

EXHIBIT 8

EXHIBIT 8



CLERK OF THE COURT

1 **NEOJ**
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3 MOOREA L. KATZ, ESQ. (NV Bar #12007)
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11 *Counsel for Plaintiff in Intervention*
12 *Acres Medical, LLC*

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

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

13 Plaintiff,

14 v.

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

26 Defendants.

27 ACRES MEDICAL, LLC,

28 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**

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

6
7 Defendants in Intervention
8
9

10 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that an **ORDER**
11 **GRANTING INTERVENOR ACRES MEDICAL, LLC'S MOTION TO DISMISS GB**
12 **SCIENCES NEVADA, LLC'S COUNTERCLAIMS AGAINST ACRES MEDICAL, LLC 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 3rd day of March,
16 2016.

17 DATED this 4th day of March, 2016.

18 GREENBERG TRAURIG, LLP

19 By: /s/ Moorea L. Katz

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

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

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

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

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that on this 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 TRAUIG, LLP
5 3773 Howard Hughes Parkway, Suite 400 North
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9 E-mail: ferrario@gtlaw.com
10 katzmo@gtlaw.com
11 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

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

Case No.: A-14-710597-C

16 Plaintiff,

Dept. No.: XX

17 v.

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

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

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

4 Defendants in Intervention.

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

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


24
25 Additionally, GB Sciences has failed to allege any facts sufficient to state a claim for
26 equitable estoppel against Acres. GB Sciences bases its claim for equitable estoppel on its
27 allegations that (1) Acres delayed to intervene in this action; and (2) Acres did not name GB
28 Sciences as a party in separate writ proceedings against the Division seeking a correction of Acres'

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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.

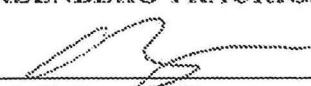
6
7 **IT IS HEREBY ORDERED** that Intervenor Acres's Motion to Dismiss GB Sciences
8 Nevada, LLC's Counterclaims Against Acres Medical, LLC is **GRANTED** and that GB Sciences'
9 Counterclaims against Acres are **DISMISSED WITH PREJUDICE**.

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

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14 
DISTRICT COURT JUDGE
ERIC JOHNSON


15 Respectfully Submitted by:

16 **GREENBERG TRAURIG, LLP**

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

22
23 Approved/Disapproved as to Form and Content:

24 **SMITH & SHAPIRO, PLLC**

25
26 
James E. Shapiro, Esq.
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2520 Saint Rose Parkway, Suite 220
Henderson, Nevada 89074
27 *Attorneys for Plaintiff GB Sciences Nevada, LLC*

28 ///

1 Approved/Disapproved as to Form and Content:

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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

EXHIBIT 7

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CLERK OF THE COURT

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

13
14
15 **DISTRICT COURT**
16
17 **CLARK COUNTY, NEVADA**

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

20
21 Plaintiff,

22 v.

23 STATE OF NEVADA, DIVISION OF
24 PUBLIC AND BEHAVIORAL HEALTH OF
25 THE DEPARTMENT OF HEALTH AND
26 HUMAN SERVICES; CITY OF LAS VEGAS,
27 a municipal corporation and political
28 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,

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**

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

6
7 Defendants in Intervention
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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)

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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 employec of GREENBERG TRAURIG, LLP

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CLERK OF THE COURT

1 **ORDER**

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

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

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10 katzmo@gtlaw.com

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

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

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

16 Plaintiff,

17 v.

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

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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. Ferrario, Esq.

5 Nevada Bar No. 1625

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7 Suite 400 North

8 Las Vegas, Nevada 89169

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

10 Approved/Disapproved as to Form and Content:

11 **SMITH & SHAPIRO, PLLC**

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13 James E. Shapiro, Esq.

14 Nevada Bar No. 7907

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16 Henderson, Nevada 89074

17 *Attorneys for Plaintiff GB Sciences Nevada, LLC*

18 Approved/Disapproved as to Form and Content:

19 **PISANELLI BICE, PLLC**

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21 Todd L. Bice, Esq.

