


CLERK OF THE COURT

Electronically Filed
Apr 07 2016 04:17 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOTC
James E. Shapiro, Esq.
Nevada Bar No. 7907
Sheldon A. Herbert, Esq.
Nevada Bar No. 5988
SMITH & SHAPIRO, PLLC
2520 St. Rose Parkway, Suite 220
Henderson, NV 89074
(702) 318-5033
Attorneys for GB SCIENCES NEVADA, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiff,

vs.

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; NULEAF CLV DISPENSARY, LLC, a Nevada limited liability company; DOES 1-10, and ROE ENTITIES 1-100, inclusive,

Defendants.

Case No. **A-14-710597-C**
Dept. No. XX

Date:
Time:

AND RELATED CLAIMS

NOTICE OF CROSS-APPEAL

Notice is hereby given that Plaintiff/Defendant-in-Intervention/Counterclaimant-in-Intervention GB SCIENCES NEVADA, LLC, a Nevada limited liability company, hereby cross-appeals to the Supreme Court of Nevada from the following:

- 1) The District Court's Minute Order, entered on November 13, 2015.
- 2) The District Court's Order, entered on December 14, 2015.
- 3) The District Court's Minute Order, entered on January 26, 2016.

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SMITH & SHAPIRO, PLLC
2520 St. Rose Parkway, Suite 220
Henderson, Nevada 89074
(702) 318-5033

- 1 4) The District Court's Order Denying Plaintiff GB Sciences of Nevada's Motion to Alter
2 or Amend Judgment; or, in the Alternative, Motion for Partial Reconsideration, entered
3 on March 3, 2016.
- 4 5) The District Court's Order Granting Intervenor Acres Medical, LLC's Motion to
5 Dismiss GB Sciences of Nevada, LLC Counterclaims against Acres Medical, LLC,
6 entered on March 3, 2016.
- 7 6) All other orders and rulings made appealable from the foregoing.

8 DATED this 30th day of March, 2016.

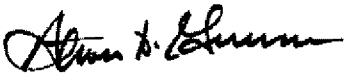
9 SMITH & SHAPIRO, PLLC

11 /s/ James E. Shapiro
12 James E. Shapiro, Esq.
13 Nevada Bar No. 7907
14 Sheldon A. Herbert, Esq.
15 Nevada Bar No. 5988
16 2520 St. Rose Parkway, Suite #220
17 Henderson, NV 89074
18 Attorneys for Plaintiff/Defendant
19 in Intervention/Counter-
20 claimant in Intervention

21 **CERTIFICATE OF SERVICE**

22 I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and that on the 30th
23 day of March, 2016, I served a true and correct copy of the forgoing **NOTICE OF CROSS-APPEAL**,
24 by e-serving a copy on all parties registered and listed as Service Recipients in Wiznet, the Court's on-
25 line, electronic filing website, pursuant to Administrative Order 14-2, entered by the Chief Judge,
26 Jennifer Togliatti, on May 9, 2014.

27 /s/ Jill M. Berghammer
28 An employee of SMITH & SHAPIRO, PLLC


CLERK OF THE COURT

1 **ASTA**
James E. Shapiro, Esq.
2 Nevada Bar No. 7907
Sheldon A. Herbert, Esq.
3 Nevada Bar No. 5988
SMITH & SHAPIRO, PLLC
4 2520 St. Rose Parkway, Suite 220
Henderson, NV 89074
5 (702) 318-5033
Attorneys for GB SCIENCES NEVADA, LLC

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

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

11 Plaintiff,

12 vs.

13 STATE OF NEVADA, DIVISION OF PUBLIC
AND BEHAVIORAL HEALTH OF THE
14 DEPARTMENT OF HEALTH AND HUMAN
SERVICES; CITY OF LAS VEGAS, a municipal
15 corporation and political subdivision of the State of
Nevada; NULEAF CLV DISPENSARY, LLC, a
16 Nevada limited liability company; DOES 1-10, and
ROE ENTITIES 1-100, inclusive,

17 Defendants.

Case No. **A-14-710597-C**
Dept. No. XX

Date:
Time:

18 AND RELATED CLAIMS
19

20 **CASE APPEAL STATEMENT**

21 1. Name of appellant filing this case appeal statement: GB SCIENCES NEVADA, LLC,
22 a Nevada limited liability company.

23 2. Identify the judge issuing the decision, judgment, or order appealed from:
24 HONORABLE ERIC JOHNSON, DEPT. NO. 20.

25 3. Identify each appellant and the name and address of counsel for each appellant: GB
26 SCIENCES NEVADA, LLC, SMITH & SHAPIRO, PLLC, 2520 St. Rose Parkway, Suite 220,
27 Henderson, NV 89074.

28 \ \ \

SMITH & SHAPIRO, PLLC
2520 St. Rose Parkway, Suite 220
Henderson, Nevada 89074
(702) 318-5033

4. Identify each respondent and the name and address of respondent counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

STATE OF NEVADA,
DIVISION OF PUBLIC AND
BEHAVIORAL HEALTH OF THE
DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Appellate counsel: unknown

Trial counsel:

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

NULEAF CLV DISPENSARY, LLC,
a Nevada limited liability company

Appellate counsel:

Todd L. Bice, Esq.
PISANELLI BICE, PLLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101

ACRES MEDICAL, LLC,
a Nevada limited liability company

Appellate counsel: unknown

Trial counsel:

Mark E. Ferrario, Esq.
GREENBERG TRAURIG, LLP
3773 Howard Hughes Pkwy., #400N
Las Vegas, NV 89169

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: retained counsel.

7. Indicate whether respondent is represented by appointed or retained counsel on appeal: retained counsel.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A.

