

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DAILYPAY, INC., a Delaware Corporation;  
NEVADANS FOR FINANCIAL CHOICE, a  
Nevada Political Action Committee;  
CHRISTINA BAUER, an individual;  
ACTIVEHOURS, INC., a Delaware  
corporation; STACY PRESS, an individual;  
PREFERRED CAPITAL FUNDING -  
NEVADA, LLC, a Nevada Limited Liability  
Company; AND ALLIANCE FOR  
RESPONSIBLE CONSUMER LEGAL  
FUNDING, an Illinois Nonprofit Corporation  
Appellants,

vs.

FRANCISCO V. AGUILAR, in his official  
capacity as Nevada Secretary of State; KATE  
FELDMAN, an individual; AND STOP  
PREDATORY LENDING NV, a Nevada  
nonprofit corporation,  
Respondents.

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Case No. 88557  
District Court Case No.:  
Lead Case No.: 24 OC 00018  
1B

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

**APPELLANTS PREFERRED CAPITAL FUNDING – NEVADA, LLC’S  
AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING’S  
RESPONSE TO RESPONDENTS’ MOTION FOR EXPEDITED  
CONSIDERATION OF APPEAL**

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for Responsible Consumer Legal Funding*

**NRAP 26.1 DISCLOSURE**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Preferred Capital Funding - Nevada, LLC, a Nevada limited liability company, is not a publicly traded company, and does not have 10% or more of its membership interests owned by a publicly traded company. Preferred Capital Funding - Nevada, LLC's parent company is Preferred Capital Funding of Illinois, LLC, an Illinois limited liability company, which is not a publicly traded company and does not have 10% or more of its membership interests owned by a publicly traded company.

Alliance for Responsible Consumer Legal Funding, an Illinois nonprofit corporation, is not a publicly traded company, does not have 10% or more of its stock owned by a publicly traded company, nor does it have any parent corporations.

Preferred Capital Funding - Nevada, LLC and Alliance for Responsible Consumer Legal Funding were represented in the District Court by Reisman

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Sorokac. They are currently represented in this Court by Reisman Sorokac.

DATED this 12th day of June, 2024.

**REISMAN SOROKAC**

By: /s/ Joshua H. Reisman, Esq.  
Joshua H. Reisman, Esq.  
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Respondents “request that this Court expedite the consideration and resolution of this appeal so that it can be decided in time to qualify Initiative Petition S-03-2024 [(the “Petition”)], which is the subject matter of the appeal.” (Mot. at 2.) They emphasize that “to qualify the Petition for presentation to the 2025 legislative session, a [significant] number of valid signatures . . . must be collected and submitted to the various county clerks and registrars of voters by November 20, 2024.” *Id.* at 5. They ask this Court for expedited consideration “given the short timeframe to collect signatures.” *Id.* at 6.

Respondents, however, fail to explain how the “compress[ed]” timeframe is being “exacerbated” by this appeal, *id.* at 5—how this appeal prevents them from timely collecting the necessary signatures to qualify the Petition. Respondents admit: “On April 15, 2024, the district court issued its order declaring that Petition S-03-2024 was valid and could proceed. Concurrently, the district court held that the companion measure, Initiative Petition S-01-2024 was invalid under Nevada law and enjoining [sic] the Nevada Secretary of State from permitting it from being circulated for signatures.” *Id.* at 4 (emphasis added).

Accordingly, the district court’s order did not prevent Respondents from circulating the Petition (S-03-2024) for signatures. They are free to collect

signatures while this appeal proceeds, and considering this appeal in the ordinary course does not impede their ability to meet the November 20, 2024, deadline.<sup>1</sup>

It appears Respondents want to hold off on collecting signatures until they are certain the Petition is valid; they do not wish to incur the expense of gathering signatures for a petition that may ultimately be deemed invalid. But helping Respondents save money is not a proper basis for putting unnecessary strain on both Appellants and this Court. It is not a legitimate reason to handicap Appellants from presenting their best cases on appeal. Appellants' finances are also being impacted. Their entire business models are at stake in this appeal. They deserve the same opportunity as any other appellant to robustly argue their case. Their rights should not be diminished simply to make it easier on Respondents' wallet.

Respondents can meet the November submission deadline even if this appeal proceeds in the ordinary course. If they obtain the necessary signatures and the Court affirms the district court, the Petition will move on to the 2025 legislative session. If they obtain the signatures and this Court invalidates the Petition, the

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<sup>1</sup> This Court granted a motion to expedite in the related case of *Feldman v. Aguillar*, Sup. Ct. Case No. 88557; however, the circumstances, there, are easily distinguishable: the appellants cannot proceed with obtaining signatures in support of Initiative Petition S-01-2024 while that petition remains invalid. Accordingly, delay in resolving that appeal, in turn, delays appellants' ability to obtain signatures—compressing the already short timeframe. That is not the case in *this* appeal.

Petition will fail. This is the risk Respondents assumed when they chose to pursue such an expansive, multi-industry-altering Petition.

Respondents have failed to offer a legitimate basis for expediting this appeal. We respectfully request that the Court deny Respondents' Motion for Expedited Consideration of Appeal.

## CERTIFICATE OF COMPLIANCE

I hereby certify that this response complies with the formatting requirements of NRAP 27(d)(1), the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this response has been prepared in a proportionally spaced typeface using Microsoft® Word for Microsoft 365 MSO (Version 2403 Build 16.0.17425.20176) 64-bit in 14 point font size and Times New Roman.

I further certify that this response complies with the type-volume limitations of NRAP 27(d)(2) because it does not exceed 10 pages.

Finally, I hereby certify that I have read this **APPELLANTS PREFERRED CAPITAL FUNDING – NEVADA, LLC’S AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING’S RESPONSE TO RESPONDENTS’ MOTION FOR EXPEDITED CONSIDERATION OF APPEAL** and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this response complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying response is

not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 12th day of June, 2024.

By: /s/ Joshua H. Reisman, Esq.  
Joshua H. Reisman, Esq.  
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*Attorney for Appellants*



## CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of June, 2024, I have caused a true and correct copy of the foregoing APPELLANTS PREFERRED CAPITAL FUNDING – NEVADA, LLC’S AND ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING’S RESPONSE TO RESPONDENTS’ MOTION FOR EXPEDITED CONSIDERATION OF APPEAL to be served upon all counsel of record by electronically filing the document using the Supreme Court of Nevada’s electronic filing system.

By:     /s/Rachel Lord      
an Employee of REISMAN SOROKAC