

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

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,
Respondent.

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 ACTIVEHOURS, INC.'S AND STACY PRESS' RESPONSE
TO RESPONDENTS' MOTION FOR EXPEDITED CONSIDERATION OF
APPEAL**

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NRAP 26.1 DISCLOSURE

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

1. Appellant Activehours, Inc., a Delaware corporation, has no parent corporation and no publicly-held company owns 10% or more of its stock.
2. The law firm Kaempfer Crowell has represented Appellants Activehours, Inc. and Stacy Press throughout this case—both in the District Court and in this Court.

DATED June 17, 2024

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POINTS AND AUTHORITIES

I. INTRODUCTION

Respondents' Motion for Expedited Consideration of Appeal fails to explain why expedited consideration is necessary outside of vaguely explaining the signature requirements for their initiative petition. But, Respondents are free to gather signatures given the District Court's Order permitting them to proceed with their initiative petition. Not only that, the cases Respondents rely upon for the notion that expedited consideration is warranted are inapplicable to the facts here.

For those reasons, as more fully set forth below, the Court should deny Respondents' Motion for Expedited Consideration of Appeal.

II. ARGUMENT

Respondents' Motion sets forth the procedures and deadlines to gather signatures for their underlying initiative petition, but fails to explain why an appeal decided in the ordinary course with the existing briefing schedule prevents them from proceeding with signature gathering. As already outlined by Appellants Preferred Capital Funding – Nevada, LLC and Alliance for Responsible Consumer Legal Funding in their Response to Respondents' Motion to Expedite, the District Court ruled Respondents' initiative petition could go forward, giving them the green light to gather signatures prior to the November 20, 2024 cut-off date. Nothing in Respondents' Motion explains how this appeal prevents them from doing just that.

In addition, while Respondents point to various decisions where the Court has granted motions to expedite related to initiative and referendum petitions (Mot. at 6), all of those cases are distinguishable. In each of the cases relied upon by Respondents, an appellant, the party seeking relief from the district court's order, sought expedited consideration from this Court. *See Helton v. Nev. Voters First Pac*, Docket No. 84110 (2022) (Doc. 22-04177, Appellant's Motion to Expedite); *Prevent Sanctuary Cities v. Haley*, Docket No. 74966 (2018) (Doc. 18-05204, Appellants' Motion to Expedite and Resolve Appeal on the District Court Record); *Coal. for Nev.'s Future v. RIP Com. Tax, Inc.*, Docket No. 69501 (2016) (Doc. 16-04020, Appellants' Motion to Expedite Appeal); *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, Docket No. 61996 (2013) (Doc. 12-34936, Appellant's Response to Order to Show Cause and Request for Expedited Consideration of Appeal). Here, as set forth above, the district court has cleared the way for Respondents initiative petition, setting them apart from the cases they rely on.

In addition, the above cases dealt with two specific scenarios both of which are absent here. In both *Helton*, Docket No. 84110 and *Educ. Initiative PAC*, Docket No. 61996, appellants sought expedited consideration because their petition or initiative was invalidated by the district court, thereby preventing appellants from moving forward with gathering signatures in support of their initiative petition. Appellants in those cases sought expedited consideration before legislative deadlines rendered their appeals moot. In *Prevent Sanctuary Cities*, Docket No. 74966 and *Coal. for Nev.'s Future*, Docket No. 69501, appellants

sought expedited consideration because they were brushing up against ballot printing deadlines for an upcoming election.

Here, Respondents are free to move forward with their initiative petition, as provided by the district court's order, pending this appeal, and the pertinent election—the 2026 General Election—is over a year away, in the event the 2025 Nevada Legislature does not adopt the initiative petition. As such, there is no basis for expedited consideration, and Respondents' Motion for Expedited Consideration of Appeal should be denied.

III. CONCLUSION

For these reasons, the Court should deny Respondents' Motion for Expedited Consideration of Appeal.

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2024, a true and correct copy of **APPELLANTS ACTIVEHOURS, INC.'S AND STACY PRESS' RESPONSE TO RESPONDENTS' MOTION FOR EXPEDITED CONSIDERATION OF APPEAL** was served upon all counsel of record by electronically filing the document using the Supreme Court of Nevada's electronic filing system.

By:  _____
an employee of Kaempfer Crowell