1 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
2 indictment, information, or petition was filed): December 2, 2014.

3 10. Provide a brief description of the nature of the action and result in the district court,
4 including the type of judgment or order being appealed and the relief granted by the district court:

5 The action involves the issuance of provisional registration certificates ("Provisional
6 Certificate") by the State of Nevada to applicants for medical marijuana establishment ("MME")
7 dispensaries in the City of Las Vegas, pursuant to the provisions of N.R.S. Chapter 453A.
8 Notwithstanding the fact that Respondent NuLeaf CLV Dispensary, LLC ("NuLeaf") did not satisfy
9 the requirement identified in N.R.S. § 453A.322(3)(a)(5), the State of Nevada issued a Provisional
10 Certificate to NuLeaf. The District Court revoked NuLeaf's Provisional Certificate but awarded it to
11 intervening party, Respondent Acres Medical, LLC ("Acres"). NuLeaf previously appealed the
12 decision. Cross-Appellant agree that NuLeaf's Certificate should have been revoked, but contend that
13 it should have been awarded to Cross-Appellant.

14 On November 13, 2015, the District Court entered a Minute Order in relation to competing
15 motions for summary judgment, in which the Court revoked NuLeaf's Provisional Certificate and
16 directed that it be issued to Acres. On December 14, 2015, the material terms of the Minute Order were
17 memorialized in a written Order.

18 On January 26, 2016, the District Court entered a Minute Order in relation to Cross-Appellant's
19 motion to alter or amend the December 14, 2015 Order, and Respondent Acres' motion to dismiss
20 Cross-Appellant's counterclaims against Acres. On March 3, 2016, the District Court entered an Order
21 Denying Plaintiff GB Sciences of Nevada's Motion to Alter or Amend Judgment; or, in the Alternative,
22 Motion for Partial Reconsideration and an Order Granting Intervenor Acres Medical, LLC's Motion
23 to Dismiss GB Sciences of Nevada, LLC Counterclaims against Acres Medical, LLC.

24 The Appellant is appealing the November 13, 2015 Minute Order, December 14, 2015 Order,
25 January 26, 2016 Minute Order, and the two Orders entered on March 3, 2016.

26 11. Indicate whether the case has previously been the subject of an appeal to or original writ
27 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior
28

proceeding: Respondent NuLeaf filed a Notice of Appeal on March 2, 2016, and its case is currently pending in the Nevada Supreme Court, Appeal No. 69909, *styled as follows*:

NULEAF CLV DISPENSARY, LLC, a
Nevada limited liability company,

Appellant.

vs.

THE STATE OF NEVADA DEPARTMENT
OF HEALTH AND HUMAN SERVICES,
DIVISION OF PUBLIC AND
BEHAVIORAL HEALTH; DESERT AIRE
WELLNESS, LLC, a Nevada limited liability
company; ACRES MEDICAL, LLC, a
Nevada limited liability company; and GB
SCIENCES NEVADA, LLC, a Nevada
limited liability company,

Respondents.

Supreme Court No. 69909
District Court Case No. A710597

12. Indicate whether this appeal involves child custody or visitation: N/A.

13. If this is a civil case, indicate whether this appeal involves the possibility of
settlement: Settlement is possible.

DATED this 30th day of March, 2016.

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro

James E. Shapiro, Esq.
Nevada Bar No. 7907
Sheldon A. Herbert, Esq.
Nevada Bar No. 5988
2520 St. Rose Parkway, Suite #220
Henderson, NV 89074
*Attorneys for Plaintiff/Defendant
in Intervention/Counter-
claimant in Intervention*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and that on the 30th day of March, 2016, I served a true and correct copy of the forgoing **CASE APPEAL STATEMENT**, by e-serving a copy on all parties registered and listed as Service Recipients in Wiznet, the Court's on-line, electronic filing website, pursuant to Administrative Order 14-2, entered by the Chief Judge, Jennifer Togliatti, on May 9, 2014.

/s/ Jill M. Berghammer
An employee of SMITH & SHAPIRO, 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**
Supreme Court No.: **69909**

CASE INFORMATION

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

DATE

CASE ASSIGNMENT

Current Case Assignment

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

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	GB Sciences Nevada LLC	Shapiro, James E. <i>Retained</i> 702-796-4000(W)
Defendant	City Of Las Vegas Removed: 01/23/2015 Dismissed	
	Desert Aire Wellness LLC Removed: 04/01/2015 Dismissed	Ciciliano, Dylan T. <i>Retained</i> 702-796-5555(W)
	Nevada State Department of Health and Human Services	Anderson, Linda Christine <i>Retained</i> 702-486-3420(W)
	Nuleaf CLV Dispensary LLC	Bice, Todd L <i>Retained</i> 702-214-2100(W)
Counter Claimant	GB Sciences Nevada LLC Removed: 03/03/2016 Dismissed	Shapiro, James E. <i>Retained</i> 702-796-4000(W)
Counter Defendant	Acres Medical LLC Removed: 03/03/2016 Dismissed	Ferrario, Mark E., ESQ <i>Retained</i> 702-792-3773(W)
Intervenor Defendant	GB Sciences Nevada LLC	Shapiro, James E. <i>Retained</i> 702-796-4000(W)
	Nevada State Department of Health and Human Services	Anderson, Linda Christine <i>Retained</i> 702-486-3420(W)
	North Las Vegas, City of	

DEPARTMENT 20
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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: Intervenor Defendant 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: Intervenor Defendant GB Sciences Nevada LLC <i>Initial Appearance Fee Disclosure</i>	
12/05/2014	 First Amended Complaint Filed By: Intervenor Defendant 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: Intervenor Defendant 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: Intervenor Defendant 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: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>	
12/19/2014	 Receipt of Copy Filed by: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>	
12/19/2014	 Receipt of Copy Filed by: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>	











