

**In the
Supreme Court of the State of Nevada**

DAILYPAY, INC., et al.,

Appellants,

vs.

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

Respondents.

Electronically Filed
Sep 16 2024 03:08 PM
Elizabeth A. Brown
Clerk of Supreme Court

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

**IMMEDIATE
CONSIDERATION
REQUESTED**

**RESPONDENTS' MOTION TO EXPEDITE DECISION
AND FOREGO ORAL ARGUMENT**

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Respondents KATE FELDMAN and STOP PREDATORY LENDING NV (collectively, “Respondents”) respectfully request that this Court forego oral argument and expedite its resolution of this appeal so that it can be decided in time to qualify Initiative Petition S-03-2024. This motion is based on the following Memorandum of Points and Authorities and the papers on file with this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Ms. Feldman filed Initiative Petition S-03-2024 (the “Petition”) on January 24, 2024. Appellants filed complaints in district court challenging the legal sufficiency of the Petition beginning on January 26, 2024, and after consolidation and full briefing, the district court held hearing on March 22, 2024. On April 15, 2024, the district court issued its order declaring that Petition S-03-2024 was valid, and could proceed.

Appellant DailyPay filed its notice of appeal concerning Initiative Petition S-03-2024 on April 26, 2024. Later, in mid-May, the other Appellants filed their respective notices of appeal concerning Initiative Petition S-03-2024.

On July 11, 2024, this Court partially granted in part Respondents’ motion to expedite, ordering Appellants to file opening briefs by August

26, 2024, and setting 14-day periods for subsequent briefing, extended by a 10-day extension granted to Appellant Nevadans for Financial Choice.

The signatures for a statutory initiative in Nevada for 2024 are due to the various county clerks on or before November 20, 2024. Currently, there is no oral argument date set for the present appeal.

II. ARGUMENT

The People’s power to legislate by initiative and referendum petitions is “one of the basic powers enumerated in this state’s constitution.” *Nevadans for Prot. of Prop. Rts., Inc. v. Heller*, 122 Nev. 894, 912, 141 P.3d 1235, 1247 (2006) (quoting *Univ. & Cmty. Coll. Sys. v. Nevadans for Sound Gov’t*, 120 Nev. 712, 734, 100 P.3d 179, 195 (2004) (per curiam)).

Time is of the essence in ballot question litigation. *See Coal. for Nevada’s Future v. RIP Com. Tax, Inc.*, 132 Nev. 956 n.5 (2016). One of the factors that can potentially limit the constitutional right to qualify initiative petitions is a short timeframe between the date a petition can be placed on file with the Secretary of State and the date by which signatures must be submitted for verification—compression that is exacerbated when a legal challenge to a petition is filed. As the Court has stated, “[b]ecause initiative deadlines in general are relatively short, the

district court must expedite any challenges to an initiative... otherwise, challenges to initiative petitions could be used as a delay tactic to prevent an initiative from being placed on the ballot [and] challenges by opponents have tied initiative petitions up in litigation for extended periods of time that, in some cases, have left the proponents without sufficient time to gather signatures.” See *Education Freedom PAC v. Reid*, 138 Nev. Adv. Op. 47, 512 P.3d 296,301 (2022) (internal citations omitted).

Here, to qualify the Petition for presentation to the 2025 legislative session, a number of valid signatures equal to at least 10% of the number of voters who voted at the last general election must be collected and submitted to the various county clerks and registrars of voters by November 20, 2024—only two months from now. See Nev. Const. art. 19, § 1(2); NRS 295.056.

Although the district court did not enjoin Respondents from gathering signatures while this appeal proceeded, the uncertainty of a pending appeal is costly and potentially threatens the overall effort. Respondents therefore ask this Court for expedited consideration of this appeal after briefing, and to forego the process of scheduling and conducting oral argument, essentially deciding the matter on the briefs,

so that the Court may turn its attention to the merits of the appeal forthwith, and can issue its disposition well in advance of the deadline for signature submissions. This Court already considered briefing and heard oral arguments in the related case of *Feldman v. Aguilar*, Sup. Ct. Case No. 88557, that in many ways pertained to the provisions of Petition S-03-2024 as well.

This Court has recognized on numerous occasions the need for prompt resolution of appeals regarding initiative and referendum petitions by granting motions to expedite. *See, e.g., Helton v. Nev. Voters First PAC*, Docket No. 84110 (2022) (granting motion to expedite and setting briefing schedule); *Prevent Sanctuary Cities v. Haley*, Docket No. 74966 (2018) (granting motion to expedite and setting briefing schedule); *Coal. for Nev.'s Future v. RIP Com. Tax, Inc.*, Docket No. 69501 (2016) (granting motion to expedite); *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, Docket No. 61996 (2013) (issuing order to show cause why matter should not be decided on district court record).

As it stands, the next *en banc* arguments expected on the regular calendar of this Court are for the second week of October, and even if arguments in this appeal were to be set for that, deliberation and preparation of a decision, order, and/or opinion in the normal course

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, 2024, a true and correct copy of **RESPONDENTS' MOTION TO EXPEDITE DECISION AND FOREGO ORAL ARGUMENT** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

By: /s/ Danielle Fresquez
Danielle Fresquez, an Employee of
BRAVO SCHRAGER LLP