

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

---

THE STATE OF NEVADA BOARD  
OF PHARMACY, A PUBLIC ENTITY  
IN THE STATE OF NEVADA,

Appellant,

v.  
CANNABIS EQUITY AND  
INCLUSION COMMUNITY (CEIC),  
A DOMESTIC NONPROFIT  
CORPORATION; AND ANTOINE  
POOLE, AN INDIVIDUAL,

Respondent.

Electronically Filed  
Sep 05 2023 02:55 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 85756 c/w 86128

**MOTION FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE**

COMES NOW the Nevada District Attorneys Association, by and through counsel, Alexander Chen, respectfully requests leave to file an amicus brief in support of appellant's opening brief. *See* NRAP 29. This Motion is predicated on NRAP 29 and the following memorandum and points of authorities.

Dated this 5<sup>th</sup> day of September, 2023.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Alexander Chen*

---

ALEXANDER CHEN  
Nevada District Attorneys Association  
Nevada Bar #010539

## MEMORANDUM OF POINTS AND AUTHORITIES

The Nevada District Attorney's Association ("NDAA") is an organization comprised of 17 elected district attorneys through the State of Nevada. NDAA's mission is to share information and ideas, and to develop strategies to improve Nevada's criminal justice process. The NDAA also monitors and evaluates legislative and judicial proposals, advocating in favor of those that have a positive impact on public safety and victims' rights.

The undersigned counsel has spoken with counsel for both Appellant and Respondents. Appellant, represented by Gregory Zunino, Esq., has granted permission for NDAA to participate as amici in this matter. See Exhibit 1. Counsel for Respondents, Christopher Peterson, Esq., also has agreed to NDAA's participation and belated brief. Written e-mail correspondence between undersigned counsel and Mr. Peterson is attached for this Court's review. See Exhibit 2.

NDAA previously filed a motion for leave to participate as amicus curiae; however, it failed to include its brief along with permission of both parties. This court construed the request as a motion for extension of time and gave NDAA until September 5, 2023 to file its brief or request for additional time. NDAA now wishes to file its amicus brief for this court's consideration.

///

Dated this 5<sup>th</sup> day of September, 2023.

Respectfully submitted,

**STEVEN B. WOLFSON**  
Clark County District Attorney

BY */s/ Alexander Chen*

---

ALEXANDER CHEN  
Nevada District Attorneys Association  
Nevada Bar #010539  
Regional Justice Center  
200 Lewis Avenue  
P.O. Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on September 5, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

W. BRETT KANDT  
PETER K. KEEGAN  
GREGORY L. ZUNINO  
Counsel for Appellant

CHRISTOPHER M. PETERSON  
SADMIRA RAMIC  
SOPHIA A. ROMERO  
Counsel for Respondent

ALEXANDER CHEN  
Nevada District Attorneys Association

BY /s/ J. Hall  
Employee, District Attorney's Office

AC/jh

**EXHIBIT 1**

**EXHIBIT 1**

**From:** [Gregory Zunino](#)  
**To:** [Alexander Chen](#)  
**Subject:** RE: Order  
**Date:** Thursday, August 24, 2023 1:08:47 PM

---

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Yes, you have the Board's consent to file an amicus brief. Thank you, Alex. We appreciate your support.

Gregory L. Zunino  
Senior General Counsel  
Nevada State Board of Pharmacy  
(775) 850-1440, ext. 124

---

**From:** Alexander Chen <Alexander.Chen@clarkcountyda.com>  
**Sent:** Thursday, August 24, 2023 1:02 PM  
**To:** Gregory Zunino <zunino@pharmacy.nv.gov>  
**Subject:** RE: Order

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Gregory,

May I have consent to file an amicus brief on behalf of NDAA in the case of NV Board of Pharmacy vs. Cannabis Equity and Inclusion Community and Antione Poole (Cases 85756 and 86128)? Thank you,

Alexander Chen

---

**From:** Gregory Zunino <[zunino@pharmacy.nv.gov](mailto:zunino@pharmacy.nv.gov)>  
**Sent:** Friday, August 18, 2023 6:05 PM  
**To:** Alexander Chen <[Alexander.Chen@clarkcountyda.com](mailto:Alexander.Chen@clarkcountyda.com)>  
**Cc:** Peter Keegan <[p.keegan@pharmacy.nv.gov](mailto:p.keegan@pharmacy.nv.gov)>; Brett Kandt <[bkandt@pharmacy.nv.gov](mailto:bkandt@pharmacy.nv.gov)>  
**Subject:** Order

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Alexander, I assume that you have seen the NSC order regarding your proposed amicus brief. More or less what I was expecting. If you would like the Board's consent to file an amicus brief, please direct your request to me. I will gladly consent in writing when I receive your request. Thanks.

Gregory L. Zunino  
Senior General Counsel  
Nevada State Board of Pharmacy  
(775) 850-1440, ext. 124

**EXHIBIT 2**

**EXHIBIT 2**



**From:** [Chris Peterson](#)  
**To:** [Alexander Chen](#)  
**Subject:** RE: Request for NDAA to participate as amicus curiae  
**Date:** Thursday, August 3, 2023 10:39:40 AM

---

**CAUTION:** This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Hi Alex,

We consent to the NDAA to filing a brief in NV Board of Pharmacy vs. Cannabis Equity and Inclusion Community and Antione Poole (Cases 85756 and 86128). We would also consent to any other organizations that intend to join NDAA's brief.

Though we are aware that NDAA has passed the filing deadline imposed by NRAP 29(f), we would not oppose NDAA having an additional 30 days from today to file its amicus brief in support of the Board.

If NDAA's motion is granted, we will likely request additional time to file our opposition, but we will do so in a separate motion.

Christopher Peterson  
He/Him/His  
Legal Director  
ACLU of Nevada  
4362 W. Cheyenne Ave. | North Las Vegas, Nevada 89032  
[www.aclunv.org](http://www.aclunv.org) | [Facebook](#) | [Twitter](#)

---

**From:** Alexander Chen <Alexander.Chen@clarkcountyyda.com>  
**Sent:** Thursday, August 3, 2023 10:27 AM  
**To:** Chris Peterson <peterson@aclunv.org>  
**Subject:** Request for NDAA to participate as amicus curiae

Hi Chris,

Would you have any objection to allowing NDAA to participate as amicus curiae in the case of NV Board of Pharmacy vs. Cannabis Equity and Inclusion Community and Antione Poole (Cases 85756 and 86128)?

Based on NRAP 29, NDAA is actually past the deadline for filing an amicus brief, so would you also agree to provide us an additional 30 days for us to complete our brief?

Thank you for your consideration.

Alexander Chen