

CLERK OF THE COURT

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Tracie K. Lindeman  
Clerk of Supreme Court

1 **ASTA**

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13 *Attorneys for Nuleaf CLV Dispensary LLC*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 GB SCIENCES NEVADA, LLC, a Nevada  
17 limited liability company,

18 Plaintiff,

19 v.

20 STATE OF NEVADA, DIVISION OF  
21 PUBLIC AND BEHAVIORAL HEALTH OF  
22 THE DEPARTMENT OF HEALTH AND  
23 HUMAN SERVICES; CITY OF LAS VEGAS,  
24 a municipal corporation and political  
25 subdivision of the State of Nevada; DESERT  
26 AIRE WELLNESS, LLC, a Nevada limited  
27 liability company; NULEAF CLV  
28 DISPENSARY, LLC, a Nevada limited  
liability company; DOES 1 through 100; and  
ROE entities 1 through 100,

Defendants.

Case No.: A-14-710597-C

Dept. No.: XX

**DEFENDANT NULEAF CLV  
DISPENSARY, LLC'S NOTICE OF  
APPEAL**

22 Notice is hereby given that Nuleaf CLV Dispensary, LLC, defendant above named, appeals  
23 to the Supreme Court of Nevada from the Order Denying Defendant's Countermotion for Summary

24 ...

25 ...

26 ...

27

28

Judgment entered in this action on December 14, 2015, attached hereto as Exhibit 1, and all other orders or rulings made appealable thereby.

DATED this 2nd day of March, 2016.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice  
Todd L. Bice, Esq., Bar No. 4534  
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*Attorneys for Nuleaf CLV Dispensary LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 2nd day of March, 2016, I caused to be served a true and correct copy of the above and foregoing **DEFENDANT NULEAF CLV DISPENSARY, LLC'S NOTICE OF APPEAL** to all parties via the Court's Wiznet e-filing system:

Adam P. Laxalt, Esq.  
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Linda C. Anderson, Esq.  
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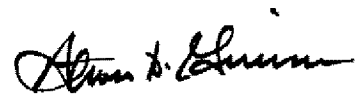
*Attorney for GB Science Nevada LLC*

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Landon Lerner, Esq.  
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Las Vegas, NV 89169

*Attorney for Intervener Acres Medical, LLC*

/s/ Shannon Thomas  
An employee of PISANELLI BICE PLLC

# **EXHIBIT 1**



CLERK OF THE COURT

1 **NEOJ**

2 MARK E. FERRARIO, ESQ. (NV Bar #1625)

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12 *Acres Medical, LLC*

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 GB SCIENCES NEVADA, LLC, a Nevada  
16 limited liability company,

17 Plaintiff,

18 v.

19 STATE OF NEVADA, DIVISION OF  
20 PUBLIC AND BEHAVIORAL HEALTH OF  
21 THE DEPARTMENT OF HEALTH AND  
22 HUMAN SERVICES; CITY OF LAS VEGAS,  
23 a municipal corporation and political  
24 subdivision of the State of Nevada; DESERT  
25 AIRE WELLNESS, LLC, a Nevada limited  
26 liability company; NULEAF CLV  
27 DISPENSARY, LLC, a Nevada limited  
28 liability company; DOES 1 through 100; and  
ROE ENTITIES 1 through 100,

Defendants.

ACRES MEDICAL, LLC,

Plaintiff in Intervention,

v.

STATE OF NEVADA, DIVISION OF  
PUBLIC AND BEHAVIORAL HEALTH OF  
THE DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; CITY OF LAS VEGAS,

Case No.: A710597

Dept. No.: XX

**NOTICE OF ENTRY OF ORDER ON  
PLAINTIFF GB SCIENCES NEVADA,  
LLC'S MOTION FOR SUMMARY  
JUDGMENT AND ON DEFENDANT  
NULEAF CLV DISPENSARY, LLC'S  
COUNTERMOTION FOR SUMMARY  
JUDGMENT**

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1 a municipal corporation and political  
2 subdivision of the State of Nevada; NULEAF  
3 CLV DISPENSARY, LLC, a Nevada limited  
4 liability company; GB SCIENCES NEVADA,  
5 LLC, a Nevada limited liability company,

6  
7 Defendants in Intervention  
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11

12 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that an **ORDER ON**  
13 **PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT**  
14 **AND ON DEFENDANT NULEAF CLV DISPENSARY, LLC'S COUNTERMOTION FOR**  
15 **SUMMARY JUDGMENT** was entered in the above-captioned matter on the 14th day of  
16 December, 2015.

17 DATED this 15th day of December, 2015.

18 GREENBERG TRAURIG, LLP

19 By: /s/ Moorea L. Katz

20 MARK E. FERRARIO (NV Bar No. 1625)

21 MOOREA L. KATZ (NV Bar No. 12007)

22 3773 Howard Hughes Parkway, Suite 400 North  
23 Las Vegas, Nevada 89169

24 *Counsel for Plaintiff in Intervention*  
25 *Acres Medical, LLC*  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that on this 15th day of December, 2015, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER ON PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT AND ON DEFENDANT NULEAF CLV DISPENSARY, LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT** to be filed and served via the Court's Wiznet E-Filing system. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

*/s/ Joyce Heilich*

\_\_\_\_\_  
An employee of GREENBERG TRAURIG, LLP

1     ORDR

2                                 EIGHTH JUDICIAL DISTRICT COURT

3                                 CLARK COUNTY, NEVADA

4     GB SCIENCES NEVADA, LLC, a Nevada  
5     limited liability company,

6                                 Plaintiff,

7                                 vs.

8     STATE OF NEVADA, DIVISION OF PUBLIC  
9     AND BEHAVIORAL HEALTH OF THE  
10    DEPARTMENT OF HEALTH AND HUMAN  
11    SERVICES; CITY OF LAS VEGAS, a  
12    municipal corporation and political subdivision  
13    of the State of Nevada; DESERT AIRE  
14    WELLNESS, LLC, a Nevada limited liability  
15    company; NULEAF CLV DISPENSARY,  
16    LLC, a Nevada limited liability company;  
17    DOES 1 through 100; and ROE ENTITIES 1  
18    through 100,

19                                 Defendants.

20     ACRES MEDICAL, LLC,

21                                 Plaintiff in Intervention,

22                                 vs.

23    STATE OF NEVADA, DIVISION OF PUBLIC  
24    AND BEHAVIORAL HEALTH OF THE  
25    DEPARTMENT OF HEALTH AND HUMAN  
26    SERVICES; CITY OF LAS VEGAS, a  
27    municipal corporation and political subdivision  
28    of the State of Nevada; NULEAF CLV  
29    DISPENSARY, LLC, a Nevada limited liability  
30    company; GB SCIENCES NEVADA, LLC, a  
31    Nevada limited liability company,

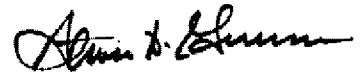
32                                 Defendants in Intervention.

Case No. A-14-710597-C

Dept. No. XX

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1           5.       The Division, as well as the local jurisdiction, played a role in the ultimate licensing  
2 of MMEs. Specifically, the local jurisdiction was tasked with considering issues such as site plans,  
3 zoning and proximity to other business or facilities (the "Local Application Process") while the  
4 Division focused on public health, public safety, and marijuana as a medicine (the "Division  
5 Application Process").

6           6.       In accordance with its responsibilities, the City of Las Vegas enacted Ordinance No.  
7 6321 and 6324 to establish zoning regulations, licensing regulations, and standards for MME  
8 locations.

9           7.       The Division issued its application packet (the "Division Application").

10          8.       While the Division was allowed to accept all applications submitted, under N.R.S. §  
11 453A.322, the Division could only issue a medical marijuana establishment registration certificate (a  
12 "Provisional Certificate") if the applicant's application included six (6) specific items and if the  
13 applicant otherwise met the requirements established by N.R.S. Chapter 453A.

14          9.       One of the six (6) items required by law before the Division could issue a Provisional  
15 Certificate is found in N.R.S. § 453A.322(3)(a)(5), which states:

16               (5) If the city, town or county in which the proposed medical marijuana establishment  
17 will be located has enacted zoning restrictions, proof of licensure with the applicable  
18 local governmental authority or a letter from the applicable local governmental  
19 authority certifying that the proposed medical marijuana establishment is in  
20 compliance with those restrictions and satisfies all applicable building requirements.  
21 (NRS § 453A.322(3)(a)(5)).

22          10.       Plaintiff, Acres, and Nuleaf were three of the 49 applicants for a Dispensary License  
23 in the City of Las Vegas.

24          11.       On October 28-29, 2014, the Las Vegas City Council held a special meeting to  
consider each applicant for a special use permit and compliance permit for an MME Dispensary.

1           12.     The City of Las Vegas denied special use permits and compliance permits to ten (10)  
2 applicants, including Nuleaf.

3           13.     On October 30, 2014, the City of Las Vegas sent a letter to the Division notifying the  
4 Division that Nuleaf's application for a special use permit and compliance permit from the City of  
5 Las Vegas had been denied as not in compliance with land use restrictions and city code and  
6 ineligible for a business license.

7           14.     The City of Las Vegas letter was intended to comply, and did comply, with NRS  
8 453A.322(3)(a)(5).

9           15.     Specifically, pursuant to Las Vegas Municipal Code Section 6.95.080, the letter was  
10 to give notice to the Division, as intended in subsection 3(a)(5), as to those medical marijuana  
11 applicants which the City of Las Vegas had found to be or not to be in conformance with land use  
12 and zoning restrictions, and eligible for consideration for a business license. This letter described the  
13 applicable building requirements and zoning restrictions as outlined in the statute.

14           16.     Notwithstanding, on or about November 3, 2014, the Division registered Nuleaf as a  
15 medical marijuana establishment and issued a provisional registration certificate for an MME  
16 Dispensary (the "Provisional License").

17           17.     At the time the Department registered Nuleaf and issued a Provisional License,  
18 Nuleaf did not meet the requirements of N.R.S. § 453A.322, which specifically permitted the  
19 Division to register a medical marijuana establishment and issue a registration certificate if the  
20 business seeking to register had completed all of the requirements of subsection 3(a), including  
21 providing a letter from the applicable local authority certifying that the proposed medical marijuana  
22 establishment is in "compliance with [zoning] restrictions and satisfies all applicable building  
23 requirements."  
24

1           18.     The Nevada Department of Health and Human Services should have registered and  
2 issued the registration certificate to the medical marijuana establishment to the top twelve ranked  
3 applicants which met all the requirements of the statute.

4           19.     Pursuant to the plain terms of the statute, the Division should not have registered  
5 Nuleaf and issued it a registration certificate as Nuleaf had not met all the requirements of the  
6 statute. The Court's reading of the statute is consistent with the apparent goal of the statute and the  
7 legislature to quickly move the opening and operation of dispensaries in the state. This goal can best  
8 be achieved through the Division registering certificates for the most qualified applicants who have  
9 obtained preliminary approval that they are in "compliance with [zoning] restrictions and satisfies all  
10 applicable building requirements" of the municipality. In view of the time limitations the statute sets  
11 for when the Division may register certificates, the legislature clearly sought to avoid the situation  
12 where the Division approved an applicant but the applicant then failed to obtain zoning or business  
13 licensing from the municipality, resulting in a delay in the opening of the desired number of  
14 dispensaries.