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24 Las Vegas, NV 89101

25 *Attorneys for Nuleaf CLV Dispensary LLC*

26 Approved/Disapproved as to Form and Content:

27 **ADAM PAUL LAXALT**

28 Attorney General

29 Linda C. Anderson, Esq.

30 Chief Deputy Attorney General

31 Nevada Bar No. 4090

32 555 E. Washington Ave., #3900

33 Las Vegas, NV 89101

1 Respectfully Submitted by:

2 **GREENBERG TRAURIG, LLP**

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4 Mark E. Ferraro, 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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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*
28 Linda C. Anderson, Esq.
Chief Deputy Attorney General
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EXHIBIT 6

EXHIBIT 6



CLERK OF THE COURT

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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
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ROE ENTITIES 1 through 100,

Defendants.

ACRES MEDICAL, LLC,

Plaintiff in Intervention,

v.

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

Case No.: A710597
Dept. No.: XX

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

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

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7 Defendants in Intervention
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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an ORDER 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 14th day of
December, 2015.

DATED this 15th day of December, 2015.

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

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Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

CERTIFICATE OF SERVICE

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

/s/ Joyce Heilich
An employee of GREENBERG TRAURIG, LLP

1 ORDR

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

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

6 Plaintiff,

7 vs.

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

19 Defendants.

20 ACRES MEDICAL, LLC,

21 Plaintiff in Intervention,

22 vs.

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

32 Defendants in Intervention.

Case No. A-14-710597-C

Dept. No. XX

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CLERK OF THE COURT

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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.

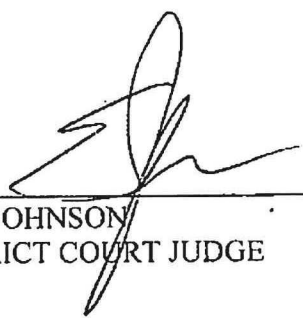
22 40. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **DENIED** to the extent
23 Plaintiff seeks the re-issue of Nuleaf's registration to Plaintiff.
24

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

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

DATED this 11 th day of December, 2015.



ERIC JOHNSON
DISTRICT COURT JUDGE

1 **CERTIFICATE OF SERVICE**

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

3 JAMES E. SHAPIRO, ESQ.

4 **jshapiro@smithshapiro.com**

Attorney for Plaintiff, Counter Claimant, Intervenor Defendant

5 TODD L. BICE, ESQ.

6 **tlb@pisanellibice.com**

Attorney for Defendant, Intervenor Defendant

7 MARK E. FERRARIO, ESQ.

8 **lvitdick@gtlaw.com**

Attorney for Counter Defendant, Intervenor Plaintiff

9 /s/Kelly Muranaka

10

Kelly Muranaka

11 Judicial Executive Assistant

EXHIBIT 5

EXHIBIT 5


CLERK OF THE COURT

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

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

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

Case No.: A-14-710597-C

Dept. No.: XX

16 Plaintiff,

17 v.

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

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

GREENBERG TRAUERIG, LLP
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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.

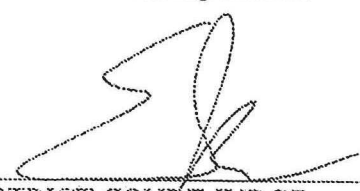

Additionally, GB Sciences has failed to allege any facts sufficient to state a claim for equitable estoppel against Acres. GB Sciences bases its claim for equitable estoppel on its allegations that (1) Acres delayed to intervene in this action; and (2) Acres did not name GB Sciences as a party in separate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

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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 
15 DISTRICT COURT JUDGE
16 ERIC JOHNSON 


17 Respectfully Submitted by:

18 **GREENBERG TRAURIG, LLP**

19 
20 Mark E. Ferrario, Esq.
21 Nevada Bar No. 1625
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25 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

26 Approved/Disapproved as to Form and Content:

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28 
James E. Shapiro, Esq.
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Attorneys for Plaintiff GB Sciences Nevada, LLC

///

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9 Approved/Disapproved as to Form and Content:

10 ADAM PAUL LAXALT
11 Attorney General

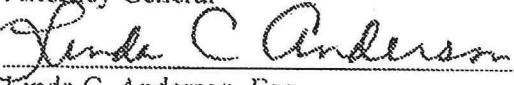
12 
13 Linda C. Anderson, Esq.
14 Chief Deputy Attorney General
15 Nevada Bar No. 4090
16 555 E. Washington Ave., #3900
17 Las Vegas, NV 89101

EXHIBIT 4

EXHIBIT 4


CLERK OF THE COURT

1 **ORDER**

2 MARK E. FERRARIO, ESQ. (NV Bar #1625)
3 MOOREA L. KATZ, ESQ. (NV Bar #12007)
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11 *Counsel for Plaintiff in Intervention Acres Medical, LLC*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

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

16 Plaintiff,

17 v.

