

**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,

vs.

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

Respondents.

Electronically Filed  
Nov 21 2024 02:20 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

**Case No.: 88557**

Dist. Ct. 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

**APPELLANT DAILYPAY, INC.'S SUGGESTION OF MOOTNESS**

**Holland & Hart LLP**

J. Malcolm DeVoy, Esq. (11950)

[jmdevoy@hollandhart.com](mailto:jmdevoy@hollandhart.com)

Matthew Morris, Esq. (15068)

[mcmorris@hollandhart.com](mailto:mcmorris@hollandhart.com)

5470 Kietzke Lane Ste. 100, Reno, NV 89511

*Attorneys for Appellant DailyPay, Inc.*

Pursuant to NRAP 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in NRAP 26.1(a) that must be disclosed.

The following law firm has appeared and/or is expected to appear in this Court on behalf of Appellants:

Matthew Morris, Esq., and J. Malcolm DeVoy, Esq., of Holland & Hart LLP.

DATED this 21st day of November 2024.

**HOLLAND & HART LLP**



---

J. Malcolm DeVoy, Esq. (11950)  
Matthew Morris, Esq. (15068)  
5470 Kietzke Lane, Ste. 100  
Reno, NV 89511  
[jmdevoy@hollandhart.com](mailto:jmdevoy@hollandhart.com)  
[mcmorris@hollandhart.com](mailto:mcmorris@hollandhart.com)  
*Attorneys for DailyPay, Inc.*

## I. INTRODUCTION & ARGUMENT

For Petition S-03-2024 to advance, NRS 295.056 requires the Respondent petition proponents to submit signatures to “each county clerk for verification” no later than the 15th day following the general election. *See*, NRS 295.056(1)-(2). By all appearances, the petition proponents have not done so.

The Nevada Secretary of State’s 2024 Initiatives and Petition Guide states that November 20, 2024, is the “[l]ast day for petitioners to submit signatures in support of a statutory initiative petition to the County Clerk or Registrar of Voters for verification of signatures” pursuant to NRS 295.056(2). *State of Nev. Initiative & Referendum Guide 2024*, Office of the Nev. Secretary of State, Elections Divisions (publicly accessible at <https://www.nvsos.gov/sos/home/showpublisheddocument/8396/638265826815102355>) (accessed Nov. 21, 2024).

The record contains no evidence that Respondent petition proponents have satisfied NRS 295.056’s mandatory deadline. Information provided to the undersigned by representatives in both the Clark and Washoe County Registrar Offices suggest that the Respondent

Petition proponents failed to submit any signatures for verification for Petition S-03-2024 by the statutory deadline.

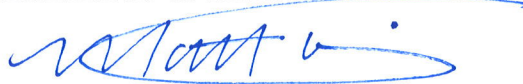
The Petition proponents' failure to meet NRS 295.056's deadline to submit signatures is an independent basis for this Court to find the Petition is invalid. But regardless of its substance, Petition S-03-2024 cannot advance without the requisite signatures submitted by the applicable deadline, and no decision as to the merits of the Petition is necessary. *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) ("In this case, the appeal was rendered moot when appellants failed to submit sufficient signatures on the initiative petition by the June 15 submission deadline, rendering the proposed initiative ineligible for voters in the 202 general election regardless of [this Court's] decision."); *Harmon v. Cegavske*, Case No. 85037, 528 P.3d 280 (Dec. 22, 2022) (unpublished disposition), at \*1 ("As it appears that insufficient signatures were gathered and the initiative petition at issue therefore will not proceed in the initiative process, we conclude that this appeal is moot") (citation omitted).

## II. CONCLUSION

DailyPay, Inc. respectfully suggests that this Court should dismiss this appeal as moot, based on the Respondent petition proponents' apparent failure to meet NRS 295.056(2)'s deadline to timely submit signatures supporting their Petition S-03-2024.

DATED this 21st day of November 2024.

**HOLLAND & HART LLP**



---

J. Malcolm DeVoy (11950)

Matthew Morris, Esq. (15068)

5470 Kietzke Lane Ste 100

Reno, NV 89511

[jmdevoy@hollandhart.com](mailto:jmdevoy@hollandhart.com)

[mcmorris@hollandhart.com](mailto:mcmorris@hollandhart.com)

*Attorneys for Appellant DailyPay, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(1)(b) and 25(1)(d), I, the undersigned, hereby certify that I electronically filed the foregoing **SUGGESTION OF MOOTNESS** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada’s E-filing system on the 21st day of November 2024.

I further certify that all participants in this case are registered with the Supreme Court of Nevada’s E-filing system, and that service has been accomplished to the following individuals through the Court’s E-filing System or by first class United States mail, postage prepaid, at Las Vegas, Nevada as follows:

Bradley S. Schrager, Esq.  
Daniel Bravo, Esq.  
**BRAVO SCHRAGER LLP**  
6675 South Tenaya Way, Suite  
200 Las Vegas, Nevada 89113

Laena St-Jules, Esq.,  
**OFFICE OF THE ATTORNEY  
GENERAL**  
100 N. Carson Street  
Carson City, Nevada 89701

*Attorneys for Respondents Kate  
Feldman and Stop Predatory  
Lending NV*

*Attorney for Respondent Francisco  
V. Aguilar*



Todd L. Bice, Esq.  
Jordan T. Smith, Esq.  
Daniel R. Brady, Esq.  
**PISANELLI BICE PLLC**  
400 South 7th Street, Suite 300  
Las Vegas, NV 89101

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

Michael R. Kalish, Esq.  
Joshua H. Reisman, Esq.  
Elizabeth M. Sorokac, Esq.  
**REISMAN SOROKAC**  
8965 S. Eastern Ave #382  
Las Vegas, NV 89123

*Attorneys for Alliance for  
Responsible Consumer Legal  
Funding & Preferred Capital  
Funding Nevada, LLC*

Severin A. Carlson, Esq.  
Sihomara L. Graves, Esq.  
**KAEMPFER CROWELL**  
50 West Liberty Street,  
Suite 1100  
Reno, NV 89501

*Attorneys for Activehours, Inc.  
and Stacy Press*

  
an employee of Holland & Hart, LLP