15           20.     On November 9, 2015, the Court heard oral argument on intervenor Acres Medical,  
16 LLC's ("Acres") Motion to Intervene as a Matter of Right Pursuant to NRCP 24 on Order  
17 Shortening Time ("Motion to Intervene"). Acres' Motion to Intervene argued that Acres, not  
18 Plaintiff GB Sciences, was next in line to receive a provisional registration certificate, should one  
19 become available. Acres argued that pursuant to District Court order dated October 8, 2015, in *Acres*  
20 *Medical, LLC v. Department of Health and Human Services, Division of Public and Behavioral*  
21 *Health, et al.*, Case Number A-15-719637-W, Acres should have been the thirteenth ranked  
22 applicant on November 3, 2014. The premise for Acres' intervention was that Acres was entitled to  
23 the relief sought by GB Sciences in this action and Acres was adopting the arguments asserted by  
24 GB Sciences. The Court granted Acres' Motion to Intervene at the November 9, 2015 hearing.

1           21.     The Court may take judicial notice, whether requested or not, of facts capable of  
2 verification from a reliable source. See NRS 47.150(1). The Court takes judicial notice that pursuant  
3 to District Court order dated October 8, 2015, in *Acres Medical, LLC v. Department of Health and*  
4 *Human Services, Division of Public and Behavioral Health, et al.*, Case Number A-15-719637-W,  
5 Acres should have been the thirteenth ranked applicant on November 3, 2014. Accordingly, Acres,  
6 not Plaintiff GB Sciences, is the next applicant in line to receive a registration certificate should one  
7 become available.

8           22.     If any of the forgoing findings of fact are properly conclusions of law, they shall be  
9 treated as if appropriately identified and designated.

#### 10                                   CONCLUSIONS OF LAW

11           23.     Summary judgment is appropriate where the pleadings, depositions, answers to  
12 interrogatories, admissions and affidavits on file, show that there exists no genuine issue as to any  
13 material fact, and that the moving party is entitled to judgment as a matter of law. Bird v. Casa  
14 Royale W., 97 Nev. 67, 624 P.2d 17 (1981).

15           24.     The Nevada Supreme Court has noted that “Rule 56 should not be regarded as a  
16 ‘disfavored procedural shortcut’” but instead as an integral part of the rules of procedure as a whole,  
17 which are designed “to secure the just, speedy and inexpensive determination of every action.”  
18 Wood v. Safeway, Inc., 121 Nev. 724, 730, 121 P.3d 1026, 1030 (2005).

19           25.     NRS § 30.040 gives this Court the ability to make certain declarations regarding the  
20 rights, status or other legal relations of parties to a lawsuit.

21           26.     Further, this Court has the authority to issue mandatory injunctions “to restore the  
22 status quo, to undo wrongful conditions.” Leonard v. Stoebling, 102 Nev. 543, 728 P.2d 1358  
23 (1986); Memory Gardens of Las Vegas, Inc. v. Pet Ponderosa Memorial Gardens, Inc., 492 P.2d  
24 123, 88 Nev. 1 (Nev., 1972).

1           27.     One of the stated purposes of mandatory injunctions is "compelling the undoing of  
2 acts that had been illegally done." City of Reno v. Matley, 378 P.2d 256, 79 Nev. 49 (Nev., 1963).

3           28.     The Division has acknowledged that a complaint for declaratory and injunctive relief  
4 is appropriate.

5           29.     The issuance of the Provisional Certificate to Nuleaf was in error and contrary to  
6 NRS § 453A.322(3).

7           30.     Nuleaf should have been disqualified due to their non-compliance with NRS §  
8 453A.322(3)(a)(5).

9           31.     The Plaintiff and Acres have an inadequate remedy at law.

10          32.     To require the Plaintiff or Acres to simply apply again as part of a new application  
11 period is to deny the Plaintiff and Acres all of their remedies, not only because it delays their ability  
12 to proceed forward with the initial applicants, but also because there is no guarantee that the Plaintiff  
13 or Acres would even qualify for a Provisional License the second time around when comparing the  
14 Plaintiff or Acres to the second, new set of applicants.

15          33.     It would be inequitable and inappropriate to deprive the City of Las Vegas of one of  
16 the twelve Provisional Certificates allocated to it due to an error by the Division.

17          34.     At the hearing on the motions on November 9, 2015, counsel for the Division raised  
18 the fact the City of Las Vegas sent its letter on October 30, 2014, four days before and only one  
19 business day before the Division's planned issuance of registration certificates on November 3,  
20 2014. The Division was not aware of the letter and those entities in conformance with City of Las  
21 Vegas land use, zoning and building requirements at the time it issued registration certificates.  
22 However, counsel stated the Division in issuing certificates looked at submitted applications without  
23 considering the local approval requirement of the statute or whether any of the applicants in  
24 municipalities throughout the state had received a letter of approval from the municipality where

1 they were located. Consequently, the Court finds the timing of the letter and whether the Division  
2 should have been aware of it presents no excuse for the Division failing to comply with the  
3 provisions of the statute. The Division was not looking for, inquiring, following up or even  
4 considering whether applicants had complied with the statutory requirement of an approval letter  
5 from the municipality where the applicant's business would be located.

6 35. The Court further finds no evidence presented suggests the City of Las Vegas sought  
7 to use the zoning or land use process as a subterfuge for the City to determine the most qualified  
8 applicants in place of the Division. The City made a determination as to applicants' compliance  
9 with its zoning restrictions and satisfaction of applicable building requirements as it was specifically  
10 expected to do pursuant to the statute before the registering of certificates.

11 36. If any of the forgoing conclusions of law are properly findings of fact, they shall be  
12 treated as if appropriately identified and designated.

13 **NOW THEREFORE:**

14 37. **IT IS HEREBY ORDERED** Plaintiff's Motion for Summary Judgment is  
15 **GRANTED** in part and **DENIED** in part.

16 38. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **GRANTED** to the extent  
17 Plaintiff is entitled to a declaration that Nuleaf should not have been registered or issued a  
18 certification of registration as a medical marijuana establishment because it had not met all the  
19 necessary requirements of 453A.322(3)(a).

20 39. **IT IS FURTHER ORDERED** that the Division shall rescind or withdraw the  
21 registration of Nuleaf as a medical marijuana establishment.

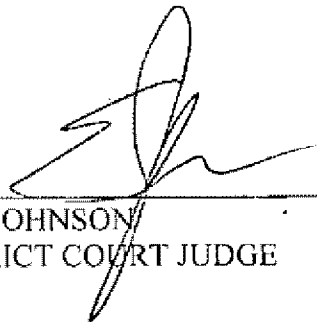
22 40. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **DENIED** to the extent  
23 Plaintiff seeks the re-issue of Nuleaf's registration to Plaintiff.  
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41. **IT IS FURTHER ORDERED** that the Division register intervenor Acres and issue Acres a registration certificate.

42. **IT IS FURTHER ORDERED** Defendant Nuleaf's Countermotion for Summary Judgment is **DENIED**.

DATED this 11 th day of December, 2015.

  
\_\_\_\_\_  
ERIC JOHNSON  
DISTRICT COURT JUDGE



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I caused the foregoing Order to be served as indicated below:

3 JAMES E. SHAPIRO, ESQ.

4 **jshapiro@smithshapiro.com**

*Attorney for Plaintiff, Counter Claimant, Intervenor Defendant*

5 TODD L. BICE, ESQ.

6 **tlb@pisanellibice.com**

*Attorney for Defendant, Intervenor Defendant*

7 MARK E. FERRARIO, ESQ.

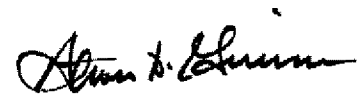
8 **lvitdock@gtlaw.com**

*Attorney for Counter Defendant, Intervenor Plaintiff*

9 /s/Kelly Muranaka

10 \_\_\_\_\_  
Kelly Muranaka

11 Judicial Executive Assistant



CLERK OF THE COURT

**ASTA**

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*Attorneys for Nuleaf CLV Dispensary LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

GB SCIENCES NEVADA, LLC, a Nevada  
limited liability company,

Plaintiff,

v.

STATE OF NEVADA, DIVISION OF  
PUBLIC AND BEHAVIORAL HEALTH OF  
THE DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; CITY OF LAS VEGAS,  
a municipal corporation and political  
subdivision of the State of Nevada; DESERT  
AIRE WELLNESS, LLC, a Nevada limited  
liability company; NULEAF CLV  
DISPENSARY, LLC, a Nevada limited  
liability company; DOES 1 through 100; and  
ROE entities 1 through 100,

Defendants.

Case No.: A-14-710597-C

Dept. No.: XX

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

Nuleaf CLV Dispensary, LLC's ("Nuleaf")

**2. The judge issuing the decision, judgment, or order appealed from:**

The Honorable Eric Johnson, Dept. No. XX

**3. Parties to the district court proceedings:**

Plaintiff: GB Sciences Nevada, LLC

Intervenor Plaintiff: Acres Medical, LLC

Defendants: State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services; City of Las Vegas; Desert Aire Wellness, LLC; Nuleaf CLV Dispensary, LLC

**4. Parties involved in this appeal:**

Appellant: Nuleaf CLV Dispensary, LLC

Respondent: GB Sciences Nevada, LLC; Acres Medical, LLC; The State of Nevada; Desert Aire Wellness, LLC

**5. Name, law firm, address and telephone number of all counsel on appeal:**

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Counsel for Defendant/Respondent Desert Aire Wellness, LLC

Michael V. Cristalli, Esq.  
Dylan T. Ciciliano, Esq.  
GORDON SILVER  
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Las Vegas, NV 89169

**6. Whether appellant is represented by appointed or retained counsel in the district court:**

Appellant is represented by retained counsel in the district court.

**7. Whether appellant is represented by appointed or retained counsel on appeal:**

Appellant is represented by retained counsel on appeal.

**8. Whether appellant was granted leave to proceed in forma pauperis and the date of entry of the district court order granting such leave:**

Appellant is not proceeding in forma pauperis.

**9. The date the proceedings commenced in the district court:**

GB Sciences Nevada, LLC's complaint was filed on December 2, 2014.

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

Defendant/Appellant Nuleaf CLV Dispensary, LLC appeals from the District Court's Order Denying Defendant's Countermotion for Summary Judgment entered on December 14, 2014 in this action, and all other orders or rulings made appealable thereby.

**11. Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:**

This case has not previously been the subject of an appeal or original writ proceeding in the Supreme Court.

**12. Whether the appeal involves child custody or visitation:**

This appeal does not involve child custody or visitation.

...

...

...

