL FUNDING-NEVADA, LLC; ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV

CASE NO. 24 OC 00018 1B TITLE: NEVADANS FOR FINANCIAL CHOICE; CHRISTINA BAUER VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV

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CASE NO. 24 OC 00029 1B TITLE: ACTIVEHOURSE, INC; STACY PRESS VS FRANCISCO V. AGUILAR; KATE FELDMA; STOP PREDATORY LENDING NV

Cont'd.

COURT ORDERED: Plaintiff side to write a decision for the Court, defendant side to do the same.

Court stated its findings of fact and conclusion of law.

COURT ORDERED: S-O1-2024, the section 17 and 18 It will enjoin with the Secretary of State from placing SO1-2024 on the ballot.

Court stated its findings of fact and conclusion of law.

COURT ORDERED: Schragger to write an opinion allowing SO32024 on the ballot, Plaintiff can decide who will write the decision on rejecting SO32024 on the ballot.

Statements were made by Schragger regarding timeline to submit the opinions.

Upon inquiry by the Court, parties agreed to 7 days for submission.

COURT ORDED: Parties to submit proposed order within 14 days.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

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WILLIAM SCOTT HOEN
CLERK
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

NEVADANS FOR FINANCIAL CHOICE, a
Nevada Political Action Committee and
CHRISTINA BAUER, an Individual,

Plaintiff,

vs.

KATE FELDMAN, an Individual; STOP
PREDATORY LENDING NV, a Nevada
Non-Profit Corporation; and FRANCISCO
AGUILAR, in his Official Capacity as Nevada
Secretary of State,

Defendant.

Case No.: 24 OC 00018 1B

Dept. No.: II

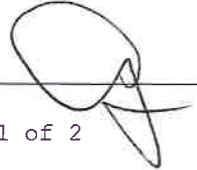
**NOTICE OF DEFICIENCY IN NOTICE
OF APPEAL**

PLEASE TAKE NOTICE that a Notice of Appeal was filed MAY 3, 2024, in the
above-entitled action despite the fact that there appears to be the following deficiency(ies) noted
by the Clerk at the time of filing:

- \$24.00 District Court filing fee not paid.
- \$250.00 filing fee for the Clerk of the Supreme Court not paid.
- Document not signed.
- Document presented was not an original.
- Case Appeal Statement not filed.
- No proof of service upon opposing counsel/litigant.
- Other

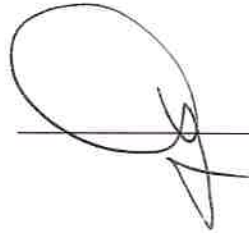
DATED this 5TH day of MAY, 2024.

WILLIAM SCOTT HOEN

By 

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Office of the Carson City District Court Clerk, Carson City, Nevada, and that on the 6TH day of MAY, 2024, I served the foregoing NOTICE OF DEFICIENCY IN NOTICE OF APPEAL by e-filing with appeal documents to Elizabeth A. Brown, Clerk of the Supreme Court, 201 S. Carson Street, Ste. 250, Carson City, NV 89701-4702 and by depositing for mailing a true copy thereof to TODD L. BICE, JORDAN T. SMITH, DANIEL R. BRADY, 400 SOUTH 7TH STREET, STE. 300, LAS VEGAS, NV 89101; BRADLEY S. SCHRAGER, DANIEL BRAVO, 6675 SOUTH TENAYA WAY, STE. 200, LAS VEGAS, NV 89113; and LEANA ST. JULES OFFICE OF THE ATTORNEY GENERAL, 100 N. CARSON STREET, CARSON CITY, NV 89701.

A handwritten signature in black ink, consisting of a large, stylized 'Q' or similar character, positioned above a horizontal line.

ORIGINAL
DISTRICT COURT CIVIL COVER SHEET

Carson City County, Nevada
Case No. 24 DC D001818
(Assigned by Clerk's Office)

FILED

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

Plaintiff(s) (name/address/phone): NEVADANS FOR FINANCIAL CHOICE, a Nevada Political Action Committee; and CHRISTINA BAUER Attorney (name/address/phone): Todd L. Bice, Esq., Pisanelli Bice PLLC 400 South 7th Street, Suite 300, Las Vegas, NV 89101 702.214.2100	Defendant(s) (name/address/phone): 2024 JAN 26 PM 12:05 KATE PELDMAN, an individual; and FRANCISCO AGUILAR, in his Official Capacity as Nevada Secretary of State Attorney (name/address/phone):
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II. Nature of Controversy *(please select the one most applicable filing type below)*

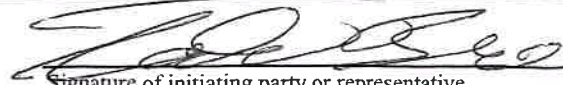
Civil Case Filing Types

<p align="center">Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Foreclosure Mediation Assistance <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p align="center">Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p align="center">Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p align="center">Torts</p> <p>Other Torts</p> <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
<p align="center">Probate</p> <p>Probate <i>(select case type and estate value)</i></p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-20,000 <input type="checkbox"/> \$2,500 or less	<p align="center">Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <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	<p align="center">Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p align="center">Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<p align="center">Civil Writ</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p align="center">Other Civil Filing</p> <p>Other Civil Filing</p> <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 coversheet.

January 26, 2024

Date


Signature of initiating party or representative

See other side for family-related case filings.