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

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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 _____
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8 Approved/Disapproved as to Form and Content:

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22 *Attorneys for Nuleaf CLV Dispensary LLC*

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23 **ADAM PAUL LAXALT**
24 Attorney General

25 _____
26 Linda C. Anderson, Esq.
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1 Respectfully Submitted by:

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24 Approved/Disapproved as to Form and Content:

25 **ADAM PAUL LAXALT**

26 Attorney General

27 *Linda C. Anderson*

28 Linda C. Anderson, Esq.
Chief Deputy Attorney General
Nevada Bar No. 4090
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Las Vegas, NV 89101

EXHIBIT 3

EXHIBIT 3

REGISTER OF ACTIONS**CASE No. A-14-710597-C****GB Sciences Nevada LLC, Plaintiff(s) vs. Nevada State
Department of Health and Human Services, Defendant(s)**§
§
§
§
§
§
§**Case Type: Other Civil Matters**
Date Filed: 12/02/2014
Location: Department 20
Cross-Reference Case Number: A710597
Supreme Court No.: 69909

PARTY INFORMATION

Lead Attorneys**Defendant Nevada State Department of Health and
Human Services****Linda Christine Anderson**
Retained
702-486-3420(W)**Defendant Nuleaf CLV Dispensary LLC****Todd L Bice**
Retained
702-214-2100(W)**Intervenor GB Sciences Nevada LLC**
Defendant**James E. Shapiro**
Retained
702-796-4000(W)**Intervenor Nevada State Department of Health and**
Defendant Human Services**Linda Christine Anderson**
Retained
702-486-3420(W)**Intervenor North Las Vegas, City of**
Defendant**Intervenor Nuleaf CLV Dispensary LLC**
Defendant**Todd L Bice**
Retained
702-214-2100(W)**Intervenor Acres Medical LLC**
Plaintiff**Mark E. Ferrario, ESQ**
Retained
702-792-3773(W)**Plaintiff GB Sciences Nevada LLC****James E. Shapiro**
Retained
702-796-4000(W)

EVENTS & ORDERS OF THE COURT

01/26/2016 All Pending Motions (3:00 PM) (Judicial Officer Johnson, Eric)**Minutes**

01/26/2016 3:00 PM

- 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.

[Parties Present](#)[Return to Register of Actions](#)

EXHIBIT 2

EXHIBIT 2

1 ORDR

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

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

6 Plaintiff,

7 vs.

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

19 Defendants.

20 ACRES MEDICAL, LLC,

21 Plaintiff in Intervention,

22 vs.

23 STATE OF NEVADA, DIVISION OF PUBLIC
24 AND BEHAVIORAL HEALTH OF THE
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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CLERK OF THE COURT

1 **ORDER**

2 THIS MATTER having come before the Court on GB SCIENCES NEVADA, LLC's
3 ("Plaintiff") Motion for Summary Judgment (the "Motion") and on Defendant NULEAF CLV
4 DISPENSARY, LLC ("NuLeaf") Countermotion for Summary Judgment ("Countermotion");
5 Plaintiff, having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC;
6 Defendant STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES (the
7 "State" or "Division"), having appeared by and through ADAM PAUL LAXALT, Attorney General,
8 through his Chief Deputy Attorney General, LINDA C. ANDERSON; Defendant NuLeaf, having
9 appeared by and through its attorneys of record, PISANELLI BICE, PLLC; Intervenor ACRES
10 MEDICAL, LLC ("Acres"), having appeared by and through its attorneys of record, GREENBERG
11 TRAURIG, LLP, the Court having reviewed the papers and pleadings on file herein, having heard
12 the arguments of counsel, and good cause appearing, THE COURT FINDS AND CONCLUDES:

13 **FINDINGS OF FACTS**

14 1. In 2013, Senate Bill 374 was passed which provided for the registration of medical
15 marijuana establishments authorized to cultivate or dispense marijuana or manufacture edible
16 marijuana products or marijuana-infused products for sale to persons authorized to engage in the
17 medical use of marijuana. Senate Bill 374 was codified into N.R.S. Chapter 453A.

18 2. Under N.R.S. § 453A.320 et seq., the Division was tasked with processing and
19 ranking applications for Medical Marijuana Establishments ("MMEs") for each local jurisdiction in
20 Nevada.