1 **13. Whether the appeal involves the possibility of settlement:**

2 This appeal does not involve the possibility of settlement.

3 DATED this 2nd day of March, 2016.

4  
5 PISANELLI BICE PLLC

6 By: /s/ Todd L. Bice

7 Todd L. Bice, Esq., Bar No. 4534

8 Jordan T. Smith, Esq., Bar No. 12097

9 Dustun H. Holmes, Esq., Bar No. 12776

400 South 7th Street, Suite 300

Las Vegas, Nevada 89101

10 *Attorneys for Nuleaf CLV Dispensary LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC, and that on this 2nd day of March, 2016, I caused to be served a true and correct copy of the above and foregoing **CASE APPEAL STATEMENT** to all parties via the Court's Wiznet e-filing system:

Adam P. Laxalt, Esq.  
Attorney General  
Linda C. Anderson, Esq.  
Chief Deputy Attorney General  
555 E. Washington Ave., #3900  
Las Vegas, NV 89101

*Attorneys for The State of Nevada*

Michael V. Cristalli, Esq.  
Dylan T. Ciciliano, Esq.  
GORDON SILVER  
3960 Howard Hughes Pkwy., 9<sup>th</sup> Floor  
Las Vegas, NV 89169

*Attorneys for Desert Aire Wellness, LLC*

James E. Shapiro, Esq.  
Sheldon A. Herbert, Esq.  
SMITH & SHAPIRO, PLLC  
2520 St. Rose Parkway, Suite 220  
Henderson, NV 89074

*Attorney for GB Science Nevada LLC*

Mark E. Ferrario, Esq.  
Landon Lerner, Esq.  
GREENBERG TRAURIG, LLP  
3773 Howard Hughes Pkwy, Suite 400 North  
Las Vegas, NV 89169

*Attorney for Intervener Acres Medical, LLC*

/s/ Shannon Thomas  
An employee of PISANELLI BICE PLLC

DEPARTMENT 20  
**CASE SUMMARY**  
CASE NO. A-14-710597-C

GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services,  
Defendant(s)

§  
§  
§  
§  
§

Location: **Department 20**  
Judicial Officer: **Johnson, Eric**  
Filed on: **12/02/2014**  
Case Number History:  
Cross-Reference Case Number: **A710597**

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CASE INFORMATION

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Case Type: **Other Civil Matters**  
Case Flags: **Appealed to Supreme Court  
Automatically Exempt from  
Arbitration**

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DATE

CASE ASSIGNMENT

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**Current Case Assignment**

Case Number	A-14-710597-C
Court	Department 20
Date Assigned	05/04/2015
Judicial Officer	Johnson, Eric

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PARTY INFORMATION

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		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>GB Sciences Nevada LLC</b>	<b>Shapiro, James E.</b> <i>Retained</i> 702-796-4000(W)
<b>Defendant</b>	<b>City Of Las Vegas</b> Removed: 01/23/2015 Dismissed	
	<b>Desert Aire Wellness LLC</b> Removed: 04/01/2015 Dismissed	<b>Ciciliano, Dylan T.</b> <i>Retained</i> 702-796-5555(W)
	<b>Nevada State Department of Health and Human Services</b>	<b>Anderson, Linda Christine</b> <i>Retained</i> 702-486-3420(W)
	<b>Nuleaf CLV Dispensary LLC</b>	<b>Bice, Todd L.</b> <i>Retained</i> 702-214-2100(W)
<b>Counter Claimant</b>	<b>GB Sciences Nevada LLC</b>	<b>Shapiro, James E.</b> <i>Retained</i> 702-796-4000(W)
<b>Counter Defendant</b>	<b>Acres Medical LLC</b>	<b>Ferrario, Mark E., ESQ</b> <i>Retained</i> 702-792-3773(W)
<b>Intervenor Defendant</b>	<b>GB Sciences Nevada LLC</b>	<b>Shapiro, James E.</b> <i>Retained</i> 702-796-4000(W)
	<b>Nevada State Department of Health and Human Services</b>	<b>Anderson, Linda Christine</b> <i>Retained</i> 702-486-3420(W)
	<b>North Las Vegas, City of</b>	

**CASE SUMMARY****CASE NO. A-14-710597-C****Nuleaf CLV Dispensary LLC****Bice, Todd L***Retained*

702-214-2100(W)












**Intervenor  
Plaintiff****Acres Medical LLC****Ferrario, Mark E., ESQ***Retained*

702-792-3773(W)









DATE	EVENTS & ORDERS OF THE COURT	INDEX
12/02/2014	 Complaint Filed By: Counter Claimant GB Sciences Nevada LLC <i>Complaint and in Addition, and or in the Alternative, Petition for Judicial Review and Writ of Mandamus</i>	
12/02/2014	Case Opened	
12/03/2014	 Initial Appearance Fee Disclosure Filed By: Counter Claimant GB Sciences Nevada LLC <i>Initial Appearance Fee Disclosure</i>	
12/05/2014	 First Amended Complaint Filed By: Counter Claimant GB Sciences Nevada LLC <i>First Amended Complaint and in Addition, or in the Alternative, First Amended Petition for Judicial Review and Writ of Mandamus</i>	
12/09/2014	 Order Denying <i>Order Denying Plaintiff's Ex Parte Application for Temporary Restraining Order</i>	
12/11/2014	 Motion for Preliminary Injunction Filed By: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff, GB Sciences Nevada LLC's Motion for Preliminary and Permanent Injunction Against Defendants, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Service, Desert Aire Wellness, LLC, NULEAF CLV Dispensary, LLC, Does 1 through 100, and ROE Entities 1 through 100 on an Order Shortening Time</i>	
12/17/2014	 Re-Notice Filed by: Counter Claimant GB Sciences Nevada LLC <i>Re-Notice of Hearing of Plaintiff, GB Sciences Nevada, LLC's Motion for Preliminary and Permanent Injunction Against Defendants, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Service, Desert Aire Wellness, LLC Nuleaf CLV Dispensary, LLC Does 1 through 100 and Roe Entities 1 through 100 on an Order Shortening Time</i>	
12/19/2014	 Receipt of Copy Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>	
12/19/2014	 Receipt of Copy Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>	
12/19/2014	 Receipt of Copy Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>	
12/19/2014	 Receipt of Copy	



DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**

	Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>
12/19/2014	 Affidavit of Service Filed By: Counter Claimant GB Sciences Nevada LLC <i>Affidavit of Service - Nuleaf CLV Dispensary LLC</i>
12/19/2014	 Affidavit of Service Filed By: Counter Claimant GB Sciences Nevada LLC <i>Affidavit of Service - Richard Whitley M S</i>
12/19/2014	 Affidavit of Service Filed By: Counter Claimant GB Sciences Nevada LLC <i>Affidavit of Service - Desert Aire Wellness LLC</i>
12/19/2014	 Affidavit of Service Filed By: Counter Claimant GB Sciences Nevada LLC <i>Affidavit of Service - City of Las Vegas</i>
12/19/2014	 Affidavit of Service Filed By: Counter Claimant GB Sciences Nevada LLC <i>Affidavit of Service - State of Nevada</i>
12/22/2014	 Response Filed by: Intervenor Defendant Nevada State Department of Health and Human Services <i>State Response To Motion For Preliminary and Permanent Injunction</i>
12/26/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Desert Aire Wellness LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
12/26/2014	 Opposition to Motion Filed By: Defendant Desert Aire Wellness LLC <i>Opposition to Plaintiff GB Sciences Nevada, LLC,'s Motion for Preliminary and Permanent Injunction Against Defendants State of Nevada, Division of Public And Behavioral Health of The Department of Health and Human Services; Desert Aire Wellness, LLC; Nuleaf CLV Dispensary, LLC; Does 1 through 100; and Roes Entities 1 through 100</i>
12/29/2014	 Initial Appearance Fee Disclosure Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
12/29/2014	 Opposition to Motion Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary LLC's Opposition to Plaintiff GB Sciences Nevada, LLC's Motion for Preliminary and Permanent Injunction</i>
12/30/2014	 Reply Filed by: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff, GB Sciences Nevada, LLC's Reply to State of Nevada's Response to Plaintiff's Motion for Preliminary and Permanent Injunction Against Defendants, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Service, Desert Aire Wellness, LLC, Nuleaf CLV Dispensary, LLC, Does 1 through 100, and Roe Entities 1 though 100 on an Order Shortening Time</i>
12/30/2014	

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**












	 Reply to Opposition Filed by: Counter Claimant GB Sciences Nevada LLC <i>Reply to Desert Aire Wellness, LLC's Opposition to to Plaintiff's Motion for a Preliminary and Permanent Injunction against Defendants, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Service, Desert Aire Wellness, LLC, Nuleaf CLV Dispensary LLC Does 1 through 100, and Roe Entities 1 Through 100 on a Order Shortening Time</i>
12/30/2014	 Reply to Opposition Filed by: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff GB Sciences Nevada LLC Reply to Nuleaf CLV Dispensary, LLC's Opposition to Plaintiff's Motion for a Preliminary and Permanent Injunction against Defendants, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Service, Desert Aire Wellness LLC Nuleaf CLV Dispensary, LLC Does 1 through 100 and Roe Entities 1 Through 100 on an Order Shortening Time</i>
12/31/2014	 <b>Motion for Preliminary Injunction</b> (9:00 AM) (Judicial Officer: Tao, Jerome T.) Events: 12/11/2014 Motion for Preliminary Injunction <i>Plaintiff, GB Sciences Nevada, LLC's Motion for Preliminary and Permanent Injunction Against Defendants, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Service, Desert Aire Wellness, LLC, Nuleaf CLV Dispensary, LLC, Does 1 through 100, and Roe Entities 1 through 100 on an Order Shortening Time</i>
01/09/2015	 Recorders Transcript of Hearing Party: Counter Claimant GB Sciences Nevada LLC <i>Transcript of Proceedings Plaintiff's Motion for Preliminary and Permanent Injunction against Defendants on Order Shortening Time 12/31/14</i>
01/23/2015	 Voluntary Dismissal Without Prejudice Filed By: Counter Claimant GB Sciences Nevada LLC <i>Notice of Voluntary Dismissal Without Prejudice of Defendant</i>
01/23/2015	<b>Dismissal Pursuant to NRCP 41</b> (Judicial Officer: Tao, Jerome T.) Debtors: City Of Las Vegas (Defendant) Creditors: GB Sciences Nevada LLC (Plaintiff) Judgment: 01/23/2015, Docketed: 01/28/2015
02/02/2015	 Answer Filed By: Intervenor Defendant Nevada State Department of Health and Human Services <i>Answer</i>
04/01/2015	 Voluntary Dismissal Filed by: Counter Claimant GB Sciences Nevada LLC <i>Notice of Voluntary Dismissal Without Prejudice of Defendant Desert Aire Wellness, LLC</i>
04/01/2015	<b>Dismissal Pursuant to NRCP 41</b> (Judicial Officer: Tao, Jerome T.) Debtors: Desert Aire Wellness LLC (Defendant) Creditors: GB Sciences Nevada LLC (Plaintiff) Judgment: 04/01/2015, Docketed: 04/08/2015
05/04/2015	Case Reassigned to Department 20 <i>Case reassigned from Judge Jerome Tao Dept 20</i>
06/05/2015	 Joint Case Conference Report Filed By: Counter Claimant GB Sciences Nevada LLC <i>Joint Case Conference Report</i>

