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10
11 **IN THE FIRST JUDICIAL DISTRICT COURT**
12 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

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

15 **Plaintiffs,**

16 vs.

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

19 **Defendants.**

20
21 DAILYPAY, INC., a Delaware Corporation,

22 **Plaintiff,**

23 vs.

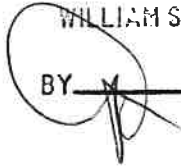
24 FRANCISCO V. AGUILAR, in his official
25 capacity as NEVADA SECRETARY OF
STATE,

26 **Defendant,**

27 and
28

REC'D & FILED

2024 MAY 13 PM 12:50

WILLIAM SCOTT HGEN
CLERK
BY 

Electronically Filed
May 14 2024 08:34 AM
Elizabeth A. Brown
Clerk of Supreme Court

LEAD CASE NO.: 24 OC 00018 1B

DEPT. NO. II

**PREFERRED CAPITAL FUNDING –
NEVADA, LLC'S AND ALLIANCE FOR
RESPONSIBLE CONSUMER LEGAL
FUNDING'S NOTICE OF APPEAL**

CONSOLIDATED WITH

CASE NO.: 24 OC 00021 1B

DEPT. NO. II

REISMAN SOROKAC
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1 STOP PREDATORY LENDING NV, a Nevada
2 Nonprofit Corp., and KATE FELDMAN, an
individual,

3 Intervenor-Defendants.

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

8 Plaintiffs,

9 vs.

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

11 Defendants,

12 and

13 STOP PREDATORY LENDING NV, a Nevada
14 nonprofit corporation,

15 Intervenor-Defendant.

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

18 Plaintiffs,

19 vs.

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

23 Defendants.

CASE NO.: 24 OC 00023 1B

DEPT. NO. I

CASE NO.: 24 OC 00029 1B

DEPT. NO. I

24
25 Plaintiffs Preferred Capital Funding - Nevada, LLC, a Nevada limited liability company
26 ("Preferred"), and Alliance For Responsible Consumer Legal Funding, an Illinois nonprofit
27 corporation ("ARC"), by and through their attorneys, Joshua H. Reisman, Esq., Elizabeth M.
28 Sorokac, Esq., and Michael R. Kalish, Esq., of the law firm Reisman Sorokac, pursuant to NRS

1 41.670(4), hereby appeal to the Supreme Court of the State of Nevada the First Judicial District
2 Court's FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING
3 PLAINTIFFS' LEGAL CHALLENGE TO INITIATIVE PETITION S-03-2024 ("Order"), entered
4 in the above-captioned consolidated case on April 15, 2024. A true and correct copy of the Order
5 is attached hereto as Exhibit 1.

6 DATED this 10th day of May, 2024.

7 REISMAN·SOROKAC

8 

9 Joshua H. Reisman, Esq.
10 Nevada Bar No. 7152
11 Elizabeth M. Sorokac, Esq.
12 Nevada Bar No. 8270
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AFFIRMATION

The undersigned hereby affirms that the foregoing document does not contain any personal information or the social security number of any person.

DATED this 10th day of May, 2024.

REISMAN·SOROKAC



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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2024, I served the foregoing **PREFERRED CAPITAL FUNDING – NEVADA, LLC'S AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING'S NOTICE OF APPEAL** via electronic mail, per the February 22, 2024 Stipulation and Scheduling Order of the Court, as follows:

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DEPT. II**
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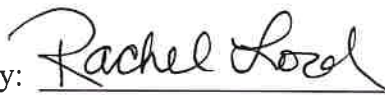
By: 
Rachel Lord, an employee of
REISMAN SOROKAC

EXHIBIT 1

REC'D & FILED

April 15, 2024
Date

WILLIAM SCOTT HOEN
CLERK

IN THE FIRST JUDICIAL DISTRICT COURT  Deputy
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NEVADANS FOR FINANCIAL CHOICE,
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CHRISTINA BAUER, an individual,

Plaintiffs,

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KATE FELDMAN, an individual, STOP
PREDATORY LENDING NV, a Nevada
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AGUILAR, in his official capacity as
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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