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12/19/2014	 Receipt of Copy Filed by: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>
12/19/2014	 Affidavit of Service Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Affidavit of Service - Nuleaf CLV Dispensary LLC</i>
12/19/2014	 Affidavit of Service Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Affidavit of Service - Richard Whitley M S</i>
12/19/2014	 Affidavit of Service Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Affidavit of Service - Desert Aire Wellness LLC</i>
12/19/2014	 Affidavit of Service Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Affidavit of Service - City of Las Vegas</i>
12/19/2014	 Affidavit of Service Filed By: Intervenor Defendant 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: Intervenor Defendant 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>












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12/30/2014	 Reply to Opposition Filed by: Intervenor Defendant 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: Intervenor Defendant 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	 Motion for Preliminary Injunction (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: Intervenor Defendant 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: Intervenor Defendant GB Sciences Nevada LLC <i>Notice of Voluntary Dismissal Without Prejudice of Defendant</i>
01/23/2015	Dismissal Pursuant to NRCP 41 (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: Intervenor Defendant GB Sciences Nevada LLC <i>Notice of Voluntary Dismissal Without Prejudice of Defendant Desert Aire Wellness, LLC</i>
04/01/2015	Dismissal Pursuant to NRCP 41 (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: Intervenor Defendant GB Sciences Nevada LLC <i>Joint Case Conference Report</i>















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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: Intervenor Defendant GB Sciences Nevada LLC <i>Substitution of Attorney</i>
09/18/2015	 Motion for Summary Judgment Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Motion for Summary Judgment</i>
09/18/2015	 Appendix Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Appendix to GB Sciences Nevada, LLC's Motion for Summary Judgment</i>
09/28/2015	 Application Filed By: Intervenor Defendant 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: Intervenor Defendant 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: Intervenor Defendant 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>

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10/19/2015	 Motion to Intervene Party: Intervenor Plaintiff Acres Medical LLC <i>Acres Medical, LLC's Motion to Intervene as a Matter of Right Pursuant to NRCP 24 on an Order Shortening Time</i>
10/20/2015	 Minute Order (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	Motion for Summary Judgment (8:30 AM) (Judicial Officer: Johnson, Eric) 11/04/2015, 11/09/2015 <i>Plaintiff's Motion for Summary Judgment</i>
11/04/2015	Opposition and Countermotion (8:30 AM) (Judicial Officer: Johnson, Eric) 11/04/2015, 11/09/2015 <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	Motion to Intervene (8:30 AM) (Judicial Officer: Johnson, Eric) 11/04/2015, 11/09/2015 <i>Intervener Acres Medical's Motion to Intervene As A Matter of Right Pursuant to NRCP 24 On An OST</i>
11/04/2015	 All Pending Motions (8:30 AM) (Judicial Officer: Johnson, Eric)
11/06/2015	 Reply in Support Filed By: Intervenor Plaintiff 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	 All Pending Motions (8:30 AM) (Judicial Officer: Johnson, Eric)
11/13/2015	 Minute Order (7:30 AM) (Judicial Officer: Johnson, Eric)
11/16/2015	 Motion to Amend Complaint Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Plaintiff's Motion for Leave to Amend First Amended Complaint</i>
11/17/2015	 Complaint Filed By: Intervenor Plaintiff 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: Intervenor Defendant GB Sciences Nevada LLC <i>Application for Order Shortening Time on Plaintiff's Motion for Leave to Amend First Amended Complaint</i>












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11/18/2015	 Initial Appearance Fee Disclosure Filed By: Intervenor Plaintiff Acres Medical LLC <i>Initial Appearance Fee Disclosure</i>
11/19/2015	 Order Filed By: Intervenor Defendant 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: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>
11/20/2015	 Receipt of Copy Filed by: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>
11/20/2015	 Receipt of Copy Filed by: Intervenor Defendant GB Sciences Nevada LLC <i>Receipt of Copy</i>
11/20/2015	 Notice of Entry of Order Filed By: Intervenor Defendant 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: Intervenor Plaintiff 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: Intervenor Defendant 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	 Motion to Amend (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

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	Filed by: Intervenor Defendant GB Sciences Nevada LLC <i>Answer to Complaint in Intervention and Counterclaim</i>
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: Intervenor Defendant 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: Intervenor Plaintiff 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: Intervenor Defendant 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: Intervenor Plaintiff 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: Intervenor Defendant 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: Intervenor Plaintiff Acres Medical LLC <i>Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against Acres Medical, LLC</i>

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

12/28/2015	 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: Intervenor Plaintiff 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: Intervenor Defendant 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	Motion to Intervene (8:30 AM) (Judicial Officer: Johnson, Eric) 12/30/2015, 01/06/2016 <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	Motion to Stay (8:30 AM) (Judicial Officer: Johnson, Eric) 12/30/2015, 01/06/2016 <i>Def Nuleaf CLV Dispensary, LLC's Emergency Motion to Stay Pending Review by the Nevada Supreme Court on OST</i>
12/30/2015	 All Pending Motions (8:30 AM) (Judicial Officer: Johnson, Eric)
01/05/2016	 Supplement to Opposition Filed By: Intervenor Plaintiff 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: Intervenor Defendant GB Sciences Nevada LLC <i>First Amended Answer to Complaint in Intervention and Counterclaim</i>
01/06/2016	 All Pending Motions (8:30 AM) (Judicial Officer: Johnson, Eric)
01/11/2016	 Opposition Filed By: Intervenor Defendant 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: Intervenor Defendant 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: Intervenor Defendant 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: Intervenor Defendant 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: Intervenor Defendant GB Sciences Nevada LLC <i>Order Denying Plaintiff's Motion For Leave To Amend</i>
01/25/2016	 Order Denying Motion Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Order Denying Samantha Remedies' Motion To Intervene</i>
01/25/2016	 Motion to Dismiss Filed By: Intervenor Plaintiff 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: Intervenor Defendant GB Sciences Nevada LLC <i>Notice of Entry of Order</i>
01/26/2016	 Notice of Entry of Order Filed By: Intervenor Defendant 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	Motion to Amend Judgment (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	Motion to Dismiss (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	 All Pending Motions (3:00 PM) (Judicial Officer: Johnson, Eric)
01/27/2016	CANCELED Calendar Call (10:45 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
02/08/2016	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
02/24/2016	CANCELED Motion to Dismiss (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

