

Electronically Filed
Feb 21 2023 10:17 AM
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**
2 BRETT KANDT (Bar No. 5384)
3 General Counsel
4 bkandt@pharmacy.nv.gov
5 PETER K. KEEGAN (Bar No. 12237)
6 General Counsel
7 p.keegan@pharmacy.nv.gov
8 GREGORY ZUNINO (Bar No. 4805)
9 General Counsel
10 zunino@pharmacy.nv.gov
11 State of Nevada, Board of Pharmacy
12 985 Damonte Ranch Parkway – Suite 206
13 Reno, NV 89521
14 TEL: (775) 850-1440
15 *Attorneys for Respondent/Defendant*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 CANNABIS EQUITY AND INCLUSION
14 COMMUNITY (CEIC), a domestic
15 nonprofit corporation; ANTOINE POOLE,
16 an individual,
17
18 Petitioners/Plaintiffs,
19
20 vs.
21
22 STATE OF NEVADA ex rel. BOARD OF
23 PHARMACY, a public entity of the State
24 of Nevada
25
26 Respondent/Defendant.

Case No. A-22-851232-W

Dept. No. 15

21 **NOTICE OF APPEAL**

22 NOTICE IS HEREBY GIVEN that THE STATE OF NEVADA ex rel. its BOARD
23 OF PHARMACY, hereby appeals pursuant to NRAP 3 to the Nevada Supreme Court from
24 the Order Granting Petitioners' Motion for Attorney Fees and Costs entered on February
25 8, 2023.

1 Respectfully submitted this 15th day of February 2023.

2 Pursuant to NRS 239B.030 I affirm that this document does not contain personal
3 information.

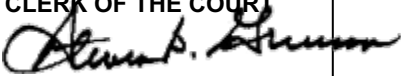
4 By: /s/ Brett Kandt
5 Brett Kandt (Bar No. 5384)
6 General Counsel
7 Peter K. Keegan (Bar. No. 12237)
8 General Counsel
9 Gregory Zunino (Bar No. 4805)
10 General Counsel
11 *Attorneys for Respondent/Defendant*
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1
2 **CERTIFICATE OF SERVICE**

3 I certify that I am an employee of the Nevada State Board of Pharmacy, and that on
4 this 15th day of February 2023, I served a true and correct copy of the foregoing document
5 by electronic service though the Court’s electronic filing system to the following:

6 Sadmira Ramic, Esq.
7 Christopher M. Peterson, Esq.
8 Sophia Romero, Esq.
9 American Civil Liberties Union of Nevada
10 601 South Rancho Drive, Suite B-11
11 Las Vegas, NV 89106
12 Email: ramic@aclunv.org
peterston@aclunv.org
romero@aclunv.org
Attorneys for Petitioners/Plaintiffs

13
14 /s/ Brett Kandt
15 BRETT KANDT
16 General Counsel
17 Nevada State Board of Pharmacy
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1 **ASTA**
2 BRETT KANDT (Bar No. 5384)
3 General Counsel
4 bkandt@pharmacy.nv.gov
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6 General Counsel
7 p.keegan@pharmacy.nv.gov
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9 General Counsel
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14 TEL: (775) 850-1440
15 *Attorneys for Respondent/Defendant*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 CANNABIS EQUITY AND INCLUSION
14 COMMUNITY (CEIC), a domestic
15 nonprofit corporation; ANTOINE POOLE,
16 an individual,
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18 Petitioners/Plaintiffs,
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20 vs.
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22 STATE OF NEVADA ex rel. BOARD OF
23 PHARMACY, a public entity of the State
24 of Nevada
25
26 Respondent/Defendant.

Case No. A-22-851232-W
Dept. No. 15

21 **CASE APPEAL STATEMENT**

22 Pursuant to NRAP 3(f), the State of Nevada ex rel. Board of Pharmacy (“Board”), hereby
23 submits the following case appeal statement:

24 A. District court case number and caption, showing names of all parties to the
25 proceedings (without using et al.): The full case numbers and captions, showing names of
26 all parties, are as follows: Case Number A-22-851232-W; Cannabis Equity and Inclusion
27 Community (CEIC); a domestic nonprofit corporation; Antoine Poole, an individual v. State
28 of Nevada ex rel. Board of Pharmacy, a public entity of the State of Nevada.

1 B. Name of judge who entered the order or judgment being appealed:

2 The Honorable Joe Hardy, District Court Judge, Eighth Judicial District Court.

3 C. Name of each appellant, and name and address of counsel for each appellant:

4 State of Nevada ex rel. Board of Pharmacy through its counsel:

5 Brett Kandt
6 General Counsel
7 Peter Keegan
8 General Counsel
9 Gregory Zunino
10 General Counsel
11 985 Damonte Ranch Pkwy #206
12 Reno, NV 89521

13 D. Name of each respondent, and name and address of each respondent's
14 appellate counsel, if known: Cannabis Equity and Inclusion Community (CEIC); Antoine
15 Poole, through their counsel:

16 Sadmira Ramic, Esq.
17 Christopher M. Peterson, Esq.
18 Sophia Romero, Esq.
19 American Civil Liberties Union of Nevada
20 601 South Rancho Drive, Suite B-11
21 Las Vegas, NV 89106

22 E. Whether attorneys identified in subparagraph D are not licensed to practice
23 law in Nevada; and, if so, whether the district court granted permission to appear under
24 SCR 42 (include copy of district court order granting permission): The attorneys in
25 subparagraph D are licensed in Nevada.

26 F. Whether appellant was represented by appointed counsel in the district court
27 or on appeal: Appellant was represented by retained counsel in the district court and will
28 be represented by retained counsel on appeal.