21 3. There were five types of MME's, including Dispensaries, Cultivation Facilities, and
22 Production Facilities. The MME at issue in this lawsuit is a Dispensary.

23 4. The City of Las Vegas was allocated twelve Dispensary provisional certificates.
24

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.

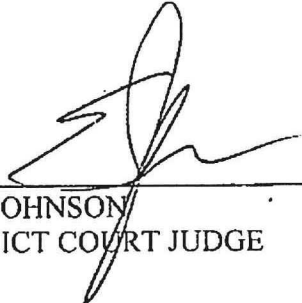
22 40. **IT IS FURTHER ORDERED** that Plaintiff's Motion is **DENIED** to the extent
23 Plaintiff seeks the re-issue of Nuleaf's registration to Plaintiff.
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41. **IT IS FURTHER ORDERED** that the Division register intervenor Acres and issue Acres a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

CERTIFICATE OF SERVICE

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

JAMES E. SHAPIRO, ESQ.

jshapiro@smithshapiro.com

Attorney for Plaintiff, Counter Claimant, Intervenor Defendant

TODD L. BICE, ESQ.

tlb@pisanellibice.com

Attorney for Defendant, Intervenor Defendant

MARK E. FERRARIO, ESQ.

lvlitdock@gtlaw.com

Attorney for Counter Defendant, Intervenor Plaintiff

/s/Kelly Muranaka

Kelly Muranaka

Judicial Executive Assistant

EXHIBIT 1

EXHIBIT 1

**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:** Chambers

COURT CLERK: Keri Cromer

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.

In the Supreme Court of the State of Nevada

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; ACRES MEDICAL, LLC, a Nevada
limited liability company; and GB SCIENCES,
LLC, a Nevada limited liability company,

Respondent.

GB SCIENCES, LLC, a Nevada limited liability
company,

Cross-Appellant,

vs.

THE STATE OF NEVADA DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
DIVISION OF PUBLIC AND BEHAVIORAL
HEALTH; NULEAF CLV DISPENSARY, LLC,
a Nevada limited liability company; and ACRES
MEDICAL, LLC, a Nevada limited liability
company,

Cross-Respondents.

Electronically Filed
Apr 20 2016 08:30 a.m.
Supreme Court No. ~~69909~~ 2016-12313
Tracie K. Lindeman
District Court No. ~~A710997~~ Clerk of Supreme Court

**DOCKETING STATEMENT
CIVIL CROSS-APPEAL**

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See Moran v. Bonneville Square Assocs.*, 117 Nev 525, 25 P.3d 898 (2001); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Eighth Department: XX County: Clark
Judge: The Honorable Eric Johnson District Court Docket No.: A-14-710597-C

2. **Attorney filing this docket statement:**

Attorney: James E. Shapiro, Esq. Telephone: (702) 318-5033
Firm: Smith & Shapiro, PLLC
Address: 2520 St. Rose Pkwy., Suite 220, Henderson, NV 89074
Clients: Cross-Appellant, GB Sciences, LLC, a Nevada limited liability company

If this is a joint statement completed on behalf of multiple cross-appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. **Attorney(s) representing cross-respondent(s):**

Attorney: Todd L. Bice, Esq., Dustun H. Holmes, Esq. Telephone: (702) 214-2100
Firm: PISANELLI BICE, PLLC
Address: 400 South 7th Street, Suite 300, Las Vegas, NV 89101
Clients: Cross-Respondent, Nuleaf CLV Dispensary, LLC, a Nevada limited liability company

Attorney: Adam P. Laxalt, Linda C. Anderson, Esq. Telephone: (702) 486-3077
Firm: STATE OF NEVADA, ATTORNEY GENERAL
Address: 555 E. Washington Avenue, #3900, Las Vegas, NV 89101
Clients: Cross-Respondent, State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services

Attorney: Mark E. Ferrario, Esq., Landon I. Lerner, Esq. Telephone: (702) 792-3773
Firm: GREENBERG TRAURIG, LLP
Address: 3773 Howard Hughes Parkway, Suite 400 North, Las Vegas, NV 89169
Clients: Cross-Respondent, Acres Medical, LLC, a Nevada limited liability company