	<p>Filed By: Intervenor Plaintiff 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></p>
03/03/2016	<p> Order Granting Motion Filed By: Intervenor Plaintiff 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></p>
03/03/2016	<p> Order Denying Motion Filed By: Intervenor Plaintiff 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></p>
03/03/2016	<p>Order of Dismissal With Prejudice (Judicial Officer: Johnson, Eric) Debtors: GB Sciences Nevada LLC (Counter Claimant) Creditors: Acres Medical LLC (Counter Defendant) Judgment: 03/03/2016, Docketed: 03/10/2016</p>
03/04/2016	<p> Notice of Entry of Order Filed By: Intervenor Plaintiff Acres Medical LLC <i>Notice of Entry of Order Granting Intervenor Acres Medical, LLC's Motion to Dismiss GB Sciences Nevada, LLC's Counterclaims Against Acres Medical, LLC</i></p>
03/04/2016	<p> Notice of Entry of Order Filed By: Intervenor Plaintiff Acres Medical LLC <i>Notice of Entry of Order Denying Plaintiff GB Sciences Nevada, LLC's Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration</i></p>
03/04/2016	<p> Notice of Entry of Order Filed By: Intervenor Plaintiff Acres Medical LLC <i>Notice of Entry of Order re: Defendant Nuleaf CLV Dispensary, LLC's Emergency Motion to Stay Pending Review by the Nevada Supreme Court on Order Shortening Time</i></p>
03/09/2016	<p> Notice of Posting Bond Filed By: Intervenor Defendant Nuleaf CLV Dispensary LLC <i>Notice Of Posting Bond</i></p>
03/30/2016	<p> Notice of Appeal Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Notice of Cross-Appeal</i></p>
03/30/2016	<p> Case Appeal Statement Filed By: Intervenor Defendant GB Sciences Nevada LLC <i>Case Appeal Statement</i></p>

DATE**FINANCIAL INFORMATION****Defendant** Desert Aire Wellness LLC

Total Charges 223.00

Total Payments and Credits 223.00

Balance Due as of 4/1/2016 0.00**Intervenor Defendant** Nuleaf CLV Dispensary LLC

Total Charges 670.00

Total Payments and Credits 670.00

Balance Due as of 4/1/2016 0.00

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

Intervenor Plaintiff Acres Medical LLC

Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 4/1/2016	0.00

Other Samantha Inc

Total Charges	7.00
Total Payments and Credits	7.00
Balance Due as of 4/1/2016	0.00

Intervenor Defendant GB Sciences Nevada LLC

Total Charges	494.00
Total Payments and Credits	494.00
Balance Due as of 4/1/2016	0.00

Intervenor Defendant Nuleaf CLV Dispensary LLC

Appeal Bond Balance as of 4/1/2016	500.00
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Intervenor Defendant GB Sciences Nevada LLC

Appeal Bond Balance as of 4/1/2016	500.00
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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
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <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 Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <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
Probate (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 Estate Value <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	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing	
Civil Writ <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	Other Civil Filing <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

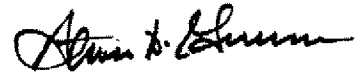
Dept. No. XX

Electronically Filed

12/14/2015 11:51:04 AM

6 Plaintiff,

7 vs.



CLERK OF THE COURT

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.
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.

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.

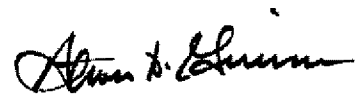
8 **lvitdock@gtlaw.com**

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*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

12 Plaintiff,

13 v.

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

25 Defendants.

26

ACRES MEDICAL, LLC,

27 Plaintiff in Intervention,

28 v.

29 STATE OF NEVADA, DIVISION OF
30 PUBLIC AND BEHAVIORAL HEALTH OF
31 THE DEPARTMENT OF HEALTH AND
32 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
8
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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 _____
21 ACRES MEDICAL, LLC,

22 Plaintiff in Intervention,

23 vs.

24 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; NULEAF CLV
DISPENSARY, LLC, a Nevada limited liability
company; GB SCIENCES NEVADA, LLC, a
Nevada limited liability company,

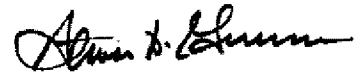
Defendants in Intervention.

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.

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.