G. Whether any appellant was granted leave to proceed *in forma pauperis*: No.

H. Date proceedings were commenced in district court: April 15, 2022.

I. Brief description of nature of the action and result in district court, including
type of judgment or order being appealed and relief granted by district court: Order

1 Granting Petitioners' Motion for Attorney Fees and Costs entered on February 8, 2023.

2 J. Whether the case was previously the subject of appeal or writ proceeding in
3 Nevada Supreme Court and, if so, caption and docket number of prior proceeding: Yes:
4 STATE OF NEVADA ex rel. BOARD OF PHARMACY, a public entity of the State of
5 Nevada, Appellant, vs. CANNABIS EQUITY AND INCLUSION COMMUNITY (CEIC), a
6 domestic nonprofit corporation; ANTOINE POOLE, an individual, Respondents, Supreme
7 Ct. Case No. 85756.

8 K. Whether the appeal involves child custody or visitation: No.

9 L. Whether the appeal involves the possibility of settlement: Settlement not
10 possible.

11 Respectfully submitted this 15th day of February 2023.

12 Pursuant to NRS 239B.030 I affirm that this document does not contain personal
13 information.

14 By: /s/ Brett Kandt
15 Brett Kandt (Bar No. 5384)
16 General Counsel
17 Peter K. Keegan (Bar. No. 12237)
18 General Counsel
19 Gregory Zunino (Bar No. 4805)
20 General Counsel
21 *Attorneys for Respondent/Defendant*
22
23
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28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Nevada State Board of Pharmacy, and that on
3 this 15th day of February 2023, I served a true and correct copy of the foregoing document
4 by electronic service though the Court’s electronic filing system to the following:

5 Sadmira Ramic, Esq.
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7 Sophia Romero, Esq.
8 American Civil Liberties Union of Nevada
9 601 South Rancho Drive, Suite B-11
10 Las Vegas, NV 89106
11 Email: ramic@aclunv.org
peterston@aclunv.org
romero@aclunv.org
Attorneys for Petitioners/Plaintiffs

12 */s/ Brett Kandt*
13 BRETT KANDT
14 General Counsel
15 Nevada State Board of Pharmacy
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CASE SUMMARY
CASE NO. A-22-851232-W

Cannabis Equity and Inclusion Community, Plaintiff(s) §
 vs. §
Nevada ex reL. Board of Pharmacy, Defendant(s) §

Location: **Department 15**
 Judicial Officer: **Hardy, Joe**
 Filed on: **04/15/2022**
 Case Number History:
 Cross-Reference Case **A851232**
 Number:
 Supreme Court No.: **85756**

CASE INFORMATION

Statistical Closures
 10/26/2022 Summary Judgment

Case Type: **Writ of Mandamus**
 Case Status: **10/26/2022 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-851232-W
 Court Department 15
 Date Assigned 04/26/2022
 Judicial Officer Hardy, Joe

PARTY INFORMATION

Plaintiff

Cannabis Equity and Inclusion Community

Lead Attorneys

Ramic, Sadmira
Retained
 702-830-9205(W)

Poole, Antoine

Ramic, Sadmira
Retained
 702-830-9205(W)

Defendant

Nevada ex reL. Board of Pharmacy

Kandt, William B.
Retained
 000000000(W)


DATE

EVENTS & ORDERS OF THE COURT


INDEX

EVENTS


04/15/2022

 Petition for Writ of Mandamus
 Filed by: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[1] Petition for Writ of Mandamus to Compel the Nevada State Board of Pharmacy to Remove Cannabis and Other Cannabis Derivatives from Nevada Administrative Code 453.510 as Schedule I Substances and Complaint for Declaratory and Injunctive Relief

04/15/2022

 Petition for Writ of Mandamus
 Filed by: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[2] Petition for Writ of Mandamus to Compel the Nevada State Board of Pharmacy to Remove Cannabis and Other Cannabis Derivatives from Nevada Administrative Code 453.510 as Schedule I Substances and Complaint for Declaratory and Injunctive Relief

04/18/2022

 Initial Appearance Fee Disclosure
 Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[3] Initial Appearance Fee Disclosure

04/20/2022

 Clerk's Notice of Hearing

CASE SUMMARY
CASE NO. A-22-851232-W

[4] Notice of Hearing

04/20/2022



Summons Electronically Issued - Service Pending

Party: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine

[5] Summons

04/25/2022



Peremptory Challenge

Filed by: Defendant Nevada ex reL. Board of Pharmacy

[6] Peremptory Challenge - A-22-851232-W

04/26/2022



Notice of Department Reassignment

[7] Notice of Department Reassignment

05/05/2022



Declaration

Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine

[8] Declaration of Service

05/10/2022



Notice of Telephonic Hearing

Filed by: Defendant Nevada ex reL. Board of Pharmacy

[9] NOTICE OF INTENT TO APPEAR BY TELEPHONIC TRANSMISSION EQUIPMENT - A-22-851232-W

05/23/2022



Summons Electronically Issued - Service Pending

Party: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine

[10] Summons

05/24/2022



Summons

Filed by: Plaintiff Cannabis Equity and Inclusion Community

[11] Served Summons

06/01/2022



Stipulation and Order

[12] First Stipulation and Proposed Order Setting Briefing Schedule

06/07/2022



Motion to Dismiss

Filed By: Defendant Nevada ex reL. Board of Pharmacy

[13] Respondent/Defendants Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim

06/07/2022



Clerk's Notice of Hearing

[14] Notice of Hearing

06/21/2022



Opposition to Motion to Dismiss

Filed By: Plaintiff Cannabis Equity and Inclusion Community

[15] Petitioners'/Plaintiffs' Opposition to Respondent's/Defendant's Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim

07/05/2022



Reply Points and Authorities

Filed by: Defendant Nevada ex reL. Board of Pharmacy

[16] RESPONDENT/DEFENDANTS REPLY MEMORANDUM OF POINTS AND AUTHORTIES ON MOTION TO DISMISS FOR LACK OF JURISDICTION AND FAILURE TO STATE A CLAIM