4. **Nature of disposition below (check all that apply):**

- | | |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Grant/Denial of injunction |
| <input type="checkbox"/> Judgment after jury verdict | <input checked="" type="checkbox"/> Grant/Denial of declaratory relief |
| <input checked="" type="checkbox"/> Summary judgment | <input type="checkbox"/> Review of agency determination |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Dismissal | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Lack of jurisdiction | <input checked="" type="checkbox"/> Other disposition (specify) <u>Motion to Alter or</u> |
| <input type="checkbox"/> Failure to state a claim | <u>Amend Judgment, Pursuant to NRCP 59</u> |
| <input type="checkbox"/> Failure to prosecute | <u></u> |
| <input type="checkbox"/> Other (specify) <u></u> | <u></u> |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <u></u> |

5. **Does this cross-appeal raise issues concerning any of the following:**

- | | |
|----------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights |
| <input type="checkbox"/> Venue | <input type="checkbox"/> Grant/denial of injunction or TRO |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile matters |

6. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this cross-appeal:

Name: Nuleaf CLV Dispensary, LLC v. The State of Nevada Department of Health and Human Services et al.
Docket number: 69909

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this cross-appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

8. **Nature of the action.** Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

Nature of the action: The action involves the issuance of provisional registration certificates (“**Provisional Certificates**”) by the State of Nevada to applicants for medical marijuana establishment (“**MME**”) dispensaries in the City of Las Vegas, pursuant to the provisions of N.R.S. Chapter 453A. Notwithstanding the fact that Cross-Respondent Nuleaf CLV Dispensary, LLC (“**Nuleaf**”) did not satisfy the requirement identified in N.R.S. § 453A.322(3)(a)(5), Cross-Respondent the State of Nevada issued a Provisional Certificate to Nuleaf. The District Court revoked Nuleaf’s Provisional Certificate but awarded it to intervening party, Cross-Respondent Acres Medical, LLC (“**Acres**”). Nuleaf appealed the decision. Cross-Appellant agrees that Nuleaf’s Certificate should have been revoked, but contends that it should have been awarded to Cross-Appellant.

Causes of action: (1) Declaratory Judgment, (2) Injunctive Relief, (3) Petition for Judicial Review, and (4) Petition for Writ of Mandamus.

Result below: On November 13, 2015, the District Court entered a Minute Order in relation to competing motions for summary judgment, in which the Court revoked Nuleaf’s Provisional Certificate and directed that it be issued to Acres. On December 14, 2015, the material terms of the Minute Order were memorialized in a written Order. On January 26, 2016, the District Court entered a Minute Order in relation to Cross-Appellant’s motion to alter or amend the December 14, 2015 Order, and Respondent Acres’ Motion to Dismiss Cross-Appellant’s counterclaims against Acres. On March 3, 2016, the District Court entered an Order denying Cross-Appellant’s Motion to Alter or Amend Judgment; or, in the Alternative, Motion for Partial Reconsideration and granting Respondent Acres’ Motion to Dismiss Cross-Appellant’s Counterclaims against Respondent Acres.

9. **Issues on cross-appeal.** State concisely the principal issue(s) in this cross-appeal:

Whether the District Court erred in applying res judicata effect to an Order entered in a separate matter to which Cross-Appellant was not a party, defeating the claims of the Cross-Appellant to the Provisional Certificate at issue.

Whether the District Court erred in awarding the Provisional Certificate to Acres as a result of a summary judgment hearing which took place before Acres’ had filed a Complaint in Intervention making claim to the Provisional Certificate.

Whether the District Court erred in awarding the Provisional Certificate to Acres, when Acres did not have a motion for summary judgment on file at the time, either to support such a result or containing a prayer for such relief.

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this cross-appeal, list the case name and docket number and identify the same or similar issues raised:

N/A

11. **Constitutional issues.** If this cross-appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this cross-appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

12. **Other issues.** Does this cross-appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first-impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- ☐ A ballot question

If so, explain: _____

13. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

14. Judicial disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation on this cross-appeal? If so, which Justice? No

TIMELINESS OF NOTICE OF APPEAL

15. **Date of entry of written judgment or order cross-appealed from** November 13, 2015, December 14, 2015, January 26, 2016, March 3, 2016, and March 3, 2016. **Attach a copy. If more than one judgment or order is cross-appealed from, attach copies of each judgment or order from which a cross-appeal is taken.**

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: N/A.

16. **Date written notice of entry of judgment or order served** December 15, 2015, March 4, 2016, and March 4, 2016. **Attach a copy, including proof of service, for each order or judgment cross-appealed from.**

(a) Was service by delivery Yes (e-service) or by mail _____ (specify).