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**














07/02/2015	 Scheduling Order <i>Scheduling Order</i>
07/15/2015	 Order Setting Civil Jury Trial <i>Order Setting civil Jury Trial</i>
09/14/2015	 Substitution of Attorney Filed by: Counter Claimant GB Sciences Nevada LLC <i>Substitution of Attorney</i>
09/18/2015	 Motion for Summary Judgment Filed By: Counter Claimant GB Sciences Nevada LLC <i>Motion for Summary Judgment</i>
09/18/2015	 Appendix Filed By: Counter Claimant GB Sciences Nevada LLC <i>Appendix to GB Sciences Nevada, LLC's Motion for Summary Judgment</i>
09/28/2015	 Application Filed By: Counter Claimant GB Sciences Nevada LLC <i>Application for Entry of Default</i>
09/28/2015	 Response <i>State Response To Motion For Summary Judgment</i>
10/05/2015	 Answer to Amended Complaint Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary LLC's Answer To First Amended Complaint And In Addition, Or In The Alternative, First Amended Petition For Judicial Review And Writ Of Mandamus</i>
10/05/2015	 Motion for Summary Judgment Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary LLC's Opposition To Plaintiff GB Sciences Nevada, LLC's Motion For Summary Judgment And Countermotion For Summary Judgment</i>
10/06/2015	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Non-Jury Trial</i>
10/14/2015	 Reply to Opposition Filed by: Counter Claimant GB Sciences Nevada LLC <i>Reply to Defendant NuLeaf CLV Dispensary LLC's Opposition to Plaintiff GB Sciences Nevada, LLC's Motion for Summary Judgment; and Opposition to Countermotion for Summary Judgment</i>
10/14/2015	 Reply Filed by: Counter Claimant GB Sciences Nevada LLC <i>Reply to State Response to Motion for Summary Judgment</i>
10/15/2015	 Notice of Entry of Order Filed By: Intervenor Defendant Nevada State Department of Health and Human Services <i>Notice Of Entry Of Order</i>
10/19/2015	 Motion to Intervene

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**

Party: Counter Defendant Acres Medical LLC  
*Acres Medical, LLC's Motion to Intervene as a Matter of Right Pursuant to NRCP 24 on an Order Shortening Time*












10/20/2015	 <b>Minute Order</b> (7:30 AM) (Judicial Officer: Thompson, Charles)
11/03/2015	 Opposition Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary LLC's Opposition To Acres Medical, LLC's Motion To Intervene As A Matter Of Right Pursuant To NRCP 24 On An Order Shortening Time</i>
11/03/2015	 Reply in Support Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary LLC's Reply In Support Of Countermotion For Summary Judgment</i>
11/04/2015	<b>Motion for Summary Judgment</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <b>11/04/2015, 11/09/2015</b> <i>Plaintiff's Motion for Summary Judgment</i>
11/04/2015	<b>Opposition and Countermotion</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <b>11/04/2015, 11/09/2015</b> <i>Defendant Nuleaf CLV Dispensary LLC's Opposition To Plaintiff GB Sciences Nevada, LLC's Motion For Summary Judgment And Countermotion For Summary Judgment</i>
11/04/2015	<b>Motion to Intervene</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <b>11/04/2015, 11/09/2015</b> <i>Intervenor Acres Medical's Motion to Intervene As A Matter of Right Pursuant to NRCP 24 On An OST</i>
11/04/2015	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Johnson, Eric)
11/06/2015	 Reply in Support Filed By: Counter Defendant Acres Medical LLC <i>Reply in Support of Acres Medical, LLC's Motion to Intervene Pursuant to NRCP 24 on an Order Shortening Time</i>
11/09/2015	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Johnson, Eric)
11/13/2015	 <b>Minute Order</b> (7:30 AM) (Judicial Officer: Johnson, Eric)
11/16/2015	 Motion to Amend Complaint Filed By: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff's Motion for Leave to Amend First Amended Complaint</i>
11/17/2015	 Complaint Filed By: Counter Defendant Acres Medical LLC <i>Complaint in Intervention for Declaratory and Injunctive Relief and/or Petition for Writ of Mandamus or Prohibition</i>
11/17/2015	 Application Filed By: Counter Claimant GB Sciences Nevada LLC <i>Application for Order Shortening Time on Plaintiff's Motion for Leave to Amend First Amended Complaint</i>
11/18/2015	 Initial Appearance Fee Disclosure

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**












	Filed By: Counter Defendant Acres Medical LLC <i>Initial Appearance Fee Disclosure</i>
11/19/2015	 Order Filed By: Counter Claimant GB Sciences Nevada LLC <i>Order Shortening Time on Plaintiff's Motion for Leave to Amend First Amended Complaint</i>
11/20/2015	 Receipt of Copy Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>
11/20/2015	 Receipt of Copy Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>
11/20/2015	 Receipt of Copy Filed by: Counter Claimant GB Sciences Nevada LLC <i>Receipt of Copy</i>
11/20/2015	 Notice of Entry of Order Filed By: Counter Claimant GB Sciences Nevada LLC <i>Notice of Entry of Order Shortening Time on Plaintiff's Motion for Leave to Amend First Amended Complaint</i>
11/20/2015	 Order <i>Order Resetting Calendar Call</i>
11/24/2015	 Response Filed by: Intervenor Defendant Nevada State Department of Health and Human Services <i>State Response to Motion for Leave to Amend First Amended Complaint</i>
11/24/2015	 Order Granting Motion Filed By: Counter Defendant Acres Medical LLC <i>Order Granting Acres Medical, LLC's Motion to Intervene on Order Shortening Time</i>
11/25/2015	 Motion to Intervene Party: Other Samantha Inc <i>Motion of Samantha Inc. d/b/a Samantha's Remedies to Intervene as Plaintiff Pursuant to NRCF 24 and Motion to Stay Proceedings Pending Resolution of Supreme Court Proceedings</i>
11/25/2015	 Notice of Entry of Order Filed By: Counter Claimant GB Sciences Nevada LLC <i>Notice of Entry of Order Granting Acres Medical, LLC's Motion to Intervene on Order Shortening Time</i>
12/01/2015	 Opposition Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Opposition To Motion To Amend</i>
12/02/2015	 <b>Motion to Amend</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiff's Motion for Leave to Amend First Amended Complaint</i>
12/03/2015	 Answer to Complaint Filed by: Counter Claimant GB Sciences Nevada LLC

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**

*Answer to Complaint in Intervention and Counterclaim*











12/07/2015	 Response Filed by: Intervenor Defendant Nevada State Department of Health and Human Services <i>State Response to Samantha Remedies' Motion to Intervene and Motion to Stay</i>
12/14/2015	 Opposition Filed By: Counter Claimant GB Sciences Nevada LLC <i>Opposition To Motion Of Samantha Inc. D/B/A Samantha's Remedies' To Intervene As Plaintiff Pursuant To NRCP 24 And Motion To Stay Proceedings</i>
12/14/2015	 Opposition to Motion Filed By: Counter Defendant Acres Medical LLC <i>Response in Opposition to Motion of Samantha Inc. to Intervene as Plaintiff Pursuant to NRCP 24 and Motion to Stay Proceedings Pending Resolution of Supreme Court Proceedings</i>
12/14/2015	 Opposition to Motion Filed By: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff's Opposition to Motion of Samantha Inc. d/b/a Samantha's Remedies to Intervene as Plaintiff Pursuant to NRCP 24 and Motion to Stay Proceeding Pending Resolution of Supreme Court Proceedings</i>
12/14/2015	 Order <i>Order</i>
12/15/2015	 Notice of Entry of Order Filed By: Counter Defendant Acres Medical LLC <i>Notice of Entry of Order on Plaintiff GB Sciences Nevada, LLC's Motion for Summary Judgment and on Defendant Nuleaf CLV Dispensary, LLC's Countermotion for Summary Judgment</i>
12/18/2015	 Reply to Opposition Filed by: Other Samantha Inc <i>Brief in Further Support of Motion of Samantha Inc. d/b/a Samantha's Remedies to Intervene as Plaintiff Pursuant to NRCP 24 and Motion to Stay Proceedings Pending Resolution of Supreme Court Proceedings and in Reply to Oppositions</i>
12/22/2015	 Answer Filed By: Intervenor Defendant Nevada State Department of Health and Human Services <i>Answer To Complaint In Intervention</i>
12/23/2015	 Motion Filed By: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff's Motion to Alter or Amend Judgment; or, in the Alternative, Motion for Partial Reconsideration</i>
12/24/2015	 Motion Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary, LLC's Emergency Motion To Stay Pending Review By The Nevada Supreme Court On Order Shortening Time</i>
12/28/2015	 Motion to Dismiss Filed By: Counter Defendant Acres Medical LLC <i>Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against Acres Medical, LLC</i>
12/28/2015	

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**

	 Response Filed by: Intervenor Defendant Nevada State Department of Health and Human Services <i>State Response to Defendant Nuleaf CLV Dispensary's Emergency Motion to Stay Pending Review by the Nevada Supreme Court</i>
12/29/2015	 Opposition Filed By: Counter Defendant Acres Medical LLC <i>Opposition to Defendant Nuleaf CLV Dispensary, LLC's Emergency Motion to Stay Pending Review by the Nevada Supreme Court on Order Shortening Time</i>
12/29/2015	 Opposition Filed By: Counter Claimant GB Sciences Nevada LLC <i>Plaintiff's Opposition To Defendant Nuleaf Clv Dispensary, Llc's Emergency Motion To Stay Pending Review By The Nevada Supreme Court On Order Shortening Time</i>
12/30/2015	<b>Motion to Intervene</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <b>12/30/2015, 01/06/2016</b> <i>Motion of Samantha Inc. d/b/a Samantha's Remedies to Intervene as Plaintiff Pursuant to NRCP 24 and Motion to Stay Proceedings Pending Resolution of Supreme Court Proceedings</i>
12/30/2015	<b>Motion to Stay</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <b>12/30/2015, 01/06/2016</b> <i>Def Nuleaf CLV Dispensary, LLC's Emergency Motion to Stay Pending Review by the Nevada Supreme Court on OST</i>
12/30/2015	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Johnson, Eric)
01/05/2016	 Supplement to Opposition Filed By: Counter Defendant Acres Medical LLC <i>Supplemental Opposition to Defendant Nuleaf CLV Dispensary, LLC's Emergency Motion to Stay Pending Review by the Nevada Supreme Court on Order Shortening Time</i>
01/05/2016	 Amended Filed By: Counter Claimant GB Sciences Nevada LLC <i>First Amended Answer to Complaint in Intervention and Counterclaim</i>
01/06/2016	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Johnson, Eric)
01/11/2016	 Opposition Filed By: Counter Claimant GB Sciences Nevada LLC <i>Opposition to Motion to Dismiss Counterclaim; or, in the Alternative Motion for Leave to Amend</i>
01/11/2016	 Opposition to Motion Filed By: Counter Claimant GB Sciences Nevada LLC <i>OPPOSITION TO PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT; OR, IN THE ALTERNATIVE MOTION FOR PARTIAL RECONSIDERATION</i>
01/18/2016	 Reply to Opposition Filed by: Counter Claimant GB Sciences Nevada LLC <i>Reply to Opposition to Plaintiff's Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration</i>
01/19/2016	 Reply in Support Filed By: Counter Claimant GB Sciences Nevada LLC <i>Reply in Support of Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against</i>