07/12/2022



Media Request and Order

[17] Media Request and Order Allowing Camera Access to Court Proceedings


CASE SUMMARY
CASE NO. A-22-851232-W

- 07/12/2022  Media Request and Order
[18] Media Request and Order Allowing Camera Access to Court Proceedings
- 07/12/2022  Media Request and Order
[19] Media Request and Order Allowing Camera Access to Court Proceedings
- 07/13/2022  Media Request and Order
[20] Media Request and Order Allowing Camera Access to Court Proceedings
- 07/26/2022  Clerk's Notice of Nonconforming Document
[21] Clerk's Notice of Nonconforming Document
- 07/26/2022  Order Denying Motion
Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[22] Order Denying Respondents/Defendant s Motion to Dismiss for Lack of Standing and Failure to State a Claim
- 07/27/2022  Notice of Entry of Order
Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[23] Notice of Entry of Order
- 08/10/2022  Answering Brief
Filed By: Defendant Nevada ex reL. Board of Pharmacy
[24] Respondent/Defendants Answer to Petitioners/Plaintiffs Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief
- 08/17/2022  Reply
Filed by: Plaintiff Cannabis Equity and Inclusion Community
[25] Plaintiffs' Reply to Defendants' Answer to Plaintiffs' Petition for Writ of Mandamus
- 08/25/2022  Stipulation and Order
[26] Stipulation and Order Setting Hearing Schedule
- 09/21/2022  Court Recorders Invoice for Transcript
[27] Recording fee Petition for Writ of Mandamus September 14, 2022
- 10/26/2022  Order
[28] Judgment and Order Granting Petition for Writ of Mandamus and Request for Declaratory Relief
- 10/26/2022  Notice of Entry of Order
[29] Notice of Entry of Order
- 11/10/2022  Recorders Transcript of Hearing
[30] Recorder's Transcript of Hearing: Petition for Writ of Mandamus September 14, 2022
- 11/16/2022  Motion for Attorney Fees and Costs
Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[31] Motion for Attorney Fees and Costs
- 11/16/2022  Memorandum of Costs and Disbursements
Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine


CASE SUMMARY
CASE NO. A-22-851232-W

[32] Memorandum of Costs and Disbursements


11/19/2022

 Clerk's Notice of Hearing
[33] Notice of Hearing

11/23/2022

 Notice of Appeal
Filed By: Defendant Nevada ex reL. Board of Pharmacy
[34] Notice of Appeal


11/23/2022

 Case Appeal Statement
Filed By: Defendant Nevada ex reL. Board of Pharmacy
[35] Case Appeal Statement


11/23/2022

 Opposition
Filed By: Defendant Nevada ex reL. Board of Pharmacy
[36] Respondent/Defendants Opposition to Petitioners Motion for Attorney Fees and Costs

11/23/2022

 Motion to Stay
Filed By: Defendant Nevada ex reL. Board of Pharmacy
[37] Respondent/Defendants Motion to Stay Judgment and Order Pending Appeal


11/30/2022

 Clerk's Notice of Hearing
Party: Defendant Nevada ex reL. Board of Pharmacy
[38] Notice of Hearing


12/06/2022

 Stipulation and Order
Filed by: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[39] Stipulation and Order to Continue Scheduled Hearing


12/07/2022

 Opposition to Motion
Filed By: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[40] Opposition to Respondent's/Defendant's Motion to Stay Judgment and Order Pending Appeal


12/30/2022

 Reply Points and Authorities
Filed by: Defendant Nevada ex reL. Board of Pharmacy
[41] RESPONDENT/DEFENDANTS REPLY MEMORANDUM OF POINTS AND AUTHORTIES ON MOTION TO STAY JUDGMENT AND ORDER PENDING APPEAL


12/31/2022

 Reply
Filed by: Plaintiff Cannabis Equity and Inclusion Community; Plaintiff Poole, Antoine
[42] Petitioners'/Plaintiffs' Reply to Respondent's/Defendant's Opposition to Petitioners' Motion for Attorney Fees and Costs


01/23/2023

 Request
Filed by: Defendant Nevada ex reL. Board of Pharmacy
[43] Request for Transcripts of Proceedings


01/27/2023


 Court Recorders Invoice for Transcript
[44]


01/31/2023


 Recorders Transcript of Hearing
[45] Recorders Transcript of Hearing Re:


CASE SUMMARY
CASE NO. A-22-851232-W

- 01/31/2023  **Recorders Transcript of Hearing**
[46] Recorders Transcript of Hearing Re:

- 02/08/2023  **Order Denying Motion**
[47] Order Denying Respondent's/Defendant's Motion to Stay Judgment and Order Pending Appeal

- 02/08/2023  **Order Granting Motion**
[48] Order Granting Petitioners' Motion for Attorney Fees and Costs


- 02/15/2023  **Notice of Appeal**
 Filed By: Defendant Nevada ex reL. Board of Pharmacy
[49] Notice of Appeal


- 02/15/2023  **Case Appeal Statement**
 Filed By: Defendant Nevada ex reL. Board of Pharmacy
[50] Case Appeal Statement


DISPOSITIONS

- 02/08/2023 **Order** (Judicial Officer: Hardy, Joe)
 Debtors: Nevada ex reL. Board of Pharmacy (Defendant)
 Creditors: Cannabis Equity and Inclusion Community (Plaintiff), Antoine Poole (Plaintiff)
 Judgment: 02/08/2023, Docketed: 02/09/2023
 Total Judgment: 48,147.38

HEARINGS

- 05/19/2022  **Minute Order** (3:00 AM) (Judicial Officer: Hardy, Joe)
 Minute Order - No Hearing Held;
 Journal Entry Details:
COURT ORDERED Monday's hearing will be a status check to set a briefing schedule rather than arguments on the merits. CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jessica Mason, to all registered parties for Odyssey File & Serve.//jm;

