

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; and STACY PRESS, an individual,

Appellants,

v.

FRANCISCO V. AGUILAR IN HIS OFFICIAL CAPACITY AS NEVADA SECRETARY OF STATE; KATE FELDMAN, an individual; and STOP PREDATORY LENDING NV, a Nevada Nonprofit Corp.,

Respondents.

Case No. 88557

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Elizabeth A. Brown
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**CORRECTED MOTION FOR
EXTENSION OF TIME TO FILE
OPENING BRIEF**

(FIRST REQUEST)

Pursuant to NRAP 31(b)(3), Appellants Nevadans for Financial Choice and Christina Bauer hereby move for a brief extension of time to file their opening brief on appeal. The brief is currently due August 26, 2024, and Appellants request a 10-day extension of time to file the brief, with a new deadline of September 5, 2024. This is the first request for an extension of time to file the opening brief. This Court has previously granted in part Respondents' motion to expedite consideration of this appeal, but the motion to expedite did not foreclose any future extension of time.

Good cause exists to grant this Motion.¹ NRAP 31(b)(3)(B) (applying the "good cause" standard to motions for extensions of time). Appellants' counsel are currently involved in a ballot-access appeal regarding the Green Party's ability to place candidates for President and Vice President of the United States on Nevada's general election ballot. *Nev. State Democratic Party v. Nev. Green Party*, No. 89186. This appeal was docketed on August 19, 2024, and this Court granted a motion to expedite briefing schedule with briefs due August 21, 2024; August 28, 2024, and August 30, 2024. *Nev. State Democratic Party*, No. 89186, at *1 (Order Granting Emergency Motion to Expedite Aug. 20, 2024). Thus, in light of that compressed schedule, good cause exists to allow Appellants a brief extension of time here to present the fulsome briefing this appeal requires in light of counsel's other commitments to this Court.

Further, Respondents will not be prejudiced by this brief extension in this case. As this Court noted when denying Respondents' motion to expedite in part, "the compressed briefing schedule suggested by Feldman" is not warranted "where the challenged district court order rejected the legal challenges to Feldman's petition and nothing appears to prevent Feldman from collecting signatures while this appeal proceeds." *DailyPay, Inc., et al. v. Aguilar, et al.*, No. 88557, at *2 (Order Regarding

¹ Because this Court granted in part Respondents Kate Feldman's and Stop Predatory Lending NV's Motion to Expedite, the streamlined extension of time is not available. *See* NRAP 31(b)(2)(A)(i).

Motions July 11, 2024). And the signatures need not be submitted until November 20, 2024. *See* NRS 295.056(2) ("If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than the 15th day following the general election."); *see also* Secretary of State, Filing a Statutory Initiative (last visited August 23, 2024), <https://www.nvsos.gov/sos/elections/initiatives-referenda/filing-a-statutory-initiative> ("The last day for petitioners to submit signatures to the counties for verification is November 20, 2024."). Thus, even with a brief extension, this Court has adequate time to resolve this appeal prior to the date by which the signatures need to be submitted. Accordingly, good cause exists to extend the deadline to file the opening brief on appeal.

DATED this 27th day of August, 2024.

PISANELLI BICE PLLC

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

*Attorneys for Appellants Nevadans for
Financial Choice and Christina Bauer*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice, PLLC, and that on this 27th day of August, 2024, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing **CORRECTED MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** to all parties registered for electronic service:

/s/ Kimberly Peets
An employee of Pisanelli Bice PLLC