BRAVO SCHRAGER LLP

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1 PREFERRED CAPITAL FUNDING-
2 NEVADA, LLC, a Nevada limited liability
3 company, and ALLIANCE FOR
4 RESPONSIBLE CONSUMER LEGAL
5 corporation,
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7 Plaintiffs,
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9 vs.
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11 FRANCISCO V. AGUILAR, in his official
12 capacity as NEVADA SECRETARY OF
13 STATE, and KATE FELDMAN, an
14 individual,
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16 Defendants,
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20 STOP PREDATORY LENDING NV, a
21 Nevada Nonprofit Corp.,
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Case No.: 24 OC 00023
Dept. No.: I

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14 ACTIVEHOURS, INC., a Delaware
15 corporation; STACY PRESS, an
16 individual,
17
18 Plaintiffs,
19
20 vs.
21
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
28 Defendants.

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

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

26 This matter came before this Court following four complaints, filed by four
27 different sets of plaintiffs, pursuant to NRS 295.061, challenging the legal sufficiency
28 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.

4

5 Dated this 12th day of April, 2024.

6

William A. Maddox
District Court Judge

7

8 Respectfully Submitted by:

9

10 */s/ Bradley S. Schrager*
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11 DANIEL BRAVO, ESQ. (SBN 13078)
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12 6675 South Tenaya Way, Suite 200
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14 *Attorneys for Kate Feldman and
Stop Predatory Lending NV*

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21 PREDATORY LENDING NV, a Nevada
22 Nonprofit Corp.; and FRANCISCO V.
23 AGUILAR, in his official capacity as
24 NEVADA SECRETARY OF STATE,

Defendants.

CASE NO.: 24 OC 00023 1B

DEPT. NO. I

CASE NO.: 24 OC 00029 1B

DEPT. NO. I

25 **PREFERRED CAPITAL FUNDING – NEVADA, LLC'S AND ALLIANCE FOR**
26 **RESPONSIBLE CONSUMER LEGAL FUNDING'S CASE APPEAL STATEMENT**

27 Plaintiffs Preferred Capital Funding - Nevada, LLC, a Nevada limited liability company
28 ("Preferred"), and Alliance For Responsible Consumer Legal Funding, an Illinois nonprofit
corporation ("ARC"), by and through their attorneys, Joshua H. Reisman, Esq., Elizabeth M.

REISMAN·SOROKAC
8965 SOUTH EASTERN AVENUE, SUITE 382
LAS VEGAS, NEVADA 89123
PHONE: (702) 727-6258 FAX: (702) 446-6756

1 Sorokac, Esq., and Michael R. Kalish, Esq., of the law firm Reisman Sorokac, pursuant to NRS
2 41.670(4) and NRAP 3(f), hereby appeal to the Supreme Court of the State of Nevada the First
3 Judicial District Court's FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER
4 DENYING PLAINTIFFS' LEGAL CHALLENGE TO INITIATIVE PETITION S-03-2024 ("S-
5 03-2024 Order"), entered in the above-captioned consolidated cases on April 15, 2024. Pursuant
6 to NRAP 3(f)(3), Preferred's and ARC's CASE APPEAL STATEMENT provides as follows:

7 1. Appellants filing this CASE APPEAL STATEMENT: *Preferred Capital Funding -*
8 *Nevada, LLC, a Nevada limited liability company ("Preferred"), and Alliance For Responsible*
9 *Consumer Legal Funding, an Illinois nonprofit corporation ("ARC", together with Preferred,*
10 *"Appellants").*

11 2. Judge issuing decision, judgment or order appealed from: *Honorable William A.*
12 *Maddox.*

13 3. Appellants: *Preferred and ARC*

COUNSEL OF RECORD:
Joshua H. Reisman, Esq. (SBN 7152)
Elizabeth M. Sorokac, Esq. (SBN 8270)
Michael R. Kalish, Esq. (SBN 12793)
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21 4. Respondent: *Francisco V. Aguilar, Nevada Secretary of State*