- 05/23/2022  **Petition for Writ of Mandamus** (9:00 AM) (Judicial Officer: Hardy, Joe)
Petition for Writ of Mandamus to Compel the Nevada State Board of Pharmacy to Remove Cannabis and Other Cannabis Derivatives from Nevada Administrative Code 453.510 as Schedule I Substances and Complaint for Declaratory and Injunctive Relief
 Continued;
 Journal Entry Details:
The Court noted it just received the case and inquired if parties would like a briefing schedule. Court welcomes input. Ms. Ramic requested to set a briefing schedule. Mr. Keegan advised not to set a briefing schedule yet, noting services has not been effectuated on the Attorney Generals office yet and is required. The Court inquired if the state of Nevada has already appeared. Mr. Keegan advised other than the Peremptory challenge, he did not believe it had. Court noted it did not plan on ordering such but finds a good faith meet an confer necessary. COURT ORDERED parties meet and confer as to service, waiver of service, and scheduling of a briefing schedule within the next two weeks. COURT NOTED if parties are able to figure it out, to submit a stipulation and order to the Court, and the following hearing will be vacated. CONTINUED TO: 6/6/2022 09:00 AM;


- 07/13/2022  **Motion to Dismiss** (9:00 AM) (Judicial Officer: Hardy, Joe)
Respondent/Defendants Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim
 Denied Without Prejudice;
 Journal Entry Details:
Arguments by counsel regarding the merits of the motion. COURT STATED It's FINDINGS, and ORDERED, motion to dismiss DENIED WITHOUT PREJUDICE; argument regarding

EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY
CASE NO. A-22-851232-W

Plaintiff's request for Temporary Restraining Order (TRO) was not set forth in the briefing, and as such, the Court will not issue a TRO. Plaintiff counsel to prepare the order and circulate to opposing counsel for review. Colloquy regarding brief scheduling filed 06/01/22. COURT FURTHER ORDERED, matter SET for a Status Check in Chambers for order entry. 07/27/2022 STATUS CHECK (CHAMBERS);

07/27/2022 **CANCELED Status Check** (3:00 AM) (Judicial Officer: Hardy, Joe)
*Vacated
Status Check - Submission of Order*


09/14/2022  **Petition for Writ of Mandamus** (9:00 AM) (Judicial Officer: Hardy, Joe)
08/31/2022 Continued to 09/14/2022 - Stipulation and Order - Cannabis Equity and Inclusion Community; Nevada ex reL. Board of Pharmacy; Poole, Antoine

Granted in Part;
Journal Entry Details:
Arguments by counsel regarding the merits of and oppositions to the Petition for Writ Mandamus. Court FINDS Petitioner has standing in bringing the petition forward. Court stated its' findings and ORDERED, Petition for Writ Mandamus and Request for Declaratory Relief GRANTED IN PART. Petition GRANTED with respects to Cannabis, Cannabis cannot be identified and/or categorized as a Schedule 1 controlled substance as it conflicts with Nevada Constitution Article 4 subsection 38; and the Nevada Board of Pharmacy is to remove Cannabis from the Schedule 1 substance list. Mr. Peterson to prepare the Order. Court RESERVES its' ruling on the Petition regarding whether the Nevada Board of Pharmacy has the authority to regulate Cannabis or designate it as any other scheduled controlled substance. Court DIRECTED counsel to prepare proposed Orders and include their arguments on the matter in their respective Orders; Court will review the proposed Orders and issue its' ruling. CLERK'S NOTE: Minute Order prepared by Nicole Cejas via listening to JAVS recording. /nc 12/9/2022;

10/17/2022  **Decision** (3:00 AM) (Judicial Officer: Hardy, Joe)
*Decision on "authority to regulate"
Minute Order - No Hearing Held;
Journal Entry Details:
The Court has received competing orders from the parties and will issue the final order.;*

01/09/2023 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Motion for Attorney Fees and Costs
12/20/2022 Continued to 01/09/2023 - Stipulation and Order - Cannabis Equity and Inclusion Community; Nevada ex reL. Board of Pharmacy; Poole, Antoine*
Granted;

01/09/2023 **Motion to Stay** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Respondent/Defendants Motion to Stay Judgment and Order Pending Appeal
Denied;*

01/09/2023  **All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Matter Heard;
Journal Entry Details:
ALL PENDING MOTIONS...RESPONDENT/DEFENDANT'S MOTION TO STAY JUDGMENT AND ORDER PENDING APPEAL...MOTION FOR ATTORNEY FEES AND COSTS Mr. Kandt presented argument in support of the Motion to Stay. Ms. Ramic responded in opposition. Mr. Kandt presented rebuttal argument. COURT ORDERED, Motion to Stay DENIED for all the reasons stated in the Opposition. Mr. Peterson presented argument in support of the Motion for Attorney Fees and Costs. Mr. Kandt responded in opposition. Mr. Peterson presented rebuttal argument. COURT ORDERED, Motion for Attorneys Fees and Costs GRANTED for all the reasons set forth in the Motion and Reply. COURT NOTED although the statute does not specify that Attorney's Fees and Costs are considered damages, it appears that in related cases, attorneys's fees and costs were included. COURT DIRECTED Ms. Ramic to prepare the Order for both motions and submit it to Mr. Kandt for review and approval, then to the Court.;*

DATE

FINANCIAL INFORMATION

CASE SUMMARY

CASE NO. A-22-851232-W

Defendant Nevada ex reL. Board of Pharmacy	
Total Charges	658.00
Total Payments and Credits	658.00
Balance Due as of 2/16/2023	0.00
Plaintiff Cannabis Equity and Inclusion Community	
Total Charges	300.00
Total Payments and Credits	300.00
Balance Due as of 2/16/2023	0.00