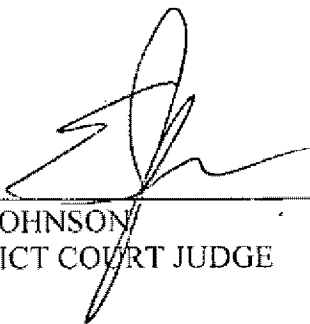
22 40. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **DENIED** to the extent
23 Plaintiff seeks the re-issue of Nuleaf's registration to Plaintiff.
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41. **IT IS FURTHER ORDERED** that the Division register intervenor Acres and issue Acres a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

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

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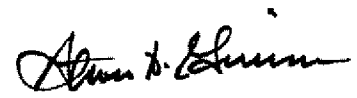
Attorney for Counter Defendant, Intervenor Plaintiff

9 /s/Kelly Muranaka

10

Kelly Muranaka

11 Judicial Executive Assistant


CLERK OF THE COURT

1 **ORDR**

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8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

12 Plaintiff,

13 v.

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

25 Defendants.

26 ACRES MEDICAL, LLC,

27 Plaintiff in Intervention,

28 v.

29 STATE OF NEVADA, DIVISION OF
30 PUBLIC AND BEHAVIORAL HEALTH OF
31 THE DEPARTMENT OF HEALTH AND
32 HUMAN SERVICES; CITY OF LAS VEGAS,
33 a municipal corporation and political
34 subdivision of the State of Nevada; NULEAF

Case No.: A-14-710597-C

Dept. No.: XX

**ORDER DENYING PLAINTIFF GB
SCIENCES NEVADA, LLC'S MOTION TO
ALTER OR AMEND JUDGMENT; OR, IN
THE ALTERNATIVE MOTION FOR
PARTIAL RECONSIDERATION**

GREENBERG TRAURIG, LLP
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CLV DISPENSARY, LLC, a Nevada limited liability company; GB SCIENCES NEVADA, LLC, a Nevada limited liability company,


Defendants in Intervention.

THIS MATTER, having come before the Court on January 26, 2016, on GB SCIENCES NEVADA, LLC'S ("Plaintiff") Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration ("Motion"), Plaintiff, having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC; Defendant STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES (the "State" or "Division"), having appeared by and through ADAM PAUL LAXALT, Attorney General through his Chief Deputy Attorney General, LINDA C. ANDERSON; Defendant NuLeaf CLV Dispensary LLC, having appeared by and through its attorneys of record, PISANELLI BICE, PLLC; Intervenor ACRES MEDICAL, LLC ("Acres"), having appeared by and through its attorneys of record, GREENBERG TRAURIG, LLP; the Court having reviewed the papers and pleadings on file herein, having heard the arguments of counsel, the Court having stated its findings and conclusions on the record, and good cause appearing, **NOW THEREFORE, THE COURT FINDS AND CONCLUDES:**

GB Sciences has not demonstrated that the Court's December 14, 2015 Order ("December Order") was clearly erroneous and therefore has not met the standard for reconsideration. *See Masonry and Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 941 P.2d 486, 113 Nev. 737 (1997). Nor has GB Sciences demonstrated that the Court's December Order should be amended based on accident or error pursuant to Nevada Rule of Civil Procedure 59(a).

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration is **DENIED**.

IT IS SO ORDERED this 29 day of February, 2016.


DISTRICT COURT JUDGE

ERIC JOHNSON

80

1 Respectfully Submitted by:

2 **GREENBERG TRAURIG, LLP**

3
4 Mark E. Ferrario, Esq.

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9 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

10 Approved/Disapproved as to Form and Content:

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25 **ADAM PAUL LAXALT**

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16 *Attorneys for Plaintiff GB Sciences Nevada, LLC*

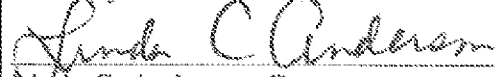
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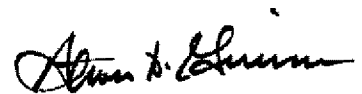
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26 Attorney General

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28 Linda C. Anderson, Esq.
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CLERK OF THE COURT

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11 *Counsel for Plaintiff in Intervention*
12 *Acres Medical, LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

12 Plaintiff,

13 v.

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

25 Defendants.

26

ACRES MEDICAL, LLC,

27 Plaintiff in Intervention,

28 v.

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

Case No.: A710597

Dept. No.: XX

**NOTICE OF ENTRY OF ORDER DENYING
PLAINTIFF GB SCIENCES NEVADA,
LLC'S MOTION TO ALTER OR AMEND
JUDGMENT; OR, IN THE ALTERNATIVE
MOTION FOR PARTIAL
RECONSIDERATION**

GREENBERG TRAUIG, LLP
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Telephone: (702) 792-3773
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a municipal corporation and political
subdivision of the State of Nevada; NULEAF
CLV DISPENSARY, LLC, a Nevada limited
liability company; GB SCIENCES NEVADA,
LLC, a Nevada limited liability company,

Defendants in Intervention

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an **ORDER
DENYING PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION TO ALTER OR
AMEND JUDGMENT; OR, IN THE ALTERNATIVE MOTION FOR PARTIAL
RECONSIDERATION** was entered in the above-captioned matter on the 3rd day of March, 2016.

DATED this 4th day of March, 2016.

GREENBERG TRAURIG, LLP

By: /s/ Moorea L. Katz

MARK E. FERRARIO (NV Bar No. 1625)

MOOREA L. KATZ (NV Bar No. 12007)

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

*Counsel for Plaintiff in Intervention
Acres Medical, LLC*

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 4th day of March, 2016, I caused a true and correct copy of the foregoing 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


CLERK OF THE COURT

ORDER

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Counsel for Plaintiff in Intervention Acres Medical, 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.

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,
a municipal corporation and political
subdivision of the State of Nevada; NULEAF

Case No.: A-14-710597-C

Dept. No.: XX

**ORDER DENYING PLAINTIFF GB
SCIENCES NEVADA, LLC'S MOTION TO
ALTER OR AMEND JUDGMENT; OR, IN
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CLV DISPENSARY, LLC, a Nevada limited liability company; GB SCIENCES NEVADA, LLC, a Nevada limited liability company,

Defendants in Intervention.