17. **If the time for filing the notice of cross-appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),**

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

NRCP 50(b) _____ Date served _____ By delivery _____ Or by mail _____ Date of filing _____.
NRCP 52(b) _____ Date served _____ By delivery _____ Or by mail _____ Date of filing _____.
NRCP 59(e) X Date served 12/23/15 By delivery _____ Or by mail 12/23/15 Date of filing 12/23/15.

* e-served on all parties registered and listed as Service Recipients in Wiznet.

Attach copies of all post-trial tolling motions

NOTE: Motions made pursuant to NRCP 60 or motion for rehearing or reconsideration do not toll the time for filing a notice of cross-appeal.

(b) Date of entry of written order resolving tolling motion March 3, 2016. Attach a copy.

(c) Date written notice of entry of order resolving motion served March 4, 2016. Attach a copy, including proof of service.

(i) Was service by delivery _____ or by mail X (e-served) (specify).

18. **Date notice of cross-appeal was filed** March 30, 2016.

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal: On March 2, 2015, Respondent Nuleaf CLV Dispensary, LLC filed the initial Notice of Appeal in this matter, with respect to the December 14, 2015 Order

19. **Specify statute or rule governing the time limit for filing the notice of cross-appeal, e.g., NRAP 4(a), NRS 155.190, or other:** NRAP 4(a)(1), NRAP 4(a)(2), NRAP 4(a)(4)(C).

SUBSTANTIVE APPEALABILITY

20. **Specify the statute or other authority granting this court jurisdiction to review the judgment or order cross-appealed from:**

NRAP 3A(b)(1) X NRS 155.190 _____ (specify subsection) _____
NRAP 3A(b)(2) _____ NRS 38.205 _____ (specify subsection) _____
NRAP 3A(b)(3) X NRS 703.376 _____ (specify subsection) _____
Other (specify) _____

Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(1) provides the basis for this appeal because it is an appeal from a final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered. NRAP 3A(b)(3) provides the basis for this appeal because the Court denied Cross-Appellant a mandatory injunction against the State of Nevada to issue the Provisional Certificate at issue to Cross-Appellant.

21. **List all parties involved in the action in the district court:**

Cross-Appellant: GB Sciences, LLC, a Nevada limited liability company
Cross-Respondent: State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services
Cross-Respondent: Nuleaf CLV Dispensary, LLC, a Nevada limited liability company
Cross-Respondent: Acres Medical, LLC, a Nevada limited liability company
Defendant City of Las Vegas

Defendant Desert Aire Wellness, LLC, a Nevada limited liability company

(a) If all parties in the district court are not parties to this cross-appeal, explain in detail why those parties are not involved in this cross-appeal, e.g., formally dismissed, not served, or other: Defendant City of Las Vegas was voluntarily dismissed as a party on January 23, 2015. Defendant Desert Aire Wellness, LLC was voluntarily dismissed as a party on April 1, 2015.

22. **Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e., order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.**

Cross-Appellant's claims against Respondent State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services:

- (i) Declaratory Judgment. State improperly issued Provisional Certificate.
 - (ii) Injunction. Issue Certificate to Cross-Appellant.
 - (iii) Petition for Judicial Review: Review Decision to Issue Certificate.
 - (iv) Petition for Writ of Mandamus: Compel issuance of Provisional Certificate to Cross-Appellant.
- December 14, 2015 Judgment: claims (i) and (iii) granted, but (ii) and (iv) denied.

Cross-Appellant's claims against Respondent Nuleaf CLV Dispensary:

- (i) Declaratory Judgment. State improperly issued Provisional Certificate.
 - (ii) Injunction. Issue Certificate to Cross-Appellant.
- December 14, 2015 Judgment: claim (i) granted, but (ii) denied.

Cross-Appellant's claims against Defendant City of Las Vegas:

- (i) Declaratory Judgment. State improperly issued Provisional Certificate.
 - (ii) Injunction. Not Consider SUP Applications.
- January 23, 2015 voluntary dismissal.

Cross-Appellant's claims against Defendant Desert Aire Wellness:

- (i) Declaratory Judgment. State improperly issued Provisional Certificate.
 - (ii) Injunction. Issue Certificate to Cross-Appellant.
- April 1, 2015 voluntary dismissal.

Cross-Respondent State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services' counterclaims against Cross-Appellant: None.