DISTRICT COURT CIVIL COVER SHEET

CASE NO: A-22-851232-W
Department 32

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Cannabis Equity and Inclusion Community, 601 S. Rancho Dr., Ste B-11, Las Vegas, NV 89106, 702.366.1226	State of Nevada ex rel. Board of Pharmacy
Antoine Poole, 601 S. Rancho Dr., Ste B-11, Las Vegas, NV 89106, 702.366.1226	1050 East Flamingo Road, Suite E-217, Las Vegas, Nevada 89119, 702.486.6420
	985 Damonte Ranch Parkway, Suite 206, Reno, Nevada 89521, 775.850.1440
Attorney (name/address/phone):	Attorney (name/address/phone):
Sadmira Ramic, 601 S. Rancho Dr., Ste B-11, Las Vegas, NV 89106, 702.366.1226	Nevada Attorney General's Office
Christopher Peterson, 601 S. Rancho Dr., Ste B-11, Las Vegas, NV 89106, 702.366.1226	555 East Washington Avenue, Suite 3900, Las Vegas, Nevada 89101
Sophia Romero, 601 S. Rancho Dr., Ste B-11, Las Vegas, NV 89106, 702.366.1226	702.486.3420

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

<p>Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p>Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p>Probate</p> <p><i>Probate (select case type and estate value)</i></p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-20,000 <input type="checkbox"/> \$2,500 or less	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract
<p>Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input checked="" type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<p>Other Civil Filing</p> <p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

4/15/2022

Date



Signature of initiating party or representative

See other side for family-related case filings.

ORDR

SADMIRA RAMIC, ESQ.
Nevada Bar No.: 15984
CHRISTOPHER M. PETERSON, ESQ.
Nevada Bar No.: 13932
SOPHIA A. ROMERO, ESQ.
Nevada Bar No.: 12446
**AMERICAN CIVIL LIBERTIES
UNION OF NEVADA**
601 South Rancho Drive, Suite B-11
Las Vegas, NV 89106
Telephone: (702) 366-1226
Facsimile: (702) 830-9205
Email: ramic@aclunv.org
Attorneys for Petitioners/Plaintiffs

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CANNABIS EQUITY AND INCLUSION
COMMUNITY (CEIC), a domestic nonprofit
corporation; ANTOINE POOLE, an individual,

Petitioners/Plaintiffs,

vs.

STATE OF NEVADA ex rel. BOARD OF
PHARMACY, a public entity of the State of
Nevada,

Respondent/Defendant.

Case No.: A-22-851232-W

Department: 15

**ORDER GRANTING
PETITIONERS' MOTION FOR
ATTORNEY FEES AND COSTS**

This matter having come before this court on January 9, 2023, on Petitioners' Motion for Attorney's Fees and Costs; Sadmira Ramic, Esq., and Christopher Peterson, Esq., of the American Civil Liberties Union of Nevada, appearing on behalf of Petitioners/Plaintiffs, Cannabis Equity and Inclusion Community (CEIC) and Antoine Poole; Brett Kandt, Esq., and Peter Keegan, Esq., of the Nevada Board of Pharmacy appearing on behalf of the State of Nevada; the Court having reviewed the papers and pleadings on file herein, having heard the oral arguments of counsel, and with good cause appearing, the Court hereby finds, concludes, and orders as follows.

1 **FINDING OF FACT**

2 On April 15, 2022, Petitioners filed their petition for writ of mandamus, in which
3 Petitioners requested that the Court prevent the Nevada Board of Pharmacy from (1) scheduling
4 cannabis as a Schedule I substance in violation of the Nevada Constitution and (2) cease regulating
5 cannabis as, following the passage of NRS Title 56, cannabis now falls outside the Board’s
6 authority. Petitioners also requested an award of reasonable attorney fees and costs incurred in this
7 action. As required under Nevada law, Petitioners served the petition on the Board of Pharmacy
8 and the Attorney General for the State of Nevada.

9 On October 26, 2022, this Court found that the Board’s regulation of cannabis as a
10 Schedule I substance violated the Nevada Constitution and that the Board did not have the
11 authority to regulate substances regulated pursuant the NRS Title 56, which necessarily included
12 cannabis, effectively granting Petitioner’s petition.

13 Regarding attorney fees and costs, during the course of this litigation, counsel for
14 Petitioner:

- 15 • Researched, drafted, and filed Petitioner’s petition for writ of mandamus and replied to the
16 Respondent’s answer;
- 17 • Researched, drafted, and filed Petitioner’s Opposition to Respondent’s Motion to Dismiss;
- 18 • Researched, drafted, and submitted proposed orders based on the Court’s rulings on the
19 Respondent’s Motion to Dismiss and Petitioner’s petition while engaging in necessary
20 correspondence with opposing counsel; and
- 21 • Attended three separate court hearings related to the petition.

22 The value of these services as of November 16, 2022, was \$47,463.18. Petitioners had spent
23 \$684.20 in other costs as of that date.

24 On November 16, 2022, Petitioners filed a Motion for Attorney Fees and Costs requesting
25 \$47,463.18 in attorney fees and \$684.20 in other costs. Petitioners filed the necessary affidavits
26 and documentation to support their request. On November 23, 2022, Respondent/Defendant
27 Nevada Board of Pharmacy (hereafter “the Board”) filed its opposition to Petitioners Motion for

1 Attorney Fees and Costs. On December 31, 2022, Petitioners filed a reply to the opposition. A
2 hearing on the matter was held on January 9, 2023.

3 As necessary, this order incorporates by reference the factual findings of the Judgment and
4 Order Granting Petition for Writ of Mandamus and Request for Declaratory Relief issued by the
5 Court on October 26, 2022.