THIS MATTER, having come before the Court on January 26, 2016, on GB SCIENCES NEVADA, LLC'S ("Plaintiff") Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration ("Motion"), Plaintiff, having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC; Defendant STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES (the "State" or "Division"), having appeared by and through ADAM PAUL LAXALT, Attorney General through his Chief Deputy Attorney General, LINDA C. ANDERSON; Defendant NuLeaf CLV Dispensary LLC, having appeared by and through its attorneys of record, PISANELLI BICE, PLLC; Intervenor ACRES MEDICAL, LLC ("Acres"), having appeared by and through its attorneys of record, GREENBERG TRAURIG, LLP; the Court having reviewed the papers and pleadings on file herein, having heard the arguments of counsel, the Court having stated its findings and conclusions on the record, and good cause appearing, **NOW THEREFORE, THE COURT FINDS AND CONCLUDES:**

GB Sciences has not demonstrated that the Court's December 14, 2015 Order ("December Order") was clearly erroneous and therefore has not met the standard for reconsideration. *See Masonry and Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 941 P.2d 486, 113 Nev. 737 (1997). Nor has GB Sciences demonstrated that the Court's December Order should be amended based on accident or error pursuant to Nevada Rule of Civil Procedure 59(a).

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Alter or Amend Judgment; or, in the Alternative Motion for Partial Reconsideration is **DENIED**.

IT IS SO ORDERED this 29 day of February, 2016.


DISTRICT COURT JUDGE

ERIC JOHNSON

1 Respectfully Submitted by:

2 **GREENBERG TRAURIG, LLP**

3
4 Mark E. Ferraro, Esq.

5 Nevada Bar No. 1625

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9 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

10 Approved/Disapproved as to Form and Content:

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16 *Attorneys for Plaintiff GB Sciences Nevada, LLC*

17 Approved/Disapproved as to Form and Content:

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21 400 South 7th Street, Suite 300

22 Las Vegas, NV 89101

23 *Attorneys for Nuleaf CLV Dispensary LLC*

24 Approved/Disapproved as to Form and Content:

25 **ADAM PAUL LAXALT**

26 Attorney General

27 Linda C. Anderson, Esq.

28 Chief Deputy Attorney General

Nevada Bar No. 4090

555 E. Washington Ave., #3900

Las Vegas, NV 89101

GREENBERG TRAUBIG, LLP
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169
Telephone: (702) 752-8773
Facsimile: (702) 752-6002

Respectfully Submitted by:

GREENBERG TRAUBIG, LLP

Mark E. Ferraro, Esq.
Nevada Bar No. 1625
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169
Counsel for Plaintiff in Intervention Acres Medical, LLC

Approved/Disapproved as to Form and Content:

SMITH & SHAPIRO, PLLC

James E. Shapiro, Esq.
Nevada Bar No. 7907
2520 Saint Rose Parkway, Suite 220
Henderson, Nevada 89074
Attorneys for Plaintiff GB Sciences Nevada, LLC

Approved/Disapproved as to Form and Content:

PISANELLI BICE, PLLC

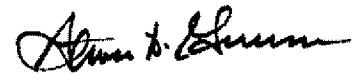
Todd L. Bice, Esq.
Nevada Bar No. 4534
400 South 7th Street, Suite 300
Las Vegas, NV 89101
Attorneys for Nuleaf CLV Dispensary LLC

Approved/Disapproved as to Form and Content:

ADAM PAUL LAXALT
Attorney General

Linda C. Anderson

Linda C. Anderson, Esq.
Chief Deputy Attorney General
Nevada Bar No. 4090
555 E. Washington Ave., #3900
Las Vegas, NV 89101


CLERK OF THE COURT

1 **ORDER**

2 MARK E. FERRARIO, ESQ. (NV Bar #1625)
3 MOOREA L. KATZ, ESQ. (NV Bar #12007)
4 GREENBERG TRAURIG, 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: ferrario@gtlaw.com
10 katzmo@gtlaw.com
11 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

12 Plaintiff,

13 v.

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

25 Defendants.

26 ACRES MEDICAL, LLC,

27 Plaintiff in Intervention,

28 v.

29 STATE OF NEVADA, DIVISION OF
30 PUBLIC AND BEHAVIORAL HEALTH OF
31 THE DEPARTMENT OF HEALTH AND
32 HUMAN SERVICES; CITY OF LAS VEGAS,
33 a municipal corporation and political
34 subdivision of the State of Nevada; NULEAF

Case No.: A-14-710597-C

Dept. No.: XX

**ORDER GRANTING INTERVENOR ACRES
MEDICAL, LLC'S MOTION TO DISMISS
GB SCIENCES NEVADA, LLC'S
COUNTERCLAIMS AGAINST ACRES
MEDICAL, LLC**

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

CLV DISPENSARY, LLC, a Nevada limited liability company; GB SCIENCES NEVADA, LLC, a Nevada limited liability company,

Defendants in Intervention.

