

IN THE SUPREME COURT OF THE STATE OF NEVADA

---

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

Appellant,

vs.

CANNABIS EQUITY AND  
INCLUSION COMMUNITY  
(CEIC), a domestic non-profit  
organization; and ANTOINE  
POOLE, an individual,

Respondents.

---

Electronically Filed  
Aug 14 2023 06:04 PM  
Case No.: 85756 / 86128  
Elizabeth A. Brown  
Clerk of Supreme Court

---

**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE  
AN ANSWERING BRIEF**

---

Sadmira Ramic, Esq.  
Nevada Bar No.: 15984  
Christopher M. Peterson, Esq.  
Nevada Bar No.: 13932  
**AMERICAN CIVIL  
LIBERTIES  
UNION OF NEVADA**

4362 W Cheyenne Ave.  
North Las Vegas, NV 89032  
Telephone: (702) 366-1536  
Facsimile: (702) 366-1331  
Email: [ramic@aclunv.org](mailto:ramic@aclunv.org)  
Email: [peterston@aclunv.org](mailto:peterston@aclunv.org)  
*Counsel for Respondents*

Respondents, Cannabis Equity and Inclusion Community (CEIC) and Antoine Poole, by and through their attorney, Christopher Peterson, Esq., of the American Civil Liberties Union of Nevada, Inc., hereby submit this Motion for Extension of Time to File a Response to Appellant's Opening Brief.

This motion is based upon the papers and pleadings on file herein and the following Declaration of Christopher Peterson.

DATED this 14<sup>th</sup> day of August, 2023.

Respectfully submitted:

**AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA**

/s/ Christopher Peterson  
Christopher Peterson, Esq. (13932)  
4362 W Cheyenne Ave.  
North Las Vegas, NV 89032  
Telephone: (702) 366-1226  
Facsimile: (702) 366-1331  
Email: [peterson@aclunv.org](mailto:peterson@aclunv.org)  
*Counsel for Respondents*

## MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRAP 26(b)(1), “[f]or good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.”

Respondents respectfully request that the Court extend Respondents’ current deadline to respond to Appellant’s Opening Brief by 30 days to September 22, 2023. As laid out in the attached Declaration, Respondents have been diligently working on their response to the Petitioner’s Opening Brief. However, Respondents request more time to respond for a number of reasons.

First, the issues in this matter implicate three distinct areas of law: constitutional law, administrative law, and the procedures surrounding mandamus petitions. The issues raised by the appeal within these areas are largely novel to Nevada. While the parties engaged in full briefing before the District Court on all issues, Appellant has raised new substantive arguments on appeal and Respondents are requesting additional time to provide a thorough and comprehensive response.

Second, the Nevada District Attorneys Association (NDAA) has filed a motion for leave to file an amicus brief. While the request was

made after the traditional deadline for amicus briefs, Respondents recognize that NDAA have an interest in the outcome of this matter and have consented to NDAA filing an amicus brief, even while recognizing such a brief will obviously support Appellant's positions. If NDAA had filed within the deadline imposed by NRAP 29(f), Respondents would have had the opportunity to review NDAA's brief before filing their response to the Opening Brief. That was not the case. As such, Respondents are requesting additional time to ensure that Respondents' brief is filed after NDAA has filed. NDAA does not oppose this request for an extension.

Third, Respondents do have significant and active litigation occurring during the next two weeks. In *Semper et al. v. LVMPD et al.*, which is before the United States District Court of Nevada, the ACLU of Nevada represents multiple plaintiffs. That matter has a discovery deadline of September 14, 2023, and five depositions have been scheduled by opposing counsel during the week of August 21<sup>st</sup>. Additional regulatory matters related to electoral issues that may again appear before this Court at a time period in the near future and of which the ACLU of Nevada, and expressly both ACLU of Nevada attorneys who are

named counsel for the Respondents herein, are looming during this same period of time.

Based upon the aforementioned reasons, Respondents request a 30-day extension beyond the Respondent's current deadline of August 23, 2023. The new requested deadline would be September 22, 2023.

## DECLARATION OF CHRISTOPHER PETERSON

I, Christopher Peterson, declare under penalty of perjury as follows:

1. I am the Legal Director for the ACLU of Nevada.
2. I respectfully request an extension of thirty (30) days, up to and including September 22, 2023, which is necessary for me to effectively represent the Respondents' interests in this appeal proceeding.
3. This is the second request for an extension of time to respond, as Respondent previously received a 30-day extension via stipulation pursuant to NRAP 26(b)(2).
4. I attempted to contact opposing counsel about this request; they have not responded at this time.
5. I spoke with counsel for potential amicus Nevada District Attorneys Association (NDAA) Alexander Chen. He did not oppose this request for an extension.
6. While Respondents counsel have been diligently researching and drafting their response to the Appellant's Opening Brief, this extension is necessary for several reasons.
7. First, this appeal involves novel issues of law in three areas: constitutional law, administrative law, and mandamus procedures.

8. Within these areas, Appellant raises new arguments in its Opening Brief that require additional research to ensure that Respondent provide an adequate response.

9. Second, to provide an adequate response to all potential arguments in favor of the Appellant, Respondents need to review any briefs filed by amicus in support of Appellant prior to responding to Appellant's Opening Brief. As NDAA has not yet filed its brief, Respondents will need more time to review that brief when it is filed.

10. Third, Respondents have experienced an unexpected increase in workload over the last two weeks.

11. In *Semper et al. v. LVMPD et al.*, opposing counsel has waited until shortly before our scheduled discovery cut off to depose six of our seven clients over a three-week period though the matter has been in discovery for approximately three years. We are working to accommodate them, but this effort has required us to seek extensions in our other ongoing litigation. Opposing counsel provided these notices on or after August 9, 2023.

12. Attorney Sadmira Ramic and I are also in the midst of imminent deadlines related to regulatory issues surrounding voting

matters that may again appear before this court during the same period of time. While we typically receive more notice prior to changes in voting regulations, the proposed changes came up at an atypical time.

13. This request for an extension is made in good faith, and not for the purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct.

DATED August 11, 2023

/s/ Christopher Peterson  
Christopher Peterson, Esq. (13932)



## CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of August 2023, I filed and served the foregoing **RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO APPELLANT'S OPENING BRIEF** with the Clerk of the Court of the Supreme Court of Nevada. Registered parties will be served electronically.

/s/ Sadmira Ramic  
An employee of ACLU of Nevada