6 **CONCLUSIONS OF LAW REGARDING IMMEDIATE RULING**

7 Pursuant to their Motion for Attorney Fees and Costs, Petitioners requested that this Court
8 award \$47,463.18 in attorney fees and \$684.20 in other costs. The Board objected to Petitioners’
9 request for attorney fees, arguing that Petitioners were not entitled to attorney fees as either a “cost
10 of litigation” or as special damages. The Board did not dispute ((1) the factual basis for Petitioners’
11 request for attorney fees or other costs, or (2) Petitioners’ application of the factors described in
12 *Brunzell v. Golden Gate Nat’l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

13 **I. NRS 34.270 authorizes the recovery of attorney fees.**

14 Under Nevada law, “[a]ttorney fees may be awarded as either (1) fees as a cost of litigation
15 or (2) fees as an element of damages.” *Mitchell v. Nype*, No. 80693, 2022 Nev. Unpub. LEXIS 694
16 *7 (Sept. 23, 2022)(unpublished)(citing *Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass’n*,
17 117 Nev. 948, 955, 35 P.3d 964, 968–69 (2001)). A party can recover attorney fees as a litigation
18 cost if recovery is “authorized by statute, rule, or agreement”. *Pardee Homes v. Wolfram*, 135 Nev.
19 Adv. Rep. 22, 444 P.3d 423, 426 (2019). Petitioners argue that (1) NRS 34.270 applies to this
20 matter and authorizes the recovery of attorney fees or, in the alternative, (2) they may recover
21 attorney fees as special damages. As this Court finds it has the authority to award attorney fees
22 pursuant to NRS 34.270, it does not reach the issue of special damages.

23 NRS 34.270 states that when a judgment is issued in favor of a petitioner that has applied
24 for a petition for writ of mandamus, the “applicant” is entitled to “recover the damages which the
25 applicant shall have sustained as found by the jury, or as determined by the court or master, upon
26 a reference to be ordered, together with costs.” NRS 34.270 does not explicitly use the term
27 “attorney fees,” and the Nevada Supreme Court has never directly determined whether NRS

1 34.270 includes the recovery of attorney fees. While the dicta of *Gulbranson v. Sparks*, 89 Nev 93
2 (1973), suggests that the district court in that matter may have granted an award of attorney fees
3 pursuant to NRS 34.270, the issue as to whether that award was proper did not come before the
4 Court.

5 Nevada has, however, recognized that analogous Nevada statutes, rules, and agreements
6 authorizing the recovery of damages and costs without explicitly using the term “attorney fees”
7 also authorize the recovery of attorney fees. and neighboring states with provisions either identical
8 to NRS 34.270 or practically identical recognize the recovery of attorney fees under those statutes.
9 Nevada recognizes that NRCP 65(c)¹ and NRS 17.130(1)² both allow for the recovery related to
10 attorney fees without explicitly including the term “attorney fees” in their provisions. *Sandy Valley*
11 *Assocs. v. Sky Ranch Estates Owners Ass’n*, 117 Nev. 948, 968–69 n.6 (2001) (“The following
12 cases involved the award of attorney fees as a cost of litigation pursuant to a rule, statute or
13 agreement” and “[a]ny language suggesting the fees were awarded as damages is hereby
14 disapproved.”) (citing *Artistic Hairdressers, Inc. v. Levy*, 87 Nev. 313, 486 P.2d 482 (1971)
15 (granting attorney fees pursuant to NRCP 65(c)); *Waddle v. L.V.R.V.*, 122 Nev. 15, 26 – 27 (2006)
16 (determining that term “any debt, damages or costs” as used in NRS 17.130(1) included attorney
17 fees in the context of the award of post-judgment interest awards even though the term “attorney
18 fees” did not appear in that statute). In the context of agreements, Nevada granted attorney fees as
19 a cost of litigation based upon contractual provisions that only guaranteed reimbursement for
20 “damage to and loss of equipment for any cause” and “loss, damage, liability, cost of expense, of
21

22 ¹ “Security. The court may issue a preliminary injunction or a temporary restraining order only if
23 the movant gives security in an amount that the court considers proper to pay the costs and damages
24 sustained by any party found to have been wrongfully enjoined or restrained. The State, its officers,
and its agencies are not required to give security.” NRCP 65(c).

25 ² “In all judgments and decrees, rendered by any court of justice, for any debt, damages or costs,
26 and in all executions issued thereon, the amount must be computed, as near as may be, in dollars
27 and cents, rejecting smaller fractions, and no judgment, or other proceedings, may be considered
erroneous for that omission.” NRS 17.130(1).

1 whatsoever nature or cause, arising out of [defendant]’s use or possession of equipment.” *See*
2 *James Hardie Gypsum, Inc. v. Inquipco*, 112 Nev. 1397, 1405–07 (1996) (cited by *Sandy Valley*
3 *Assocs.*, 117 Nev. at 968–69 n.6). Finally, states neighboring Nevada, in reviewing statutes
4 identical to NRS 34.270, have found that such provisions include the recovery of attorney fees
5 despite not explicitly using the language “attorney fees”. *See Kadillak v. Anaconda Co.*, 184 Mont.
6 127, 144, 602 P.2d 147, 157 (1979) (holding that Mont. Code. Ann. § 27-26-4023 allowed for the
7 recovery of attorney fees); *Colorado Dev. Co. v. Creer*, 96 Utah 1, 17–18 (1938) (determining that
8 Utah Code Ann. § 78B-6-6094 included the recovery of attorney fees if supported by sufficient
9 evidence). By comparison, the Board fails to offer any instances where a Nevada statutory
10 provisions analogous to NRS 34.270 did not authorize the recovery of attorney fees or explain why
11 NRS 34.270 should be treated differently than its counterparts in Montana or Utah.

12 Considering that statutes, rules, and agreements with language analogous to NRS 34.270
13 as well as statutes practically identical to NRS 34.270 from neighboring statutes have authorized
14 the recovery of attorney fees, this Court finds that Petitioners may recover attorney fees pursuant
15 to NRS 34.270 as a cost of litigation.

16 The Court finds that NRS 34.270 authorizes this Court to grant an award of attorney fees.
17 The Court grants the Petitioners’ request of \$47,463.18. As the Court grants the Petitioners’ request
18 for attorney fees pursuant to NRS 34.270, it is unnecessary for this Court to determine whether
19 Petitioners are entitled to attorney fees as special damages. However, this Court does find that the
20 positions taken by the Board prior to and during the course of litigation in this matter were made
21 in good faith.