COUNSEL OF RECORD
Laena St. Jules, Esq. (SBN 15156)
Senior Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701
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Respondent: *Kate Feldman and Stop Predatory Lending NV*

COUNSEL OF RECORD:

Bradley S. Schrager, Esq. (SBN 10217)

Daniel Bravo, Esq. (SBN 13078)

BRAVO SCHRAGER LLP

6675 South Tenaya Way, Ste. 200

Las Vegas, Nevada 89113

(702) 996-1724

Email: bradley@bravoschrager.com

Email: daniel@bravoschrager.com

Related Parties to Consolidated Proceeding: *Nevadans for Financial Choice and Christina Bauer (Plaintiffs)*

COUNSEL OF RECORD:

Todd L. Bice, Esq. (SBN 4534)

Jordan T. Smith, Esq. (SBN 12097)

Daniel R. Brady, Esq. (SBN 15508)

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Las Vegas, Nevada 89101

(702) 214-2100

Email: TLB@pisanellibice.com

Email: JTS@pisanellibice.com

Email: DRB@pisanellibice.com

Related Parties to Consolidated Proceeding: *Activehours, Inc. and Stacy Press (Plaintiffs)*

COUNSEL OF RECORD:

Severin A. Carlson, Esq. (SBN 9373)

Sihomara L. Graves, Esq. (SBN 13239)

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(775) 852-3900

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Email: sgraves@kcnvlaw.com

Related Parties to Consolidated Proceeding: *DailyPay, Inc. (Plaintiff)*

COUNSEL OF RECORD:

J. Malcolm DeVoy, Esq. (SBN 11950)

Matthew Morris, Esq. (SBN 15068)

HOLLAND & HART LLP

5470 Kietzke Lane, Suite 100

Reno, Nevada 89511

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(775) 327-3000
Email: jmdevoy@hollandhart.com
Email: mcmorris@hollandhart.com

5. Attorneys listed in sections 3 and 4 above are licensed to practice law in the State of Nevada.

6. Appellants were represented by counsel in the District Court.

7. Appellants are represented by counsel on appeal.

8. No request has been made to proceed *in forma pauperis*, and none of the counsel for any party participating in this action before the District Court was appointed by the District Court.

9. The Complaints in this consolidated matter were originally filed as follows:

- 24 OC 00018 1B** (Jan. 26, 2024);
- 24 OC 00021 1B** (Jan. 29, 2024);
- 24 OC 00023 1B** (Jan. 29, 2024); and
- 24 OC 00029 1B** (Feb. 13, 2024).

10. Appellants' Complaint (24 OC 00023 1B) sought (i) a declaration that Initiative Petitions S-01-2024 and S-03-2024 ("Petitions") are invalid pursuant to NRS 295.009(1)(a), (ii) a declaration that the descriptions of effect in the Petitions are invalid pursuant to NRS 295.009(1)(b), (iii) an injunction prohibiting the Nevada Secretary of State from placing the Petitions on any future general election ballot or from taking further action upon them, (iv) an award of Plaintiffs' reasonable attorneys' fees and costs, and (v) such other relief as permitted under NRS Chapter 295 or as the Court deems appropriate. The District Court ordered that Initiative Petition S-01-2024 ("S-01-2024 Order") violates Nevada's single subject rule under NRS 295.009 and that the Nevada Secretary of State is enjoined from permitting Initiative Petition S-01-2024 from being circulated for signatures. Pursuant to the separate S-03-2024 Order, the District Court ordered that (x) Initiative Petition S-03-2024 is legally sufficient, does not violate Nevada's single subject rule, its description of effect meets the requirements of Nevada law and

1 does not contain an unfunded mandate and (y) Plaintiffs¹ complaints are dismissed with prejudice
2 as to their challenge to Initiative Petition S-03-2024. Appellants appeal the S-03-2024 Order.