DEPARTMENT 20  
**CASE SUMMARY**  
**CASE NO. A-14-710597-C**



*Acres Medical, LLC*

01/25/2016	 Order Denying Motion Filed By: Counter Claimant GB Sciences Nevada LLC <i>Order Denying Plaintiff's Motion For Leave To Amend</i>
01/25/2016	 Order Denying Motion Filed By: Counter Claimant GB Sciences Nevada LLC <i>Order Denying Samantha Remedies' Motion To Intervene</i>
01/25/2016	 Motion to Dismiss Filed By: Counter Defendant Acres Medical LLC <i>Motion to Dismiss GB Sciences Nevada, LLC'S First Amended Counterclaim Against Acres Medical, LLC</i>
01/26/2016	 Notice of Entry of Order Filed By: Counter Claimant GB Sciences Nevada LLC <i>Notice of Entry of Order</i>
01/26/2016	 Notice of Entry of Order Filed By: Counter Claimant GB Sciences Nevada LLC <i>Notice of Entry of Order</i>
01/26/2016	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
01/26/2016	<b>Motion to Amend Judgment</b> (3:00 PM) (Judicial Officer: Johnson, Eric) <i>Plaintiff's Motion to Alter or Amend Judgment; or, in the Alternative, Motion for Partial Reconsideration</i>
01/26/2016	<b>Motion to Dismiss</b> (3:00 PM) (Judicial Officer: Johnson, Eric) <i>Plaintiff in Intervention Acre's Medical, LLC's Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against Acres Medical, LLC</i>
01/26/2016	 <b>All Pending Motions</b> (3:00 PM) (Judicial Officer: Johnson, Eric)
01/27/2016	<b>CANCELED Calendar Call</b> (10:45 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
02/08/2016	<b>CANCELED Bench Trial</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
02/24/2016	<b>CANCELED Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i> <i>Motion to Dismiss GB Sciences Nevada, LLC'S First Amended Counterclaim Against Acres Medical, LLC</i>
03/02/2016	 Notice of Appeal Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Defendant Nuleaf CLV Dispensary, LLC's Notice Of Appeal</i>
03/02/2016	 Case Appeal Statement Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Case Appeal Statement</i>
03/03/2016	 Order



# CASE SUMMARY

## CASE NO. A-14-710597-C

	Filed By: Counter Defendant Acres Medical LLC <i>Order Granting Intervenor Acres Medical, LLC's Motion to Dismiss GB Sciences Nevada, LLC's Counterclaims Against Acres Medical, LLC</i>
03/03/2016	 Order Filed By: Counter Defendant Acres Medical LLC <i>Order Denying Plaintiff GB Sciences Nevada, LLC's Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration</i>
03/03/2016	 Order Filed By: Counter Defendant Acres Medical LLC <i>Order re: Defendant Nuleaf CLV Dispensary, LLC's Emergency Motion to Stay Pending Review by the Nevada Supreme Court on Order Shortening Time</i>

**DATE****FINANCIAL INFORMATION**

<b>Defendant</b> Desert Aire Wellness LLC	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 3/4/2016</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Nuleaf CLV Dispensary LLC	
Total Charges	670.00
Total Payments and Credits	670.00
<b>Balance Due as of 3/4/2016</b>	<b>0.00</b>
<b>Counter Defendant</b> Acres Medical LLC	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 3/4/2016</b>	<b>0.00</b>
<b>Other</b> Samantha Inc	
Total Charges	7.00
Total Payments and Credits	7.00
<b>Balance Due as of 3/4/2016</b>	<b>0.00</b>
<b>Counter Claimant</b> GB Sciences Nevada LLC	
Total Charges	470.00
Total Payments and Credits	470.00
<b>Balance Due as of 3/4/2016</b>	<b>0.00</b>

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

XX

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

GB Sciences Nevada, LLC

Defendant(s) (name/address/phone):

State of Nevada, Division of Public and Behavioral Health of the

Department of Health and Human Services;

Desert Aire Wellness, LLC;

NULEAF CLV Dispensary, LLC

Attorney (name/address/phone):

Moran Brandon Bendevid Moran

630 South 4th Street

Las Vegas, NV 89101

(702) 384-8424

Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <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
Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing	
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	

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

12/2/14

Date

Signature of initiating party or representative

See other side for family-related coverings.

1     ORDR

2                                 EIGHTH JUDICIAL DISTRICT COURT

3                                 CLARK COUNTY, NEVADA

4     GB SCIENCES NEVADA, LLC, a Nevada  
5     limited liability company,

Case No. A-14-710597-C

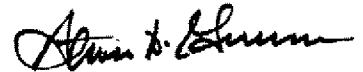
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6                                 Plaintiff,

7                                 vs.



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8     STATE OF NEVADA, DIVISION OF PUBLIC  
9     AND BEHAVIORAL HEALTH OF THE  
10    DEPARTMENT OF HEALTH AND HUMAN  
11    SERVICES; CITY OF LAS VEGAS, a  
12    municipal corporation and political subdivision  
13    of the State of Nevada; DESERT AIRE  
14    WELLNESS, LLC, a Nevada limited liability  
15    company; NULEAF CLV DISPENSARY,  
16    LLC, a Nevada limited liability company;  
17    DOES 1 through 100; and ROE ENTITIES 1  
18    through 100,

19                                 Defendants.

20     ACRES MEDICAL, LLC,

21                                 Plaintiff in Intervention,

22                                 vs.

23    STATE OF NEVADA, DIVISION OF PUBLIC  
24    AND BEHAVIORAL HEALTH OF THE  
25    DEPARTMENT OF HEALTH AND HUMAN  
26    SERVICES; CITY OF LAS VEGAS, a  
27    municipal corporation and political subdivision  
28    of the State of Nevada; NULEAF CLV  
29    DISPENSARY, LLC, a Nevada limited liability  
30    company; GB SCIENCES NEVADA, LLC, a  
31    Nevada limited liability company,

32                                 Defendants in Intervention.

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1           5.       The Division, as well as the local jurisdiction, played a role in the ultimate licensing  
2 of MMEs. Specifically, the local jurisdiction was tasked with considering issues such as site plans,  
3 zoning and proximity to other business or facilities (the "Local Application Process") while the  
4 Division focused on public health, public safety, and marijuana as a medicine (the "Division  
5 Application Process").

6           6.       In accordance with its responsibilities, the City of Las Vegas enacted Ordinance No.  
7 6321 and 6324 to establish zoning regulations, licensing regulations, and standards for MME  
8 locations.

9           7.       The Division issued its application packet (the "Division Application").

10          8.       While the Division was allowed to accept all applications submitted, under N.R.S. §  
11 453A.322, the Division could only issue a medical marijuana establishment registration certificate (a  
12 "Provisional Certificate") if the applicant's application included six (6) specific items and if the  
13 applicant otherwise met the requirements established by N.R.S. Chapter 453A.

14          9.       One of the six (6) items required by law before the Division could issue a Provisional  
15 Certificate is found in N.R.S. § 453A.322(3)(a)(5), which states:

16               (5) If the city, town or county in which the proposed medical marijuana establishment  
17 will be located has enacted zoning restrictions, proof of licensure with the applicable  
18 local governmental authority or a letter from the applicable local governmental  
19 authority certifying that the proposed medical marijuana establishment is in  
20 compliance with those restrictions and satisfies all applicable building requirements.  
(NRS § 453A.322(3)(a)(5)).

21          10.       Plaintiff, Acres, and Nuleaf were three of the 49 applicants for a Dispensary License  
22 in the City of Las Vegas.

23          11.       On October 28-29, 2014, the Las Vegas City Council held a special meeting to  
24 consider each applicant for a special use permit and compliance permit for an MME Dispensary.

1           12.     The City of Las Vegas denied special use permits and compliance permits to ten (10)  
2 applicants, including Nuleaf.

3           13.     On October 30, 2014, the City of Las Vegas sent a letter to the Division notifying the  
4 Division that Nuleaf's application for a special use permit and compliance permit from the City of  
5 Las Vegas had been denied as not in compliance with land use restrictions and city code and  
6 ineligible for a business license.

7           14.     The City of Las Vegas letter was intended to comply, and did comply, with NRS  
8 453A.322(3)(a)(5).

9           15.     Specifically, pursuant to Las Vegas Municipal Code Section 6.95.080, the letter was  
10 to give notice to the Division, as intended in subsection 3(a)(5), as to those medical marijuana  
11 applicants which the City of Las Vegas had found to be or not to be in conformance with land use  
12 and zoning restrictions, and eligible for consideration for a business license. This letter described the  
13 applicable building requirements and zoning restrictions as outlined in the statute.

14           16.     Notwithstanding, on or about November 3, 2014, the Division registered Nuleaf as a  
15 medical marijuana establishment and issued a provisional registration certificate for an MME  
16 Dispensary (the "Provisional License").

17           17.     At the time the Department registered Nuleaf and issued a Provisional License,  
18 Nuleaf did not meet the requirements of N.R.S. § 453A.322, which specifically permitted the  
19 Division to register a medical marijuana establishment and issue a registration certificate if the  
20 business seeking to register had completed all of the requirements of subsection 3(a), including  
21 providing a letter from the applicable local authority certifying that the proposed medical marijuana  
22 establishment is in "compliance with [zoning] restrictions and satisfies all applicable building  
23 requirements."  
24

1           18.     The Nevada Department of Health and Human Services should have registered and  
2 issued the registration certificate to the medical marijuana establishment to the top twelve ranked  
3 applicants which met all the requirements of the statute.

4           19.     Pursuant to the plain terms of the statute, the Division should not have registered  
5 Nuleaf and issued it a registration certificate as Nuleaf had not met all the requirements of the  
6 statute. The Court's reading of the statute is consistent with the apparent goal of the statute and the  
7 legislature to quickly move the opening and operation of dispensaries in the state. This goal can best  
8 be achieved through the Division registering certificates for the most qualified applicants who have  
9 obtained preliminary approval that they are in "compliance with [zoning] restrictions and satisfies all  
10 applicable building requirements" of the municipality. In view of the time limitations the statute sets  
11 for when the Division may register certificates, the legislature clearly sought to avoid the situation  
12 where the Division approved an applicant but the applicant then failed to obtain zoning or business  
13 licensing from the municipality, resulting in a delay in the opening of the desired number of  
14 dispensaries.