THIS MATTER, having come before the Court on January 26, 2016, on ACRES MEDICAL, LLC'S ("Acres" or "Intervenor") Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against Acres Medical, LLC ("Motion"), Plaintiff, having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC; Defendant STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES (the "State" or "Division"), having appeared by and through ADAM PAUL LAXALT, Attorney General through his Chief Deputy Attorney General, LINDA C. ANDERSON; Defendant NuLeaf CLV Dispensary LLC, having appeared by and through its attorneys of record, PISANELLI BICE, PLLC; Intervenor Acres, having appeared by and through its attorneys of record, GREENBERG TRAURIG, LLP, the Court having reviewed the papers and pleadings on file herein, having heard the arguments of counsel, the Court having stated its conclusions on the record, the Court being fully advised in the premises, and good cause appearing, **NOW THEREFORE, THE COURT FINDS AND CONCLUDES:**

GB Sciences Nevada, LLC's ("GB Sciences") counterclaims for declaratory relief and equitable estoppel against Acres are subject to dismissal. GB Sciences cannot seek a provisional Medical Marijuana Establishment ("MME") certificate from the Division via a claim for declaratory relief or equitable estoppel against Acres. If GB Sciences wishes to challenge the score or rank its MME application received from the Division, counterclaims against Acres is not the proper method to do so. Acres is simply a fellow MME applicant in the City of Las Vegas with no legal or contractual relationship with GB Sciences.

Additionally, GB Sciences has failed to allege any facts sufficient to state a claim for equitable estoppel against Acres. GB Sciences bases its claim for equitable estoppel on its allegations that (1) Acres delayed to intervene in this action; and (2) Acres did not name GB Sciences as a party in separate writ proceedings against the Division seeking a correction of Acres'

1 application score. However, the Court already reached the issue of the timeliness of Acres'
2 intervention and has already concluded that Acres' intervention was timely. The Court also notes
3 that GB Sciences never opposed Acres' intervention in these proceedings. Furthermore, counsel for
4 GB Sciences admits that he attended the hearing on Acres writ petition but made no effort to
5 participate or intervene in that action.

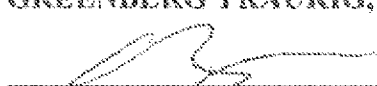
6
7 **IT IS HEREBY ORDERED** that Intervenor Acres's Motion to Dismiss GB Sciences
8 Nevada, LLC's Counterclaims Against Acres Medical, LLC is **GRANTED** and that GB Sciences'
9 Counterclaims against Acres are **DISMISSED WITH PREJUDICE**.

10 **IT IS SO ORDERED** this 29 day of February, 2016.

11
12
13
14 
DISTRICT COURT JUDGE
ERIC JOHNSON


15 Respectfully Submitted by:

16 **GREENBERG TRAURIG, LLP**

17 
18 Mark E. Ferrario, Esq.
19 Nevada Bar No. 1625
20 3773 Howard Hughes Parkway
21 Suite 400 North
22 Las Vegas, Nevada 89169
23 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

24 Approved/Disapproved as to Form and Content:

25 **SMITH & SHAPIRO, PLLC**

26 
27 James E. Shapiro, Esq.
28 Nevada Bar No. 7907
2520 Saint Rose Parkway, Suite 220
Henderson, Nevada 89074
Attorneys for Plaintiff GB Sciences Nevada, LLC

///

1 Approved/Disapproved as to Form and Content:

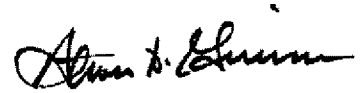
2 **PISANELLI BICE, PLLC**

3
4 Todd L. Bice, Esq.
5 Nevada Bar No. 4534
6 400 South 7th Street, Suite 300
7 Las Vegas, NV 89101
8 *Attorneys for Nuleaf CLV Dispensary LLC*

9 Approved/Disapproved as to Form and Content:

10 **ADAM PAUL LAXALT**
11 Attorney General

12 *Linda C. Anderson*
13 Linda C. Anderson, Esq.
14 Chief Deputy Attorney General
15 Nevada Bar No. 4090
16 555 E. Washington Ave., #3900
17 Las Vegas, NV 89101



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
GRANTING INTERVENOR ACRES
MEDICAL, LLC'S MOTION TO DISMISS
GB SCIENCES NEVADA, LLC'S
COUNTERCLAIMS AGAINST ACRES
MEDICAL, LLC**

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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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an **ORDER GRANTING INTERVENOR ACRES MEDICAL, LLC'S MOTION TO DISMISS GB SCIENCES NEVADA, LLC'S COUNTERCLAIMS AGAINST ACRES MEDICAL, LLC ON PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION FOR SUMMARY JUDGMENT AND ON DEFENDANT NULEAF CLV DISPENSARY, LLC'S COUNTERMOTION FOR SUMMARY JUDGMENT** was entered in the above-captioned matter on the 3rd day of March, 2016.

DATED this 4th day of March, 2016.

GREENBERG TRAURIG, LLP

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

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 4th day of March, 2016, I caused a true and correct copy of the foregoing 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


CLERK OF THE COURT

1 **ORDR**

2 MARK E. FERRARIO, ESQ. (NV Bar #1625)
3 MOOREA L. KATZ, ESQ. (NV Bar #12007)
4 GREENBERG TRAURIG, LLP
5 3773 Howard Hughes Parkway, Suite 400 North
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8 Facsimile: (702) 792-9002
9 E-mail: ferrario@gtlaw.com
10 katzmo@gtlaw.com
11 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

12 Plaintiff,

13 v.

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

25 Defendants.

26 ACRES MEDICAL, LLC,

27 Plaintiff in Intervention,

28 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; NULEAF

Case No.: A-14-710597-C

Dept. No.: XX

**ORDER GRANTING INTERVENOR ACRES
MEDICAL, LLC'S MOTION TO DISMISS
GB SCIENCES NEVADA, LLC'S
COUNTERCLAIMS AGAINST ACRES
MEDICAL, LLC**

GREENBERG TRAURIG, LLP
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CLV DISPENSARY, LLC, a Nevada limited liability company; GB SCIENCES NEVADA, LLC, a Nevada limited liability company,

Defendants in Intervention.

