

**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.

Electronically Filed  
Sep 18 2024 05:41 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

**APPELLANTS PREFERRED CAPITAL FUNDING – NEVADA, LLC'S AND  
ALLIANCE FOR RESPONSIBLE CONSUMER LEGAL FUNDING'S  
OPPOSITION TO RESPONDENTS' MOTION TO EXPEDITE DECISION  
AND FOREGO ORAL ARGUMENT**

Joshua H. Reisman, Esq. (Nevada Bar No. 7152)  
Elizabeth M. Sorokac, Esq. (Nevada Bar No. 8270)  
Michael R. Kalish, Esq. (Nevada Bar No. 12793)

REISMAN SOROKAC

8965 South Eastern Avenue, Suite 382

Las Vegas, Nevada 89123

Telephone: (702) 727-6258

*Attorneys for Appellants Preferred Capital Funding – Nevada, LLC, and Alliance  
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 Sorokac. They are currently represented in this Court by Reisman Sorokac.

DATED this 18th day of September, 2024.

**REISMAN SOROKAC**

By: /s/ Joshua H. Reisman, Esq.  
Joshua H. Reisman, Esq.  
Nevada Bar No. 7152  
REISMAN SOROKAC  
8965 S. Eastern Ave., Suite 382  
Las Vegas, NV 89123  
(702) 727-6258  
email: jreisman@rsnvlaw.com  
*Attorney for Appellants Preferred  
Capital Funding – Nevada, LLC, and  
Alliance for Responsible Consumer  
Legal Funding*

Respondents previously moved "to expedite the briefing and processing of this appeal based on the short time frame available to collect signatures (until November 20, 2024)." (Order Regarding Motions at 2.) This Court was "not convinced" that the suggested compressed briefing schedule was warranted where "nothing appear[ed] to prevent Feldman from collecting signatures while this appeal proceeds." *Id.* Nevertheless, the Court expedited the processing of the appeal, in part, by limiting Appellants to "14 days from the date of service of the last-filed answering brief to file and serve any reply briefs." *Id.* at 3. The Court also stated it would "expedite its consideration of this matter to the extent that its docket permits." *Id.* It further advised it would "make a determination whether to schedule oral argument at a later date." *Id.*

The Court issued the above order on July 11, 2024—more than two months ago. Yet, instead of diligently moving forward with collecting the signatures needed to meet the November 20, 2024, deadline, Respondents apparently chose to do nothing toward collecting signatures. It seems they do not wish to spend money on signature collection when the Petition may ultimately be deemed invalid.<sup>1</sup>

---

<sup>1</sup> Respondents are likely willing to risk failing to meet the signature-collection deadline because, in lieu of their Petition, their legislation can be sponsored by a sympathetic legislator during the 2025 legislative session.

Now Respondents request this Court's "immediate consideration" of their latest "Motion to Expedite Decision and Forego Oral Argument"—obliquely contending that "the uncertainty of a pending appeal is costly and potentially threatens the overall effort." (Resp'ts' Mot. Expedite at 4.) They ask this Court to "forego the process of scheduling and conducting oral argument, essentially deciding the matter on the briefs[.]" *Id.*

However, Respondents' purported *cause* for depriving Appellants, and this Court, of the benefit of oral argument is an "*emergency*" of Respondents' own *making*—a product of their pennywise approach to signature gathering. Respondents wish to save money. On the other hand, Appellants' *entire business models* are at stake in this appeal. Appellants deserve the same opportunity as any other appellant to robustly argue their case.

Respondents suggest that oral argument is not necessary, here, because "[t]his Court already considered briefing and heard oral arguments in the related case of *Feldman v. Aguilar*, Sup. Ct. Case No. 88557 [—involving Petition S-01-2024—] that in many ways pertained to the provisions of Petition S-03-2024 as well." (Resp'ts' Mot. Expedite at 5.) However, the issues raised in *this* appeal are markedly different than those of the prior appeal. With Petition S-01, the purported single-subject was "an overall program of *consumer debt relief*[" (Appellants' Opening Br. at 13.) Here, the purported single-subject is to "limit interest rates on

consumer loan transactions." (Resp'ts' Omnibus Answering Br. at 15.) The difference in the petitions' purposes reframes the issues and materially impacts this Court's analysis. The Court would benefit from additional oral argument.

Respondents' present motion is baseless. They should simply start gathering signatures—they still have *two months* to meet the deadline. This Court should deny their motion and determine whether oral argument is appropriate in the ordinary course.

DATED this 18th day of September, 2024.

By: /s/ Joshua H. Reisman, Esq.  
Joshua H. Reisman, Esq.  
Nevada Bar No. 7152  
REISMAN SOROKAC  
8965 S. Eastern Ave., Suite 382  
Las Vegas, NV 89123  
(702) 727-6258  
email: jreisman@rsnvlaw.com  
*Attorney for Appellants Preferred  
Capital Funding – Nevada, LLC, and  
Alliance for Responsible Consumer  
Legal Funding*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of September, 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 OPPOSITION TO RESPONDENTS' MOTION TO EXPEDITE DECISION AND FOREGO ORAL ARGUMENT 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/ Cynthia Grinzivich  
an Employee of REISMAN SOROKAC