3 11. Appellants' appeal of the S-03-2024 Order has not otherwise been the subject of an
4 appeal to, or original writ proceeding in, the Supreme Court of the State of Nevada. However, the
5 S-03-2024 Order was appealed by DailyPay, Inc. and by Nevadans for Financial Choice and
6 Christina Bauer – all of whom were plaintiffs in the First Judicial District Court case. The appeals
7 were filed on April 26, 2024, and May 8, 2024, respectively, and were given Nevada Supreme
8 Court Docket No. 88557. The S-01-2024 Order was appealed by Defendants Kate Feldman and
9 Stop Predatory Lending NV, filed on April 22, 2024, and given Nevada Supreme Court Document
10 No. 88526.

11 12. This appeal does not involve child custody or visitation.

12 13. This appeal does not involve the possibility of settlement.

13
14 DATED this 10th day of May, 2024.

REISMAN·SOROKAC



Joshua H. Reisman, Esq.
Nevada Bar No. 7152
Elizabeth M. Sorokac, Esq.
Nevada Bar No. 8270
Michael R. Kalish, Esq.
Nevada Bar No. 12793
8965 South Eastern Avenue, Suite 382
Las Vegas, Nevada 89123

Attorneys for *Plaintiffs Preferred and ARC*

26 _____
27 ¹ Plaintiffs in the First Judicial District Court included Appellants, as well as, Nevadans for
28 Financial Choice and Christina Bauer (represented by Pisanelli Bice PLLC); Activehours, Inc. and
Stacy Press (represented by Kaempfer Crowell); and DailyPay, Inc. (represented by Holland &
Hart LLP).

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AFFIRMATION

The undersigned hereby affirms that the foregoing document does not contain any personal information or the social security number of any person.

DATED this 10th day of May, 2024.

REISMAN·SOROKAC



Joshua H. Reisman, Esq.
Nevada Bar No. 7152
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2024, I served the foregoing **PREFERRED CAPITAL FUNDING – NEVADA, LLC'S AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING'S CASE APPEAL STATEMENT** via electronic mail, per the February 22, 2024 Stipulation and Scheduling Order of the Court, as follows:

Bradley S. Schrage, Esq.
Daniel Bravo, Esq.
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daniel@bravoschrager.com
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Todd L. Bice, Esq.
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Attorneys for Plaintiffs Nevadans for Financial Choice and Christina Bauer

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Severin A. Carlson, Esq.
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Attorneys for Plaintiffs Activehours, Inc. and Stacy Press

Billie Shadron
Judicial Assistant
**FIRST JUDICIAL DISTRICT COURT
DEPT. II**
Bshadron@carson.org