THIS MATTER, having come before the Court on January 26, 2016, on ACRES MEDICAL, LLC'S ("Acres" or "Intervenor") Motion to Dismiss GB Sciences Nevada, LLC's Counterclaim Against Acres Medical, LLC ("Motion"), Plaintiff, having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC; Defendant STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES (the "State" or "Division"), having appeared by and through ADAM PAUL LAXALT, Attorney General through his Chief Deputy Attorney General, LINDA C. ANDERSON; Defendant NuLeaf CLV Dispensary LLC, having appeared by and through its attorneys of record, PISANELLI BICE, PLLC; Intervenor Acres, having appeared by and through its attorneys of record, GREENBERG TRAURIG, LLP, the Court having reviewed the papers and pleadings on file herein, having heard the arguments of counsel, the Court having stated its conclusions on the record, the Court being fully advised in the premises, and good cause appearing, **NOW THEREFORE, THE COURT FINDS AND CONCLUDES:**


GB Sciences Nevada, LLC's ("GB Sciences") counterclaims for declaratory relief and equitable estoppel against Acres are subject to dismissal. GB Sciences cannot seek a provisional Medical Marijuana Establishment ("MME") certificate from the Division via a claim for declaratory relief or equitable estoppel against Acres. If GB Sciences wishes to challenge the score or rank its MME application received from the Division, counterclaims against Acres is not the proper method to do so. Acres is simply a fellow MME applicant in the City of Las Vegas with no legal or contractual relationship with GB Sciences.

Additionally, GB Sciences has failed to allege any facts sufficient to state a claim for equitable estoppel against Acres. GB Sciences bases its claim for equitable estoppel on its allegations that (1) Acres delayed to intervene in this action; and (2) Acres did not name GB Sciences as a party in separate writ proceedings against the Division seeking a correction of Acres'

1 application score. However, the Court already reached the issue of the timeliness of Acres'
2 intervention and has already concluded that Acres' intervention was timely. The Court also notes
3 that GB Sciences never opposed Acres' intervention in these proceedings. Furthermore, counsel for
4 GB Sciences admits that he attended the hearing on Acres writ petition but made no effort to
5 participate or intervene in that action.

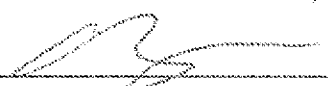
6
7 **IT IS HEREBY ORDERED** that Intervenor Acres's Motion to Dismiss GB Sciences
8 Nevada, LLC's Counterclaims Against Acres Medical, LLC is **GRANTED** and that GB Sciences'
9 Counterclaims against Acres are **DISMISSED WITH PREJUDICE**.

10 **IT IS SO ORDERED** this 29 day of February, 2016.

11
12
13
14 
DISTRICT COURT JUDGE
ERIC JOHNSON


15 Respectfully Submitted by:

16 **GREENBERG TRAURIG, LLP**

17 
18 Mark E. Ferrario, Esq.
19 Nevada Bar No. 1625
20 3773 Howard Hughes Parkway
21 Suite 400 North
22 Las Vegas, Nevada 89169
23 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

24 Approved/Disapproved as to Form and Content:

25 **SMITH & SHAPIRO, PLLC**

26 
27 James E. Shapiro, Esq.
28 Nevada Bar No. 7907
2520 Saint Rose Parkway, Suite 220
Henderson, Nevada 89074
Attorneys for Plaintiff GB Sciences Nevada, LLC

///

1 Approved/Disapproved as to Form and Content:

2 **PISANELLI BICE, PLLC**

3
4 Todd L. Bice, Esq.
5 Nevada Bar No. 4534
6 400 South 7th Street, Suite 300
7 Las Vegas, NV 89101
8 *Attorneys for Nuleaf CLV Dispensary LLC*

9 Approved/Disapproved as to Form and Content:

10 **ADAM PAUL LAXALT**
11 Attorney General

12 *Linda C. Anderson*
13 Linda C. Anderson, Esq.
14 Chief Deputy Attorney General
15 Nevada Bar No. 4090
16 555 E. Washington Ave., #3900
17 Las Vegas, NV 89101

**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

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

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

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)

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

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

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

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

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

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

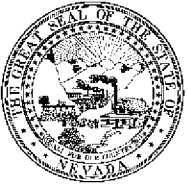
JOURNAL ENTRIES

- 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

JAMES E. SHAPIRO, ESQ.
2520 ST. ROSE PKWY., SUITE 220
HENDERSON, NV 89074

DATE: April 1, 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 30, 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**

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.

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF CROSS-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; ORDER DENYING PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION TO ALTER OR AMEND JUDGMENT; OR, IN THE ALTERNATIVE MOTION FOR PARTIAL RECONSIDERATION; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF GB SCIENCES NEVADA, LLC'S MOTION TO ALTER OR AMEND JUDGMENT; OR, IN THE ALTERNATIVE MOTION FOR PARTIAL RECONSIDERATION; ORDER GRANTING INTERVENOR ACRES MEDICAL, LLC'S MOTION TO DISMISS GB SCIENCES NEVADA, LLC'S COUNTERCLAIMS AGAINST ACRES MEDICAL, LLC; NOTICE OF ENTRY OF ORDER GRANTING INTERVENOR ACRES MEDICAL, LLC'S MOTION TO DISMISS GB SCIENCES NEVADA, LLC'S COUNTERCLAIMS AGAINST ACRES MEDICAL, LLC; 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 1 day of April 2016.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "CLERK OF THE COURT", "JUDICIAL DISTRICT", and "COUNTY OF CLATSOP STATE OF OREGON".

Heather Ungermann, Deputy Clerk