15           20.     On November 9, 2015, the Court heard oral argument on intervenor Acres Medical,  
16 LLC's ("Acres") Motion to Intervene as a Matter of Right Pursuant to NRCP 24 on Order  
17 Shortening Time ("Motion to Intervene"). Acres' Motion to Intervene argued that Acres, not  
18 Plaintiff GB Sciences, was next in line to receive a provisional registration certificate, should one  
19 become available. Acres argued that pursuant to District Court order dated October 8, 2015, in *Acres*  
20 *Medical, LLC v. Department of Health and Human Services, Division of Public and Behavioral*  
21 *Health, et al.*, Case Number A-15-719637-W, Acres should have been the thirteenth ranked  
22 applicant on November 3, 2014. The premise for Acres' intervention was that Acres was entitled to  
23 the relief sought by GB Sciences in this action and Acres was adopting the arguments asserted by  
24 GB Sciences. The Court granted Acres' Motion to Intervene at the November 9, 2015 hearing.

21. The Court may take judicial notice, whether requested or not, of facts capable of verification from a reliable source. See NRS 47.150(1). The Court takes judicial notice that pursuant to District Court order dated October 8, 2015, in *Acres Medical, LLC v. Department of Health and Human Services, Division of Public and Behavioral Health, et al.*, Case Number A-15-719637-W, Acres should have been the thirteenth ranked applicant on November 3, 2014. Accordingly, Acres, not Plaintiff GB Sciences, is the next applicant in line to receive a registration certificate should one become available.

22. If any of the forgoing findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

### CONCLUSIONS OF LAW

23. Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, admissions and affidavits on file, show that there exists no genuine issue as to any material fact, and that the moving party is entitled to judgment as a matter of law. Bird v. Casa Royale W., 97 Nev. 67, 624 P.2d 17 (1981).

24. The Nevada Supreme Court has noted that “Rule 56 should not be regarded as a ‘disfavored procedural shortcut’” but instead as an integral part of the rules of procedure as a whole, which are designed “to secure the just, speedy and inexpensive determination of every action.” *Wood v. Safeway, Inc.*, 121 Nev. 724, 730, 121 P.3d 1026, 1030 (2005).

25. NRS § 30.040 gives this Court the ability to make certain declarations regarding the rights, status or other legal relations of parties to a lawsuit.

26. Further, this Court has the authority to issue mandatory injunctions "to restore the status quo, to undo wrongful conditions." Leonard v. Stoebling, 102 Nev. 543, 728 P.2d 1358 (1986); Memory Gardens of Las Vegas, Inc. v. Pet Ponderosa Memorial Gardens, Inc., 492 P.2d 123, 88 Nev. 1 (Nev., 1972).



1           27.     One of the stated purposes of mandatory injunctions is "compelling the undoing of  
2 acts that had been illegally done." City of Reno v. Matley, 378 P.2d 256, 79 Nev. 49 (Nev., 1963).

3           28.     The Division has acknowledged that a complaint for declaratory and injunctive relief  
4 is appropriate.

5           29.     The issuance of the Provisional Certificate to Nuleaf was in error and contrary to  
6 NRS § 453A.322(3).

7           30.     Nuleaf should have been disqualified due to their non-compliance with NRS §  
8 453A.322(3)(a)(5).

9           31.     The Plaintiff and Acres have an inadequate remedy at law.

10          32.     To require the Plaintiff or Acres to simply apply again as part of a new application  
11 period is to deny the Plaintiff and Acres all of their remedies, not only because it delays their ability  
12 to proceed forward with the initial applicants, but also because there is no guarantee that the Plaintiff  
13 or Acres would even qualify for a Provisional License the second time around when comparing the  
14 Plaintiff or Acres to the second, new set of applicants.

15          33.     It would be inequitable and inappropriate to deprive the City of Las Vegas of one of  
16 the twelve Provisional Certificates allocated to it due to an error by the Division.

17          34.     At the hearing on the motions on November 9, 2015, counsel for the Division raised  
18 the fact the City of Las Vegas sent its letter on October 30, 2014, four days before and only one  
19 business day before the Division's planned issuance of registration certificates on November 3,  
20 2014. The Division was not aware of the letter and those entities in conformance with City of Las  
21 Vegas land use, zoning and building requirements at the time it issued registration certificates.  
22 However, counsel stated the Division in issuing certificates looked at submitted applications without  
23 considering the local approval requirement of the statute or whether any of the applicants in  
24 municipalities throughout the state had received a letter of approval from the municipality where

1 they were located. Consequently, the Court finds the timing of the letter and whether the Division  
2 should have been aware of it presents no excuse for the Division failing to comply with the  
3 provisions of the statute. The Division was not looking for, inquiring, following up or even  
4 considering whether applicants had complied with the statutory requirement of an approval letter  
5 from the municipality where the applicant's business would be located.

6 35. The Court further finds no evidence presented suggests the City of Las Vegas sought  
7 to use the zoning or land use process as a subterfuge for the City to determine the most qualified  
8 applicants in place of the Division. The City made a determination as to applicants' compliance  
9 with its zoning restrictions and satisfaction of applicable building requirements as it was specifically  
10 expected to do pursuant to the statute before the registering of certificates.

11 36. If any of the forgoing conclusions of law are properly findings of fact, they shall be  
12 treated as if appropriately identified and designated.

13 **NOW THEREFORE:**

14 37. **IT IS HEREBY ORDERED** Plaintiff's Motion for Summary Judgment is  
15 **GRANTED** in part and **DENIED** in part.

16 38. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **GRANTED** to the extent  
17 Plaintiff is entitled to a declaration that Nuleaf should not have been registered or issued a  
18 certification of registration as a medical marijuana establishment because it had not met all the  
19 necessary requirements of 453A.322(3)(a).

20 39. **IT IS FURTHER ORDERED** that the Division shall rescind or withdraw the  
21 registration of Nuleaf as a medical marijuana establishment.

22 40. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **DENIED** to the extent  
23 Plaintiff seeks the re-issue of Nuleaf's registration to Plaintiff.  
24

41. **IT IS FURTHER ORDERED** that the Division register intervenor Acres and issue Acres a registration certificate.

42. IT IS FURTHER ORDERED Defendant Nuleaf's Countermotion for Summary Judgment is **DENIED**.

DATED this 11th day of December, 2015.

ERIC JOHNSON  
DISTRICT COURT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I caused the foregoing Order to be served as indicated below:

3 JAMES E. SHAPIRO, ESQ.

4 **jshapiro@smithshapiro.com**

*Attorney for Plaintiff, Counter Claimant, Intervenor Defendant*

5 TODD L. BICE, ESQ.

6 **tlb@pisanellibice.com**

*Attorney for Defendant, Intervenor Defendant*

7 MARK E. FERRARIO, ESQ.

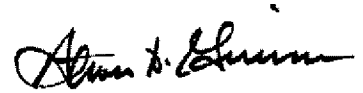
8 **lvitdock@gtlaw.com**

*Attorney for Counter Defendant, Intervenor Plaintiff*

9 /s/Kelly Muranaka

10 \_\_\_\_\_  
Kelly Muranaka

11 Judicial Executive Assistant



CLERK OF THE COURT

1 **NEOJ**

2 MARK E. FERRARIO, ESQ. (NV Bar #1625)

3 MOOREA L. KATZ, ESQ. (NV Bar #12007)

4 GREENBERG TRAUIG, LLP

5 3773 Howard Hughes Parkway, Suite 400 North

6 Las Vegas, Nevada 89169

7 Telephone: (702) 792-3773

8 Facsimile: (702) 792-9002

9 E-mail: ferrariom@gtlaw.com

10 katzmo@gtlaw.com

11 *Counsel for Plaintiff in Intervention*

12 *Acres Medical, LLC*

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 GB SCIENCES NEVADA, LLC, a Nevada  
16 limited liability company,

17 Plaintiff,

18 v.

19 STATE OF NEVADA, DIVISION OF  
20 PUBLIC AND BEHAVIORAL HEALTH OF  
21 THE DEPARTMENT OF HEALTH AND  
22 HUMAN SERVICES; CITY OF LAS VEGAS,  
23 a municipal corporation and political  
24 subdivision of the State of Nevada; DESERT  
25 AIRE WELLNESS, LLC, a Nevada limited  
26 liability company; NULEAF CLV  
27 DISPENSARY, LLC, a Nevada limited  
28 liability company; DOES 1 through 100; and  
ROE ENTITIES 1 through 100,

Defendants.

ACRES MEDICAL, LLC,

Plaintiff in Intervention,

v.

STATE OF NEVADA, DIVISION OF  
PUBLIC AND BEHAVIORAL HEALTH OF  
THE DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; CITY OF LAS VEGAS,

Case No.: A710597

Dept. No.: XX

**NOTICE OF ENTRY OF ORDER ON  
PLAINTIFF GB SCIENCES NEVADA,  
LLC'S MOTION FOR SUMMARY  
JUDGMENT AND ON DEFENDANT  
NULEAF CLV DISPENSARY, LLC'S  
COUNTERMOTION FOR SUMMARY  
JUDGMENT**

**GREENBERG TRAUIG, LLP**  
3773 Howard Hughes Parkway  
Suite 400 North  
Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

1 a municipal corporation and political  
2 subdivision of the State of Nevada; NULEAF  
3 CLV DISPENSARY, LLC, a Nevada limited  
4 liability company; GB SCIENCES NEVADA,  
5 LLC, a Nevada limited liability company,

6  
7 Defendants in Intervention  
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12 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that an **ORDER ON**  
13 **PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT**  
14 **AND ON DEFENDANT NULEAF CLV DISPENSARY, LLC'S COUNTERMOTION FOR**  
15 **SUMMARY JUDGMENT** was entered in the above-captioned matter on the 14th day of  
16 December, 2015.

17 DATED this 15th day of December, 2015.

18 GREENBERG TRAURIG, LLP

19 By: /s/ Moorea L. Katz  
20 MARK E. FERRARIO (NV Bar No. 1625)  
21 MOOREA L. KATZ (NV Bar No. 12007)  
22 3773 Howard Hughes Parkway, Suite 400 North  
23 Las Vegas, Nevada 89169  
24 Counsel for Plaintiff in Intervention  
25 Acres Medical, LLC  
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27  
28

**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that on this 15th day of December, 2015, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER ON PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT AND ON DEFENDANT NULEAF CLV DISPENSARY, LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT** to be filed and served via the Court's Wiznet E-Filing system. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

*/s/ Joyce Heilich*

An employee of GREENBERG TRAURIG, LLP

1    ORDR

2                               EIGHTH JUDICIAL DISTRICT COURT

3                               CLARK COUNTY, NEVADA

4    GB SCIENCES NEVADA, LLC, a Nevada  
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6                               Plaintiff,

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17   DOES 1 through 100; and ROE ENTITIES 1  
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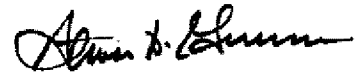
32                              Defendants in Intervention.

Case No. A-14-710597-C

Dept. No. XX

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16 Dispensary (the "Provisional License").