By: 
Rachel Lord, an employee of
REISMAN SOROKAC

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
CHOICE PLNTPET

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	05/13/24	PREFERRED CAPITAL FUNDINGS NEVADA LLCs AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FINDINGS CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
2	05/13/24	PREFERRED CAPITAL FUNDINGS NEVADA LLCs AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FINDINGS NOTICE OF APPEAL	1BCCOOPER	24.00	24.00
3	05/08/24	NOTICE OF DEFICIENCY IN NOTICE OF APPEAL	1BPETERSON	0.00	0.00
4	05/07/24	CASE APPEAL STATEMENT	1BPETERSON	0.00	0.00
5	05/07/24	NOTICE OF APPEAL FILED Receipt: 84741 Date: 05/13/2024	1BPETERSON	24.00	0.00
6	05/06/24	NOTICE OF DEFICIENCY IN NOTICE OF APPEAL	1BCCOOPER	0.00	0.00
7	05/03/24	CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
8	05/03/24	NOTICE OF APPEAL Receipt: 84739 Date: 05/13/2024	1BCCOOPER	24.00	0.00
9	04/24/24	RECEIPT	1BCCOOPER	0.00	0.00
10	04/24/24	APPEAL BOND DEPOSIT Receipt: 84534 Date: 04/24/2024	1BCCOOPER	500.00	0.00
11	04/24/24	DAILYPAY INCS CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
12	04/24/24	DAILYPAY INCS NOTICE OF APPEAL Receipt: 84534 Date: 04/24/2024	1BCCOOPER	24.00	0.00
13	04/17/24	APPEAL BOND DEPOSIT Receipt: 84455 Date: 04/17/2024	1BCCOOPER	500.00	0.00
14	04/17/24	RECEIPT	1BCCOOPER	0.00	0.00
15	04/17/24	CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
16	04/17/24	NOTICE OF APPEAL Receipt: 84455 Date: 04/17/2024	1BCCOOPER	24.00	0.00
17	04/16/24	NOTICE OF ENTRY OF OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER (2)	1BDORTIZ	0.00	0.00
18	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
19	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
20	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
21	03/21/24	NOTICE OF FILING OF AFFIDAVITS OF SERVICE	1BSBARAJAS	0.00	0.00
22	03/21/24	ACCEPTANCE OF SERVICE	1BSBARAJAS	0.00	0.00
23	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
24	03/11/24	REPLY BRIEF IN SUPPORT OF CHALLENGE TO STATEWIDE INITIATIVES S-01-2024 & S-03-2024	1BDORTIZ	0.00	0.00
25	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
26	03/08/24	PLAINTIFF DAILY PAY'S REPLY IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF	1BDORTIZ	0.00	0.00
27	03/01/24	DEFENDANTS/INTERVENORS KATE FELMAN'S AND STOP PREDATORY LENDING NV'S OMNIBUS RESPONSE	1BDORTIZ	0.00	0.00
28	02/28/24	ACCEPTANCE OF SERVICE - (2)	1BVANESSA	0.00	0.00
29	02/26/24	NOTICE OF ENTRY OF STIPULATION AND ORDER (4)	1BCCOOPER	0.00	0.00
30	02/26/24	ADDITIONAL DEFENDANT (STOP PREDATORY LENDING NV) Receipt: 83689 Date: 02/26/2024	1BCCOOPER	30.00	0.00
31	02/26/24	INITIAL APPEARANCE FEE DISCLOSURE Receipt: 83689 Date: 02/26/2024	1BCCOOPER	218.00	0.00
32	02/26/24	NOTICE OF ENTRY OF STIPULATION AND ORDER	1BCCOOPER	0.00	0.00
33	02/23/24	SECRETARY OF STATE'S LIMITED OMNIBUS RESPONSE	1BPETERSON	0.00	0.00
34	02/22/24	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
35	02/22/24	STIPULATION AND SCHEDULING ORDER OF THE COURT	1BPETERSON	0.00	0.00
36	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

No.	Filed	Action	Operator	Fine/Cost	Due
37	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
38	02/14/24	ISSUING SUMMONS FIRST AMENDED COMPLAINT & ADDITIONAL SUMMONS (3)	1BDORTIZ	0.00	0.00
39	01/26/24	ISSUING SUMMONS AND ADDITIONAL SUMMONS	1BPETERSON	0.00	0.00
40	01/26/24	BRIEF IN SUPPORT OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF CONCERNING STATE-WIDE BALLOT INITIATIVE	1BPETERSON	0.00	0.00
41	01/26/24	ADDITIONAL PLAINTIFF Receipt: 83286 Date: 01/26/2024	1BPETERSON	30.00	0.00
42	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:				1,663.00	24.00
Totals By: COST				663.00	24.00
HOLDING				1,000.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					

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,

Lead Case No.: 24 OC 00018 1B

Dept. No.: II

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,

Consolidated with

Defendants.

DAILYPAY, INC., a Delaware
Corporation,

Case No.: 24 OC 00021 1B

Dept. No.: II

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.

BRAVO SCHRAGER LLP

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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.

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 00023

Dept. No.: I

REC'D
7071 APR 11 8:11
FILED IN ERROR
WILLIAM B. ...
BY
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**
25 **TO INITIATIVE PETITION S-03-2024**

26 This matter came before this Court following four complaints, filed by four
27 different sets of plaintiffs, pursuant to NRS 295.061, challenging the legal sufficiency
28 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.

4
5 Dated this 12th day of April _____, 2024.

