

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

GREENMART OF NEVADA NLV  
LLC, A NEVADA LIMITED  
LIABILITY COMPANY; AND  
NEVADA ORGANIC REMEDIES,  
LLC,

APPELLANTS,

vs.

SERENITY WELLNESS CENTER  
LLC, A NEVADA LIMITED  
LIABILITY COMPANY; TGIG, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; NULEAF INCLINE  
DISPENSARY, LLC, A NEVADA  
LIMITED LIABILITY COMPANY;  
NEVADA HOLISTIC MEDICINE, LLC,  
A NEVADA LIMITED LIABILITY  
COMPANY; TRYKE COMPANIES SO  
NV, LLC, A NEVADA LIMITED  
LIABILITY COMPANY; TRYKE  
COMPANIES RENO, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; PARADISE WELLNESS  
CENTER, A NEVADA LIMITED  
LIABILITY COMPANY; GBS  
NEVADA PARTNERS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; FIDELIS HOLDINGS,  
LLC, A NEVADA LIMITED  
LIABILITY COMPANY; GRAVITAS  
NEVADA, LLC, A NEVADA LIMITED  
LIABILITY COMPANY; NEVADA  
PURE, LLC, A NEVADA LIMITED  
LIABILITY COMPANY; MEDIFARM,  
LLC, A NEVADA LIMITED  
LIABILITY COMPANY; MEDIFARM  
IV LLC, A NEVADA LIMITED

Supreme Court No.  
79668

District Court No.  
A-19-786962-B

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Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR EXTENSION OF  
TIME TO FILE OPPOSITIONS**

LIABILITY COMPANY; and STATE  
OF NEVADA, DEPARTMENT OF  
TAXATION,

RESPONDENTS.

**RESPONDENTS' MOTION FOR EXTENSION  
OF TIME TO FILE OPPOSITIONS**

**(First Request)**

COMES NOW, Respondents, by and through their counsel of record, and respectfully move for an extension of time to file oppositions to Nevada Organic Remedies, LLC's Motion to Suspend the Preliminary Injunction Issued Against the State of Nevada, Department of Taxation Pending Appeal, Pursuant to NRAP 8 (19-44338), and Motion to Expedite Appeal (19-44525).

Respondents' motion is made and based on NRAP 26(b), the following Points and Authorities included herein.

**FACTS AND PROCEDURAL HISTORY**

This appeal involves a preliminary injunction issued by the District Court on August 23, 2019 that enjoined the Department of Taxation from conducting final inspections of some – but not all – recreational marijuana establishments. The injunction precludes those such business entities, such as Appellants, from opening their stores.

On October 28, 2019 appellant Nevada Organic Remedies, LLC (“NOR”) filed its Motion to Suspend the Preliminary Injunction Issued Against the State of Nevada, Department of Taxation Pending Appeal, Pursuant to NRAP 8. NOR filed a Motion to Expedite Appeal and a Motion to Consolidate Appeal the following day. Respondents’ responses to NOR’s motions were due on November 4 and 5, 2019, respectively. However, due to a calendaring issue the dates were unfortunately not correctly entered onto Respondents’ counsels’ calendars.

Greenmart of Nevada NLV, LLC (“Greenmart”) filed its Motion to Suspend Preliminary Injunction Pending Appeal on November 8, 2019. Contemporaneous with that filing, Greenmart filed its Motion for Leave to File Motion in Excess of Page/Type Volume Limitation. As the Court has yet to grant Greenmart’s request for leave, Respondents’ time to file its response to Greenmart’s motion has not yet commenced or expired.

### **ARGUMENT**

NRAP 27 states that any party may file a response to a motion within seven days after service unless the court shortens or extends the time. NRAP 27(a)(3)(A). NRAP 26 allows the court, for good cause, to extend the time prescribed by the Rules or by its order to perform any act or may permit an act to be done after that time expires. NRAP 26(b)(1)(A).

Although Respondents’ time to file responses to NOR’s motions arguably

passed due to an unfortunate calendaring error, NOR's Motion to Suspend the Preliminary Injunction sets forth the similar arguments and facts as set forth in Greenmart's Motion to Suspend the Preliminary Injunction. Consequently, Respondents can address both motions in one opposition. Because the time to oppose Greenmart's motion has not commenced or expired, neither NOR nor Greenmart would be prejudiced in any way if the Court extended the time to respond to NOR's Motion to Suspend the Preliminary Injunction. Further, extending the time for which Respondents must submit their responses to NOR's Motion to Expedite Appeal and Motion to Consolidate does not prejudice NOR in any way. This appeal is still in its infancy and opening briefs have yet to be filed. Granting Respondents' request for an extension does not create judicial administration concerns or otherwise negatively impact the public's interest in an expeditious appellate resolution. Moreover, good cause exists to grant Respondents an extension to submit their responses because there is as strong judicial preference to determine matters on their merits. *Huckaby Props. v. NC Auto Parts*, 130 Nev. 196, 203, 322 P.3d 429, 433 (2014) (citing *Hansen v. Universal Health Services of Nevada, Inc.*, 112 Nev. 1245, 924 P.2d 1345 (1996)).

### **CONCLUSION**

For the foregoing reasons, Respondents request an extension to submit their responses to NOR's Motion to Suspend the Preliminary Injunction Issued Against

the State of Nevada, Department of Taxation Pending Appeal, Pursuant to NRAP 8,  
Motion to Expedite Appeal, and Motion to Consolidate to **November 22, 2019**.  
Respondents seek this short extension in good faith and not to delay the proceedings  
herein.

Dated this 14th day of November, 2019.

CLARK HILL PLLC

By: John A. Hunt, Esq.

DOMINIC P. GENTILE

Nevada Bar No. 1923

Email: [dgentile@clarkhill.com](mailto:dgentile@clarkhill.com)

ROSS MILLER

Nevada Bar No. 8190

Email: [rmiller@clarkhill.com](mailto:rmiller@clarkhill.com)

JOHN A. HUNT

Nevada Bar No. 1888

Email: [jhunt@clarkhill.com](mailto:jhunt@clarkhill.com)

3800 Howard Hughes Pkwy., #500

Las Vegas, Nevada 89169

Tel: (702) 862-8300

Fax: (702) 862-8400

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to NRAP 25(1)(d) on the 14th day of November, 2019, I served a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE OPPOSITIONS** via the appellate CM/ECF electronic filing system to all parties currently on the electronic service list.

/s/ Tanya Bain  
An employee of Clark Hill PLLC