17           17.     At the time the Department registered Nuleaf and issued a Provisional License,  
18 Nuleaf did not meet the requirements of N.R.S. § 453A.322, which specifically permitted the  
19 Division to register a medical marijuana establishment and issue a registration certificate if the  
20 business seeking to register had completed all of the requirements of subsection 3(a), including  
21 providing a letter from the applicable local authority certifying that the proposed medical marijuana  
22 establishment is in "compliance with [zoning] restrictions and satisfies all applicable building  
23 requirements."  
24

1           18.     The Nevada Department of Health and Human Services should have registered and  
2 issued the registration certificate to the medical marijuana establishment to the top twelve ranked  
3 applicants which met all the requirements of the statute.

4           19.     Pursuant to the plain terms of the statute, the Division should not have registered  
5 Nuleaf and issued it a registration certificate as Nuleaf had not met all the requirements of the  
6 statute. The Court's reading of the statute is consistent with the apparent goal of the statute and the  
7 legislature to quickly move the opening and operation of dispensaries in the state. This goal can best  
8 be achieved through the Division registering certificates for the most qualified applicants who have  
9 obtained preliminary approval that they are in "compliance with [zoning] restrictions and satisfies all  
10 applicable building requirements" of the municipality. In view of the time limitations the statute sets  
11 for when the Division may register certificates, the legislature clearly sought to avoid the situation  
12 where the Division approved an applicant but the applicant then failed to obtain zoning or business  
13 licensing from the municipality, resulting in a delay in the opening of the desired number of  
14 dispensaries.

15           20.     On November 9, 2015, the Court heard oral argument on intervenor Acres Medical,  
16 LLC's ("Acres") Motion to Intervene as a Matter of Right Pursuant to NRCP 24 on Order  
17 Shortening Time ("Motion to Intervene"). Acres' Motion to Intervene argued that Acres, not  
18 Plaintiff GB Sciences, was next in line to receive a provisional registration certificate, should one  
19 become available. Acres argued that pursuant to District Court order dated October 8, 2015, in *Acres*  
20 *Medical, LLC v. Department of Health and Human Services, Division of Public and Behavioral*  
21 *Health, et al.*, Case Number A-15-719637-W, Acres should have been the thirteenth ranked  
22 applicant on November 3, 2014. The premise for Acres' intervention was that Acres was entitled to  
23 the relief sought by GB Sciences in this action and Acres was adopting the arguments asserted by  
24 GB Sciences. The Court granted Acres' Motion to Intervene at the November 9, 2015 hearing.

21. The Court may take judicial notice, whether requested or not, of facts capable of verification from a reliable source. See NRS 47.150(1). The Court takes judicial notice that pursuant to District Court order dated October 8, 2015, in *Acres Medical, LLC v. Department of Health and Human Services, Division of Public and Behavioral Health, et al.*, Case Number A-15-719637-W, Acres should have been the thirteenth ranked applicant on November 3, 2014. Accordingly, Acres, not Plaintiff GB Sciences, is the next applicant in line to receive a registration certificate should one become available.

22. If any of the forgoing findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

23. Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, admissions and affidavits on file, show that there exists no genuine issue as to any material fact, and that the moving party is entitled to judgment as a matter of law. Bird v. Casa Royale W., 97 Nev. 67, 624 P.2d 17 (1981).

24. The Nevada Supreme Court has noted that “Rule 56 should not be regarded as a ‘disfavored procedural shortcut’” but instead as an integral part of the rules of procedure as a whole, which are designed “to secure the just, speedy and inexpensive determination of every action.” *Wood v. Safeway, Inc.*, 121 Nev. 724, 730, 121 P.3d 1026, 1030 (2005).

25. NRS § 30.040 gives this Court the ability to make certain declarations regarding the rights, status or other legal relations of parties to a lawsuit.

26. Further, this Court has the authority to issue mandatory injunctions "to restore the status quo, to undo wrongful conditions." Leonard v. Stoebling, 102 Nev. 543, 728 P.2d 1358 (1986); Memory Gardens of Las Vegas, Inc. v. Pet Ponderosa Memorial Gardens, Inc., 492 P.2d 123, 88 Nev. 1 (Nev., 1972).

1           27.     One of the stated purposes of mandatory injunctions is "compelling the undoing of  
2 acts that had been illegally done." City of Reno v. Matley, 378 P.2d 256, 79 Nev. 49 (Nev., 1963).

3           28.     The Division has acknowledged that a complaint for declaratory and injunctive relief  
4 is appropriate.

5           29.     The issuance of the Provisional Certificate to Nuleaf was in error and contrary to  
6 NRS § 453A.322(3).

7           30.     Nuleaf should have been disqualified due to their non-compliance with NRS §  
8 453A.322(3)(a)(5).

9           31.     The Plaintiff and Acres have an inadequate remedy at law.

10          32.     To require the Plaintiff or Acres to simply apply again as part of a new application  
11 period is to deny the Plaintiff and Acres all of their remedies, not only because it delays their ability  
12 to proceed forward with the initial applicants, but also because there is no guarantee that the Plaintiff  
13 or Acres would even qualify for a Provisional License the second time around when comparing the  
14 Plaintiff or Acres to the second, new set of applicants.

15          33.     It would be inequitable and inappropriate to deprive the City of Las Vegas of one of  
16 the twelve Provisional Certificates allocated to it due to an error by the Division.

17          34.     At the hearing on the motions on November 9, 2015, counsel for the Division raised  
18 the fact the City of Las Vegas sent its letter on October 30, 2014, four days before and only one  
19 business day before the Division's planned issuance of registration certificates on November 3,  
20 2014. The Division was not aware of the letter and those entities in conformance with City of Las  
21 Vegas land use, zoning and building requirements at the time it issued registration certificates.  
22 However, counsel stated the Division in issuing certificates looked at submitted applications without  
23 considering the local approval requirement of the statute or whether any of the applicants in  
24 municipalities throughout the state had received a letter of approval from the municipality where

1 they were located. Consequently, the Court finds the timing of the letter and whether the Division  
2 should have been aware of it presents no excuse for the Division failing to comply with the  
3 provisions of the statute. The Division was not looking for, inquiring, following up or even  
4 considering whether applicants had complied with the statutory requirement of an approval letter  
5 from the municipality where the applicant's business would be located.

6 35. The Court further finds no evidence presented suggests the City of Las Vegas sought  
7 to use the zoning or land use process as a subterfuge for the City to determine the most qualified  
8 applicants in place of the Division. The City made a determination as to applicants' compliance  
9 with its zoning restrictions and satisfaction of applicable building requirements as it was specifically  
10 expected to do pursuant to the statute before the registering of certificates.

11 36. If any of the forgoing conclusions of law are properly findings of fact, they shall be  
12 treated as if appropriately identified and designated.

13 **NOW THEREFORE:**

14 37. **IT IS HEREBY ORDERED** Plaintiff's Motion for Summary Judgment is  
15 **GRANTED** in part and **DENIED** in part.

16 38. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **GRANTED** to the extent  
17 Plaintiff is entitled to a declaration that Nuleaf should not have been registered or issued a  
18 certification of registration as a medical marijuana establishment because it had not met all the  
19 necessary requirements of 453A.322(3)(a).

20 39. **IT IS FURTHER ORDERED** that the Division shall rescind or withdraw the  
21 registration of Nuleaf as a medical marijuana establishment.

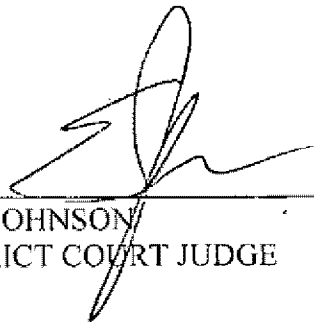
22 40. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **DENIED** to the extent  
23 Plaintiff seeks the re-issue of Nuleaf's registration to Plaintiff.  
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41. **IT IS FURTHER ORDERED** that the Division register intervenor Acres and issue Acres a registration certificate.

42. **IT IS FURTHER ORDERED** Defendant Nuleaf's Countermotion for Summary Judgment is **DENIED**.

DATED this 11 th day of December, 2015.

  
ERIC JOHNSON  
DISTRICT COURT JUDGE





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 31, 2014

---

A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

---

December 31, 2014      9:00 AM      **Motion for Preliminary  
Injunction**

HEARD BY:    Tao, Jerome T.      COURTROOM:    RJC Courtroom 10D

COURT CLERK:    Linda Skinner

RECORDER:    Sara Richardson

REPORTER:

**PARTIES**

**PRESENT:**      Anderson, Linda Christine      Attorney  
Bendavid, Jeffery A.      Attorney  
Bice, Todd L      Attorney  
Ciciliano, Dylan T.      Attorney  
Cristalli, Michael      Attorney  
Moran, John T., III      Attorney  
Smith, Jordan T., ESQ      Attorney

**JOURNAL ENTRIES**

- Arguments by Mr. Bendavid, Ms. Anderson, Mr. Bice and Mr. Ciciliano in support of their respective positions. Following, Court stated its findings and ORDERED, Motion for Preliminary Injunction is DENIED WITHOUT PREJUDICE. Mr. Ciciliano requested they be dismissed from the case. Mr. Bendavid objected at this point, however, requested counsel call him. Defendants to prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**October 20, 2015**

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A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

---

**October 20, 2015      7:30 AM      Minute Order**

**HEARD BY:** Thompson, Charles      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to request by Judge Johnson, who is out of the jurisdiction, COURT ORDERED, Plaintiff's Motion for Summary Judgment, Defendant Nuleaf CLV Dispensary LLC's Opposition to Plaintiff GB Sciences Nevada, LLC's Motion for Summary Judgment and Countermotion for Summary Judgment and Intervener Acres Medical's Motion to Intervene as a Matter of Right Pursuant to NRCP 24 set for October 21, 2015 are CONTINUED to November 4, 2015. Law Clerk to notify the parties.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**November 04, 2015**

---

A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

---

**November 04, 2015      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber Riggio

**PARTIES**

<b>PRESENT:</b>	Anderson, Linda Christine	Attorney
	Bice, Todd L	Attorney
	Katz, Morrea	Attorney
	Leleu, Jonathan P., ESQ	Attorney
	Shapiro, James E.	Attorney
	Smith, Jordan T., ESQ	Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...DEFENDANT NULEAF CLV DISPENSARY LLC'S OPPOSITION TO PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...INTERVENER ACRES MEDICAL'S MOTION TO INTERVENE AS A MATTER OF RIGHT PURSUANT TO NRCP 24 ON AN OST

Due to a scheduling issue, counsel requested this matter be continued. Following colloquy, COURT ORDERED, matter CONTINUED.

... CONTINUED 11/9/15 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**November 09, 2015**

---

A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

---

**November 09, 2015      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber Riggio

**PARTIES**

**PRESENT:**      Anderson, Linda Christine      Attorney  
Bice, Todd L      Attorney  
Katz, Morrea      Attorney  
Leleu, Jonathan P., ESQ      Attorney  
Shapiro, James E.      Attorney  
Smith, Jordan T., ESQ      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...DEFENDANT NULEAF CLV DISPENSARY LLC'S OPPOSITION TO PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...INTERVENER ACRES MEDICAL'S MOTION TO INTERVENE AS A MATTER OF RIGHT PURSUANT TO NRCP 24 ON AN OST

Arguments by Mr. Leleu, Mr. Shapiro and Mr. Bice in support of their respective positions. Following, COURT ORDERED, matter UNDER ADVISEMENT and will notify prevailing party.