6 *William A. Maddox*
7 District Court Judge

8 Respectfully Submitted by:

9
10 */s/ Bradley S. Schrage*

11 BRADLEY S. SCHRAGER, ESQ. (SBN 10217)

12 DANIEL BRAVO, ESQ. (SBN 13078)

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14 6675 South Tenaya Way, Suite 200

15 Las Vegas, Nevada 89113

16 *Attorneys for Kate Feldman and*

17 *Stop Predatory Lending NV*
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WILLIAM SCOTT WHEAT
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BY [Signature]
DEPUTY

BRAVO SCHRAGER^{LLP}

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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,

Consolidated with

16 Defendants,

17
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

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

8 Plaintiffs,

9 vs.

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

14 Defendants,

15 and

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

18 Intervenor-Defendant.

Case No.: 24 OC 00023 1B

Dept. No.: I

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

22 Plaintiffs,

23 vs.

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

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)
11 DANIEL BRAVO, ESQ. (SBN 13078)
12 6675 South Tenaya Way, Suite 200
13 Las Vegas, Nevada 89113
14 Tele.: (702) 996-1724
15 Email: bradley@bravoschrager.com
16 Email: daniel@bravoschrager.com

17 *Attorneys for Kate Feldman and Intervenor-Defendant*

CERTIFICATE OF SERVICE

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

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**OFFICE OF THE ATTORNEY
GENERAL**
LStJules@ag.nv.gov
*Attorneys for Defendant,
Francisco V. Aguilar*

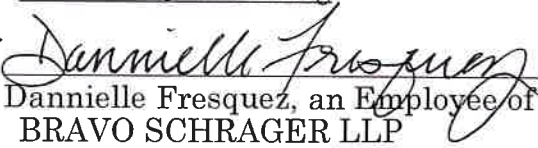
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and Stacy Press*

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BRAVO SCHRAGER LLP

INDEX OF EXHIBITS

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

EXHIBIT 1

EXHIBIT 1

REC'D & FILED

April 15, 2024
Date

WILLIAM SCOTT HOEN
CLERK

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

BRAVO SCHRAGER LLP

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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
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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.

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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

BY

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Case No.: 24 OC 00029 1B

Dept. No.: I

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,
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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
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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,
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7 The description proceeds, succinctly and directly, through (1) a general statement of
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9 interest rate limitations; (3) a description of the transactions to which the proposed
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11 Court finds that Plaintiffs fail to meet the burden of showing that the Petition’s
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13 the description of effect for Initiative Petition S-03-2024 satisfies Nevada’s
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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
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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
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27 “[A]n appropriation is the setting aside of funds, and an expenditure of money
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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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5 Dated this 12th day of April, 2024.

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William A. Maddox
District Court Judge

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Respectfully Submitted by:

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/s/ Bradley S. Schrager
BRADLEY S. SCHRAGER, ESQ. (SBN 10217)
DANIEL BRAVO, ESQ. (SBN 13078)
BRAVO SCHRAGER LLP
6675 South Tenaya Way, Suite 200
Las Vegas, Nevada 89113

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*Attorneys for Kate Feldman and
Stop Predatory Lending NV*

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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. <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>
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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.

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
Defendant(s) (name/address/phone): KATE FELDMAN, an individual; and FRANCISCO AGUILAR, in his Official Capacity as Nevada Secretary of State
Attorney (name/address/phone): Todd L. Bice, Esq., Pisanelli Bice PLLC 400 South 7th Street, Suite 300, Las Vegas, NV 89101 702.214.2100

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property: Landlord/Tenant, Title to Property, Other Real Property
Negligence: Auto, Premises Liability, Other Negligence
Malpractice: Medical/Dental, Legal, Accounting, Other Malpractice
Torts: Other Torts
Probate: Probate (select case type and estate value), Estate Value
Construction Defect & Contract: Construction Defect, Contract Case
Judicial Review/Appeal: Judicial Review, Nevada State Agency Appeal, Appeal Other
Civil Writ: Writ of Habeas Corpus, Writ of Mandamus, Writ of Quo Warrant, Writ of Prohibition, Other Civil Writ
Other Civil Filing: Other Civil Filing

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.