

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESERT AIRE WELLNESS, LLC,

Appellant,

vs.

GB SCIENCES NEVADA, LLC,

Respondent.

GB SCIENCES NEVADA, LLC

Cross-Appellant,

vs.

DESERT AIRE WELLNESS, LLC, STATE  
OF NEVADA,

Cross-Respondents.

Electronically Filed  
Case No. 70462 Jun 13 2016 11:54 a.m.  
Dist. Case No. A-15-72848-C  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF  
PAGE/TYPE VOLUME LIMITATION**

COMES NOW Respondent/Cross-Appellant GB SCIENCES NEVADA, LLC ("***GB Sciences***") and hereby moves this Court, pursuant to N.R.A.P. 32(a)(7)(D), to file an Opposition to Appellant's Emergency Motion for Stay Pending Appeal, that is 17 pages long. This Motion is supported by the attached declaration.

DATED this 13<sup>th</sup> day of June, 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 Respondent/Cross-Appellant, GB SCIENCES NEVADA, LLC*

**DECLARATION OF JAMES E. SHAPIRO**

STATE OF NEVADA     )  
COUNTY OF CLARK    ) ss.

I, JAMES E. SHAPIRO, declare, pursuant to N.R.S. § 53.330, as follows:

1. I am counsel for Respondent/Cross-Appellant GB Sciences Nevada, LLC (“**GB Sciences**”) in this matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. Desert Aire is appealing from an Order of the Eighth Judicial District Court partially granting GB Science’s Motion for Summary Judgment (the “**Order**”).

3. The Order requires, among other things, the State of Nevada to revoke Desert Aire’s medical marijuana registration certificate (the “**MME Certificate**”).

4. GB Sciences is cross-appealing the Order to the extent that the District Court refused to compel the State of Nevada to reissue the MME Certificate to GB Sciences.

5. On May 31, 2016, Desert Aire filed a 19-page Emergency Motion for Stay Pending Appeal (104 pages when including exhibits) pursuant to NRAP 27(e), pursuant to an Order allowing Desert Aire to exceed the ten page limit set forth in NRAP 27(d)(2).

6. In Desert Aire’s motion for leave, it argued that the issues in the present appeal were novel and complex, which required detailed analysis of Nevada’s medical marijuana statutory scheme, and that Desert Aire required the additional nine pages to adequately present its case.

7. In preparing the attached Opposition, I have endeavored to present the facts and arguments as succinctly as possible.

8. However, any reduction to the Opposition would materially detract from GB Science’s ability to adequately respond to Desert Aire’s Motion.

9. It would be inequitable to Desert Aire nearly twice the number of pages to present its argument, especially where Desert Aire will be permitted to file a reply, pursuant to NRAP 27(a)(4), with an additional five pages of argument, pursuant to NRAP 27(d)(2).

**CERTIFICATE OF COMPLIANCE**

Pursuant to Nev. R. App. P. 32(a)(9)(C):

I hereby certify that the Motion for Leave to File Brief in Excess of Page/Type Volume Limitation complies with the formatting requirements of Nev. R. App. P. 32(a)(4), the typeface requirements of Nev. R. App. P. 32(a)(5) and the type style requirements of Nev. R. App. P. 32(a)(6) because the Motion for Leave to File Brief in Excess of Page/Type Volume Limitation pursuant to NRAP 27(e) has been prepared in a proportionally spaced typeface (14 point Times New Roman font).

I further certify that the proposed Opposition Brief exceeds the page limitation of Nev. R. App. P. 27(d)(2) because it consists of 17 pages.

DATED this 13<sup>th</sup> day of June, 2016.

**SMITH & SHAPIRO, PLLC**

/s/ James E. Shapiro  
James E. Shapiro, Esq.  
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