22 **II. Application of the *Brunzell* factors to Petitioners’ request for attorney fees**

23 While the Board did not dispute the Petitioners’ application of *Brunzell* to this matter, this
24 Court is required to apply the factors prescribed by *Brunzell* in determining an award of attorney
25 fees. *Gunderson v. D.R. Horton, Inc.*, 130 Nev. 67, 82 (2014) (finding that the district court abused
26 its discretion when it failed to apply the *Brunzell* factors in ordering an award of attorney fees). In
27 evaluating an award of attorney fees, this Court must consider “(1) *the qualities of the advocate:*

1 his ability, his training, education, experience, professional standing and skill; (2) *the character of*
2 *the work to be done*: its difficulty, its intricacy, its importance, time and skill required, the
3 responsibility imposed and the prominence and character of the parties where they affect the
4 importance of the litigation; (3) *the work actually performed by the lawyer*: the skill, time and
5 attention given to the work; (4) *the result*: whether the attorney was successful and what benefits
6 were derived.” *Brunzell*, 85 Nev. at 349, 455 P.2d at 33.

7 Petitioners are requesting the following fee rates for the attorneys that worked on this
8 matter:

- 9 • \$388 per hour prior to October 1, 2022, and \$400 per hour after October 1, 2022, for
10 Christopher Peterson;
- 11 • \$388 per hour for Sophia Romero;
- 12 • \$369 per hour for Sadmira Ramic.

13 Applying the *Brunzell* factors, these rates first reflect the qualities of the advocates involved in this
14 case. As attorneys for the ACLU of Nevada, all three attorneys specialize in constitutional law
15 issues. The difference in fee rates reflects each attorneys’ experience as an attorney in general and
16 their specific talents, which were reflected in affidavits attached to Petitioners’ Motion for
17 Attorney Fees and Costs. Second, the work here was particularly challenging in that it required an
18 understanding of constitutional law related to cannabis, the limits of agency delegation, and the
19 interplay between criminal law and executive agency rule-making authority. The issues in this
20 matter were also important in that they had a state-wide impact, the regulation of an emerging
21 market here in Nevada, and long-standing legal inconsistencies. Third, the attorneys have billed
22 for services actually performed and necessary to this matter, primarily for researching, drafting,
23 and arguing filings that ultimately determined the outcome of this matter, as reflected in the records
24 offered to this Court in exhibits attached to Petitioners’ Motion for Attorney Fees and Costs.
25 Finally, the Petitioners were successful in achieving all objectives stated in their original petition
26 for writ of mandamus.

ORDER

THEREFORE, IT IS HEREBY ORDERED:

1. Attorney fees are recoverable pursuant to NRS 34.270 as a cost of litigation.
2. Petitioners are entitled to their attorney fees as a cost of litigation pursuant to NRS 34.270 as they applied for a writ of mandamus, and this Court granted judgment in their favor.
3. As it is undisputed by the parties, Petitioners are entitled to recover their requested costs other than attorney fees pursuant the NRS 34.270.
4. As Petitioner’s application of the *Brunzell* factors is undisputed by the parties, Petitioners shall be awarded their attorney fees incurred prior to November 16, 2022, in the amount of \$47,463.18.
5. Petitioners shall be awarded their other costs incurred prior to November 16, 2022, in the amount of \$684.20.
6. Pursuant to the foregoing, in total, the Petitioners are hereby awarded \$48,147.38 in reasonable attorney fees and other costs.

Dated this 8th day of February, 2023

~~IT IS SO ORDERED this ___ day of January 2023.~~



HONORABLE JUDGE JOE HARDY JR.

Respectfully submitted by:

Approved as to form and content by:

**AMERICAN CIVIL LIBERTIES
UNION OF NEVADA**

**Joe Hardy
District Court Judge
NEVADA BOARD OF PHARMACY**

/s/ Christopher Peterson
SADMIRA RAMIC, ESQ.
Nevada Bar No. 15984
CHRISTOPHER M. PETERSON, ESQ.
Nevada Bar No. 13932
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/s/ Peter K. Keegan
BRETT KANDT, ESQ.
Nevada Bar No. 5384
General Counsel
PETER K. KEEGAN
Nevada Bar No. 12237
Assistant General Counsel
Attorneys for Respondent/Defendant

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Cannabis Equity and Inclusion
7 Community, Plaintiff(s)

CASE NO: A-22-851232-W

8 vs.

DEPT. NO. Department 15

9 Nevada ex reL. Board of
10 Pharmacy, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
15 system to all recipients registered for e-Service on the above entitled case as listed below:

16 Service Date: 2/8/2023

17 Luke Rath

lrath@ag.nv.gov

18 Emily Bordelove

ebordelove@ag.nv.gov

19 Peter Keegan

p.keegan@pharmacy.nv.gov

20 William Kandt

bkandt@pharmacy.nv.gov

21 Sadmira Ramic

ramic@aclunv.org

22 Christopher Peterson

peterson@aclunv.org

23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

May 19, 2022

A-22-851232-W Cannabis Equity and Inclusion Community, Plaintiff(s)
vs.
Nevada ex reL. Board of Pharmacy, Defendant(s)

May 19, 2022

3:00 AM

Minute Order

HEARD BY: Hardy, Joe

COURTROOM: Chambers

COURT CLERK: Jessica Mason

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED Monday's hearing will be a status check to set a briefing schedule rather than arguments on the merits.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jessica Mason, to all registered parties for Odyssey File & Serve.//jm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

May 23, 2022

A-22-851232-W Cannabis Equity and Inclusion Community, Plaintiff(s)
vs.
Nevada ex reL. Board of Pharmacy, Defendant(s)

May 23, 2022 9:00 AM Petition for Writ of Mandamus

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Keegan, Peter K Attorney
Peterson, Christopher Attorney
Ramic, Sadmira Attorney

JOURNAL ENTRIES

- The Court noted it just received the case and inquired if parties would like a briefing schedule. Court welcomes input. Ms. Ramic requested to set a briefing schedule. Mr. Keegan advised not to set a briefing schedule yet, noting services has not been effectuated on the Attorney Generals office yet and is required. The Court inquired if the state of Nevada has already appeared. Mr. Keegan advised other than the Peremptory challenge, he did not believe it had. Court noted it did not plan on ordering such but finds a good faith meet an confer necessary. COURT ORDERED parties meet and confer as to service, waiver of service, and scheduling of a briefing schedule within the next two weeks. COURT NOTED if parties are able to figure it out, to submit a stipulation and order to the Court, and the following hearing will be vacated.