CLERK'S NOTE: Court entered a Minute Order as to its Order on 11/13/15.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**November 13, 2015**

---

A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

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**November 13, 2015      7:30 AM      Minute Order**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court makes the following findings of fact and conclusions of law:

1. On October 30, 2014, the City of Las Vegas sent a letter to the Division of Public and Behavioral Health of Nevada Department of Health and Human Services (the Division ) informing the Division that Defendant Nuleaf s application for a medical marijuana special use and compliance permit had been denied as not in compliance with land use restrictions and city code and ineligible for a business license.
2. The City of Las Vegas letter was intended to comply, and did comply, with NRS 453A.322(3)(a)(5). Specifically, pursuant to Las Vegas Municipal Code Section 6.95.080, the letter was to give notice to the Division, as intended in subsection 3(a)(5), as to those medical marijuana applicants which the City of Las Vegas had found to be or not to be in conformance with land use and zoning restrictions, and eligible for consideration for a business license. This letter described the applicable building requirements and zoning restrictions as outlined in the statute.
3. On or about November 3, 2014, the Division registered Nuleaf as a medical marijuana establishment and issued a registration certificate.

4. At the time the Department registered Nuleaf and issued a registration certificate, Nuleaf did not meet the requirements of NRS 453A.322, which specifically permitted the Division to register a medical marijuana establishment and issue a registration certificate if the business seeking to register had completed all of the requirements of subsection 3(a), including providing a letter from the applicable local authority certifying that the proposed medical marijuana establishment is in compliance with [zoning] restrictions and satisfies all applicable building requirements. Pursuant the plain terms of the statute, the Division should not have registered Nuleaf and issued a registration certificate as Nuleaf had not met all the requirements of the statute.

5. The Nevada Department of Health and Human Services should have registered and issued the registration certificate to the medical marijuana establishment to the top twelve ranked applicants which met all the requirements of the statute.

IT IS HEREBY ORDERED Plaintiff s Motion for Summary Judgment is GRANTED in part and DENIED in part. It is GRANTED to the extent Plaintiff is entitled to a declaration that Nuleaf should not have been registered or issued a certification of registration as a medical marijuana establishment because it had not met all the necessary requirements of 453A.322(3)(a). It is hereby ORDERED the Division shall rescind or withdraw the registration of Nuleaf as a medical marijuana establish. Plaintiff s Motion for Summary Judgment is DENIED to the extent Plaintiff seeks the re-issue of Nuleaf s registration to Plaintiff.

IT IS FURTHER ORDERED the Division register intervenor Acres Medical, which, pursuant to District Court order dated October 8, 2015, in Acres Medical, LLC v. Department of Health and Human Services, Division of Public and Behavioral Health, et al., Case Number A-15-719637-W, should have been the thirteenth ranked applicant on November 3, 2014, approved by the City of Las Vegas as in compliance with land use restrictions and city code and eligible for a business license, and meeting all other requirements of NRS 453A.322(3)(a).

IT IS FURTHER ORDERED Defendant Nuleaf s Countermotion for Summary Judgment is DENIED in its entirety.

IT IS FURTHER ORDERED intervenor Acres Medical provide the court with a proposed findings of fact, conclusions of law and order in Word format for the Court pursuant to EDCR 7.21 to provide a more fulsome decision.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**December 02, 2015**

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A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

---

**December 02, 2015      8:30 AM      Motion to Amend**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber Riggio

**PARTIES**

**PRESENT:**      Anderson, Linda Christine      Attorney  
Bice, Todd L      Attorney  
Ferrario, Mark E., ESQ      Attorney  
Katz, Morrea      Attorney  
Shapiro, James E.      Attorney

**JOURNAL ENTRIES**

- John Curtas representing the City of Las Vegas also present. Arguments by Mr. Shapiro, Ms. Anderson, Mr. Bice, Mr. Ferrario and Mr. Curtas in support of their respective positions. Following, COURT ORDERED, Motion DENIED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**December 30, 2015**

---

A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

---

**December 30, 2015      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber Riggio

**PARTIES**

**PRESENT:**      Anderson, Linda Christine      Attorney  
Bice, Todd L      Attorney  
Ferrario, Mark E., ESQ      Attorney  
Shapiro, James E.      Attorney  
Smith, Jordan T., ESQ      Attorney

**JOURNAL ENTRIES**

- MOTION OF SAMANTHA INC. dba SAMANTHA'S REMEDIES TO INTERVENE AS PLAINTIFF PURSUANT TO NRCP 24 AND MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF SUPREME COURT PROCEEDINGS...DEFENDANT NULEAF CLV DISPENSARY, LLC'S EMERGENCY MOTION TO STAY PENDING REVIEW BY THE NEVADA SUPREME COURT ON OST

AS TO SAMANTHA INC'S MOTION: Court noted that no one is available to come to Court for Samantha Inc and ORDERED, Motion of Samantha Inc. dba Samantha's Remedies to Intervene is CONTINUED ONE (1) WEEK.

AS TO NULEAF'S MOTION: Arguments by Mr. Bice, Ms. Anderson, Mr. Shapiro and Mr. Ferrario in support of their respective positions. Following lengthy arguments, Court noted in view of how the statute is written, Court does not feel certificate can be given to Nuleaf, however, ORDERED, matter CONTINUED ONE (1) WEEK.

...CONTINUED 1/6/16 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 06, 2016

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A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

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January 06, 2016      8:30 AM      All Pending Motions

HEARD BY: Johnson, Eric      COURTROOM: RJC Courtroom 10D

COURT CLERK: Linda Skinner

RECORDER:

REPORTER: Amber Riggio

**PARTIES**

**PRESENT:**      Anderson, Linda Christine      Attorney  
Bice, Todd L      Attorney  
Ferrario, Mark E., ESQ      Attorney  
Katz, Morrea      Attorney  
Rushton, Kimberly Maxson      Attorney  
Shapiro, James E.      Attorney  
Smith, Jordan T., ESQ      Attorney

**JOURNAL ENTRIES**

- MOTION OF SAMANTHA INC. dba SAMANTHA'S REMEDIES TO INTERVENE AS PLAINTIFF PURSUANT TO NRCP 24 AND MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF SUPREME COURT PROCEEDINGS...DEFT NULEAF CLV DISPENSARY, LLC'S EMERGENCY MOTION TO STAY PENDING REVIEW BY THE NEVADA SUPREME COURT ON OST

AS TO MOTION OF SAMANTHA: Arguments by Ms. Rushton, Ms. Anderson, Mr. Bice, Mr. Ferrario and Mr. Shapiro in support of their respective positions as to intervention. Following lengthy arguments, COURT ORDERED, Motion DENIED. Ms. Anderson to prepare the Order.

AS TO MOTION TO STAY: Arguments by Mr. Bice, Mr. Ferrario and Mr. Shapiro in support of their respective positions. Following lengthy arguments, COURT ORDERED, Motion DENIED. Mr. Ferrario to prepare the Order.

Colloquy as to Motions set for 2/3. Following, counsel to reply to Motion to Dismiss by Monday, January 11 and response to be filed by January 18 with hearing set on January 22.

1/22/16 9:00 AM PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL RECONSIDERATION...MOTION TO DISMISS GB SCIENCES NEVADA, LLC'S COUNTERCLAIM AGAINST ACRES MEDICAL, LLC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 26, 2016

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A-14-710597-C      GB Sciences Nevada LLC, Plaintiff(s)  
vs.  
Nevada State Department of Health and Human Services, Defendant(s)

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January 26, 2016      3:00 PM      All Pending Motions

HEARD BY: Johnson, Eric      COURTROOM: RJC Courtroom 10D

COURT CLERK: Linda Skinner

RECORDER:

REPORTER: Amber Riggio

**PARTIES**

**PRESENT:**      Anderson, Linda Christine      Attorney  
Ferrario, Mark E., ESQ      Attorney  
Katz, Morrea      Attorney  
Shapiro, James E.      Attorney  
Smith, Jordan T., ESQ      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT OR IN THE ALTERNATIVE, MOTION FOR PARTIAL RECONSIDERATION...PLAINTIFF IN INTERVENTION ACRES MEDICAL, LLC'S MOTION TO DISMISS GB SCIENCES NEVADA, LLC'S COUNTERCLAIM AGAINST ACRES MEDICAL, LLC

Mr. Shapiro advised the issues for trial were with Nuleaf, which have been resolved and would request the trial date be vacated as he is not prepared to go to trial against Acres and that it can be reset after the hearing today. Upon Court's inquiry, Mr. Smith had no objection. COURT ORDERED, calendar call and trial date VACATED.

Arguments by Mr. Shapiro and Mr. Ferrario in support of their respective positions. Statements by Mr. Smith and Ms. Anderson. Following lengthy arguments, COURT ORDERED Plaintiff's Motion for Partial Reconsideration is DENIED and Plaintiff in Intervention Acres Medical, LLC's Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against Acres Medical is GRANTED. CASE

CLOSED. Mr. Ferrario to prepare the Order.



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

**TODD L. BICE, ESQ.**  
**400 S. 7TH ST., SUITE 300**  
**LAS VEGAS, NV 89101**

**DATE: March 4, 2016**  
**CASE: A710597**

**RE CASE:** GB SCIENCES NEVADA, LLC vs. STATE OF NEVADA, DIVISION OF PUBLIC AND BEHAVIORAL HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; NULEAF CLV DISPENSARY, LLC

**NOTICE OF APPEAL FILED:** March 2, 2016

**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
- ☐ **Case Appeal Statement**
  - NRAP 3 (a)(1), Form 2
- ☐ **Order**
- ☐ **Notice of Entry of Order**

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**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 (e) 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.***

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***\*\*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):

DEFENDANT NULEAF CLV DISPENSARY, LLC'S NOTICE OF APPEAL;  
CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET;  
ORDER; NOTICE OF ENTRY OF ORDER ON PLAINTIFF GB SCIENCES NEVADA, LLC'S  
MOTION FOR SUMMARY JUDGMENT AND ON DEFENDANT NULEAF CLV DISPENSARY,  
LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE  
OF DEFICIENCY

GB SCIENCES NEVADA, LLC,

Plaintiff(s),

vs.

STATE OF NEVADA, DIVISION OF PUBLIC  
AND BEHAVIORAL HEALTH OF THE  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES; NULEAF CLV DISPENSARY,  
LLC,

Defendant(s),

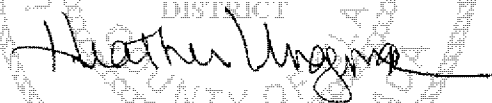
Case No: A710597

Dept No: XX

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 4 day of March 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk