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IN THE SUPREME COURT OF THE STATE OF NEVADA

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DAILYPAY, INC., a Delaware corporation, et al.,

Appellants,

vs.

FRANCISCO V. AGUILAR, in his official capacity as Nevada Secretary of State,  
et al.,

Respondents.

On Appeal from the First Judicial District Court of the State of Nevada  
Case No. 24 OC 00018 1B; consolidated with Case No. 24 OC 00021 1B, Case  
No. 24 OC 00023 1B, and Case No. 24 OC 00029 1B

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**RESPONDENT FRANCISCO V. AGUILAR'S  
LIMITED ANSWERING BRIEF**

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## **STATEMENT OF FACTS**

On January 24, 2024, Respondent Kate Feldman filed an initiative petition, S-03-2024 (“Initiative Petition”), with Respondent Francisco V. Aguilar, Nevada Secretary of State (“Secretary”). Appellants’ Appendix Volume (“AA”) II A00215–32. Appellants thereafter filed four lawsuits that were ultimately consolidated, challenging the Initiative Petition and a related initiative petition. AA I A00001–32; AA I A00068–144; AAI A00145–204; AA II A00205–61; AA III A00470–79. The Secretary took no position on the legality of the Initiative Petition. AA III A00480–83. The district court held that the Initiative Petition was legally sufficient, AA IV A00765–74, and this appeal followed.

## **SUMMARY OF THE LIMITED ARGUMENT**

The Secretary takes no position on the legality of the Initiative Petition and will comply with any final judgment in this case.

## **LIMITED ARGUMENT**

The Secretary submits the following limited answer to Appellants’ Opening Briefs.

This case was brought prior to the Secretary having the opportunity to consider certifying the Initiative Petition as sufficient pursuant to NRS 295.061(2). The Secretary takes no position on the legality of the Initiative Petition. Appellants

and the other Respondents will make arguments as to the petition’s legality, and the Secretary will comply with any final judgment in this case. The Secretary also takes no position on the policy merits of the proposed initiative.

### **CONCLUSION**

Because the Secretary does not take a position on the legality of the Initiative Petition, the Secretary does not seek any specific relief, except that under the circumstances here, no award of attorneys’ fees or costs is appropriate against the Secretary.

**RESPECTFULLY SUBMITTED** this 9th day of September, 2024.

**AARON D. FORD**  
Attorney General

By: */s/ Laena St-Jules*  
**LAENA ST-JULES**  
Senior Deputy Attorney General

## CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

This brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 pt. font and Times New Roman; or

This brief has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page- or type volume limitations of NRAP 32(a)(7) because it is either:

Proportionately spaced, has a typeface of 14 points or more and contains \_\_\_ words; or

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Does not exceed 30 pages.

3. Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion

in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

RESPECTFULLY SUBMITTED this 9th day of September, 2024.

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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing RESPONDENT FRANCISCO V. AGUILAR'S LIMITED ANSWERING BRIEF in accordance with this Court's electronic filing system and consistent with NEFCR 9 on this 9th day of September, 2024.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

*/s/ Aaron D. Van Sickle*  
\_\_\_\_\_  
AG Legal Secretary