CONTINUED TO: 6/6/2022 09:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

July 13, 2022

A-22-851232-W Cannabis Equity and Inclusion Community, Plaintiff(s)
vs.
Nevada ex reL. Board of Pharmacy, Defendant(s)

July 13, 2022 9:00 AM Motion to Dismiss

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Sandra Matute

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Kandt, William B. Attorney
 Ramic, Sadmira Attorney
 Romero, Sophia A. Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of the motion. COURT STATED It's FINDINGS, and ORDERED, motion to dismiss DENIED WITHOUT PREJUDICE; argument regarding Plaintiff's request for Temporary Restraining Order (TRO) was not set forth in the briefing, and as such, the Court will not issue a TRO. Plaintiff counsel to prepare the order and circulate to opposing counsel for review. Colloquy regarding brief scheduling filed 06/01/22. COURT FURTHER ORDERED, matter SET for a Status Check in Chambers for order entry.

07/27/2022 STATUS CHECK (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Mandamus

COURT MINUTES

September 14, 2022

A-22-851232-W Cannabis Equity and Inclusion Community, Plaintiff(s)
vs.
Nevada ex reL. Board of Pharmacy, Defendant(s)

September 14, 2022 9:00 AM Petition for Writ of
Mandamus

HEARD BY: Hardy, Joe COURTROOM: RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Nancy Maldonado

REPORTER:

PARTIES

PRESENT: Kandt, William B. Attorney
Keegan, Peter K Attorney
Peterson, Christopher Attorney
Romero, Sophia A. Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of and oppositions to the Petition for Writ Mandamus. Court FINDS Petitioner has standing in bringing the petition forward. Court stated its' findings and ORDERED, Petition for Writ Mandamus and Request for Declaratory Relief GRANTED IN PART. Petition GRANTED with respects to Cannabis, Cannabis cannot be identified and/or categorized as a Schedule 1 controlled substance as it conflicts with Nevada Constitution Article 4 subsection 38; and the Nevada Board of Pharmacy is to remove Cannabis from the Schedule 1 substance list. Mr. Peterson to prepare the Order.

Court RESERVES its' ruling on the Petition regarding whether the Nevada Board of Pharmacy has the authority to regulate Cannabis or designate it as any other scheduled controlled substance. Court DIRECTED counsel to prepare proposed Orders and include their arguments on the matter in their respective Orders; Court will review the proposed Orders and issue its' ruling.

CLERK'S NOTE: Minute Order prepared by Nicole Cejas via listening to JAVS recording. /nc

A-22-851232-W

12/9/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

October 17, 2022

A-22-851232-W Cannabis Equity and Inclusion Community, Plaintiff(s)
vs.
Nevada ex reL. Board of Pharmacy, Defendant(s)

October 17, 2022 3:00 AM Decision

HEARD BY: Hardy, Joe **COURTROOM:** Chambers

COURT CLERK: Jessica Mason

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has received competing orders from the parties and will issue the final order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

January 09, 2023

A-22-851232-W Cannabis Equity and Inclusion Community, Plaintiff(s)
vs.
Nevada ex reL. Board of Pharmacy, Defendant(s)

January 09, 2023 9:00 AM All Pending Motions

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Stephanie Forte
Nancy Maldonado

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Kandt, William B. Attorney
Keegan, Peter K Attorney
Peterson, Christopher Attorney
Ramic, Sadmira Attorney

JOURNAL ENTRIES

- ALL PENDING MOTIONS...RESPONDENT/DEFENDANT'S MOTION TO STAY JUDGMENT AND ORDER PENDING APPEAL...MOTION FOR ATTORNEY FEES AND COSTS

Mr. Kandt presented argument in support of the Motion to Stay. Ms. Ramic responded in opposition. Mr. Kandt presented rebuttal argument. COURT ORDERED, Motion to Stay DENIED for all the reasons stated in the Opposition.

Mr. Peterson presented argument in support of the Motion for Attorney Fees and Costs. Mr. Kandt responded in opposition. Mr. Peterson presented rebuttal argument. COURT ORDERED, Motion for Attorneys Fees and Costs GRANTED for all the reasons set forth in the Motion and Reply. COURT NOTED although the statute does not specify that Attorney's Fees and Costs are considered damages, it appears that in related cases, attorneys's fees and costs were included.

COURT DIRECTED Ms. Ramic to prepare the Order for both motions and submit it to Mr. Kandt for

review and approval, then to the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BRETT KANDT
985 DAMONTE RANCH PKWY, SUITE 206
RENO, NV 89521

DATE: February 16, 2023
CASE: A-22-851232-W

RE CASE: CANNABIS EQUITY AND INCLUSION COMMUNITY (CEIC), a domestic nonprofit corporation;
ANTOINE POOLE, an individual vs. STATE OF NEVADA ex rel. BOARD OF PHARMACY, a public entity of the
State of Nevada

NOTICE OF APPEAL FILED: February 15, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING PETITIONER'S MOTION FOR ATTORNEY FEES AND COSTS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

CANNABIS EQUITY AND INCLUSION COMMUNITY (CEIC), a domestic nonprofit corporation; ANTOINE POOLE, an individual,

Plaintiff(s),

vs.

\STATE OF NEVADA ex rel. BOARD OF PHARMACY, a public entity of the State of Nevada,

Defendant(s),

Case No: A-22-851232-W

Dept No: XV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 16 day of February 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

