

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; AND GB
SCIENCES, LLC, A NEVADA LIMITED
LIABILITY COMPANY,

Respondents.

✓ No. 69909

FILED

AUG 26 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

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;
ACRES MEDICAL, LLC; AND NULEAF
CLV DISPENSARY, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Cross-Respondents.

No. 70462

DESERT AIRE WELLNESS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant/Cross-Respondent,

vs.

GB SCIENCES, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Respondent/Cross-Appellant,

and

116-26626

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

O R D E R

Docket No. 69909 is an appeal and cross-appeal from a district court final judgment for declaratory relief, and Docket No. 70462 is an appeal and cross-appeal from a district court order resolving competing motions for summary judgment. Both cases arise from disputes between prospective medical marijuana dispensaries. GB Sciences, LLC, has filed a motion to consolidate the matters, arguing that the cases involve substantially the same legal issues and similar facts, and that the cases should be resolved in a consistent manner. Desert Aire Wellness, LLC, has opposed the motion is Docket No. 70462. We conclude that consolidation is not warranted, as these appeals arise from different district court actions, *see* NRAP 3(b)(2), and do not involve all of the same parties, and the motion to consolidate is therefore denied. However, these appeals shall be clustered based on any overlapping legal issues to ensure that they are resolved in a consistent and efficient manner. IOP 2(c)(2).

In Docket No. 70462, we previously entered a temporary stay, pending receipt and consideration of additional briefing regarding the motion. Having reviewed the motion for stay, the responses thereto, and

the reply,¹ we conclude that a stay is warranted, pending our further consideration of the appeal. NRAP 8(c); *Fritz Hansen A/ S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 6 P.3d 982 (2000). Accordingly, we stay the district court's April 28, 2016, order in Eighth Judicial District Court Case No. A-15-728448-C to the extent that it directed that State Division of Public and Behavioral Health (the Division) to "rescind or withdraw the dispensary registration previously issued to Desert Aire," pending further order of this court.

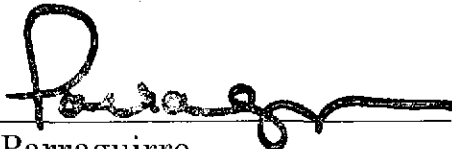
Further, pursuant to the recommendation of the settlement judge and good cause appearing, the appeal in Docket No. 70462 is removed from the settlement program. See NRAP 16. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs in that appeal. Appellant/cross-respondent Desert Aire and respondent/cross-appellant GB Sciences shall each have 15 days from the date of this order to file and serve a transcript request form. See NRAP 9(a).² Further, Desert Aire shall have 90 days from the date of this order to file and serve

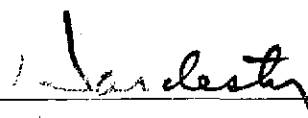
¹We grant Desert Aire's motion to exceed the page limit for the reply in support of its stay motion. The clerk shall detach the reply attached to the motion filed on July 19, 2016, and file it separately herein.

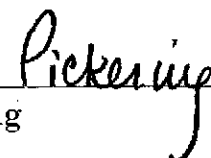
²If no transcript is to be requested, the responsible party shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

the appendix and opening brief on appeal. Thereafter, briefing shall proceed in accordance with NRAP 28.1(c).

It is so ORDERED.


Parraguirre, C.J.


Hardesty, J.


Pickering, J.

cc: Hon. Kenneth C. Cory, District Judge
Hon. Eric Johnson, District Judge
James J. Jimmerson, Settlement Judge
Pisanelli Bice, PLLC
Attorney General/Carson City
Attorney General/Las Vegas
Smith & Shapiro, LLC
Greenberg Traurig, LLP/Las Vegas
McLetchie Shell LLC
Fennemore Craig, P.C./Las Vegas
Smith & Shapiro, LLC
Eighth District Court Clerk