Cross-Respondent Nuleaf CLV Dispensary's counterclaims against Cross-Appellant: None.

Defendant City of Las Vegas' counterclaims against Cross-Appellant: None.

Defendant Desert Aire Wellness's counterclaims against Cross-Appellant: None.

Cross-Respondent Acres Medical's claims in intervention against Cross-Appellant, Cross-Respondent Nuleaf CLV Dispensary, Cross-Respondent City of Las Vegas, and Cross-Respondent State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services:

- (i) Declaratory Judgment. State improperly issued Provisional Certificate.
 - (ii) Injunction. Issue Certificate to Cross-Respondent Acres Medical.
 - (iii) Petition for Writ of Mandamus: Compel issuance of Provisional Certificate to Cross-Respondent Acres Medical.
- December 14, 2015 Judgment: claim (i), (ii), and (iii) granted.

Cross-Appellant's counterclaims in intervention against Respondent Acres Medical, LLC:

- (i) Declaratory Judgment. State improperly issued Provisional Certificate.
- (ii) Injunction. Issue Certificate to Cross-Appellant.
- (iii) Petition for Writ of Mandamus: Compel issuance of Provisional Certificate to Cross-Appellant.

December 14, 2015 Judgment: claim (i) granted, but claim (ii) and (iii) denied.

Cross-Respondent State of Nevada, Division of Public and Behavioral Health of the Department of Health and Human Services' counterclaims against Cross-Respondent Acres Medical: None.

Cross-Respondent Nuleaf CLV Dispensary's counterclaims against Cross-Respondent Acres Medical: None.

Defendant City of Las Vegas' counterclaims against Cross-Respondent Acres Medical: None.

23. **Attach copies of the last-filed version of all complaints, counterclaims, and/or cross-claims filed in the district court.**

See Exhibits "12", "13", and "14".

24. **Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below:**

Yes X No

25. **If you answered "No" to the immediately previous question, complete the following:**

(a) Specify the claims remaining pending below: N/A.

(b) Specify the parties remaining below: N/A.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b): N/A.

Yes No X **If "Yes," attach a copy of the certification or order, including any notice of entry and proof of service.**

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

Yes No X

26. **If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)): N/A.**

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

GB Sciences, LLC, a Nevada limited liability company

Name of cross-appellant

State and county where signed

James E. Shapiro, Esq.

Name of counsel fo record

April 19, 2016

Date

/s/ James E. Shapiro, Esq.

Signature of counsel of record

Clark County, Nevada

INDEX OF EXHIBITS

November 13, 2015 Minute Order in relation to Motions for Summary Judgment	Exhibit “1”
December 14, 2015 Order Regarding Motions for Summary Judgment	Exhibit “2”
January 26, 2016 Minute Order in relation to Cross-Appellant’s Motion to Alter or Amend the December 14, 2015 Order, and Respondent Acres’ Motion to Dismiss Cross-Appellant’s Counterclaims Against Acres.	Exhibit “3”
March 3, 2016 Order denying Cross-Appellant’s Motion to Alter or Amend Judgment; or, in the Alternative, Motion for Partial Reconsideration.	Exhibit “4”
March 3, 2016 Order granting Respondent Acres’ Motion to Dismiss Cross-Appellant’s Counterclaims	Exhibit “5”
December 15, 2015 Notice of Entry of Order Regarding Motions for Summary Judgment	Exhibit “6”
March 4, 2016 Notice of Entry of Order denying Cross-Appellant’s Motion to Alter or Amend Judgment; or, in the Alternative, Motion for Partial Reconsideration	Exhibit “7”
March 4, 2016 Notice of Entry of Order granting Respondent Acres’ Motion to Dismiss Cross-Appellant’s Counterclaims	Exhibit “8”
December 23, 2015 Motion to Alter or Amend Judgment, or, in the Alternative Motion for Partial Reconsideration	Exhibit “9”
January 23, 2015 Voluntary Dismissal	Exhibit “10”
April 1, 2015 Voluntary Dismissal	Exhibit “11”
December 5, 2014 First Amended Complaint	Exhibit “12”
November 17, 2015 Complaint in Intervention	Exhibit “13”
December 3, 2015 Answer to Complaint in Intervention and Counterclaims	Exhibit “14”

CERTIFICATE OF SERVICE

I certify that on the ____ day of April, 2016, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

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Dated this ____ day of April, 2016.

/s/ Jill M. Berghammer

Signature

