

Dominic P. Gentile, Esq. (NSBN 1923)  
Ross Miller, Esq. (NSBN 8190)  
John A. Hunt, Esq. (NSBN 1888)  
**CLARK HILL, PLLC**  
3800 Howard Hughes Pkwy, Suite 500  
Las Vegas, Nevada 89169  
ph. (702) 862-8300; fax (702) 862-8400  
Email: [dgentile@clarkhill.com](mailto:dgentile@clarkhill.com)  
Email: [rmiller@clarkhill.com](mailto:rmiller@clarkhill.com)  
Email: [jhunt@clarkhill.com](mailto:jhunt@clarkhill.com)  
Attorneys for Respondents  
(less the State of Nevada, Department of Taxation)

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Elizabeth A. Brown  
Clerk of Supreme Court

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

GREENMART OF NEVADA NLV LLC, a  
Nevada Limited Liability Company; and  
Nevada Organic Remedies, LLC,

Supreme Court Case No.: **79668**

District Court Case No.: A-19-786962-B

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, LLC, 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 liability company; and THE  
STATE OF NEVADA, DEPARTMENT OF  
TAXATION,

Respondents.

**RESPONDENTS'  
OPPOSITION  
TO  
APPELLANT, GREENMART  
OF NEVADA NLV LLC'S,  
MOTION TO SUSPEND  
PRELIMINARY INJUNCTION  
PENDING APPEAL**

1 Respondents (less the State of Nevada, Department of Taxation), by and through  
2 their attorneys, hereby submit their Opposition to Appellant, Greenmart of Nevada NLV  
3 LLC's ("GreenMart") *Motion to Suspend Preliminary Injunction Pending Appeal*  
4 ("Motion") filed on November 8, 2019. This Opposition is made and based upon the  
5 following points and authorities and the papers and pleadings on file.

6 **POINTS & AUTHORITIES**

7 **I.**  
8 **SUMMARY**

9 The district court on August 23, 2019, issued a preliminary injunction with the  
10 filing of its *Findings of Fact and Conclusions of Law Granting Preliminary Injunction*  
11 ("Preliminary Injunction Order"). See Exhibit 1 to GreenMart's Motion. It runs for  
12 twenty-four (24) pages and includes at least ninety-one (91) numbered paragraphs of  
13 findings of fact and conclusions of law. In part, the district court found:

14  
15 86. As Plaintiffs have shown that the DoT clearly violated NRS Chapter  
16 453D, the claims for declaratory relief, petition for writ of prohibition, and  
any other related claims is likely to succeed on the merits.

17 87. The balance of equities weights in favor of Plaintiffs.

18 Id., at 22:24-27.  
19

20 Nevada Organic Remedies, LLC ("NOR") motion and GreenMart's joinder  
21 thereto (see Motion, Exhibits 5 and 6) requesting a stay of the Preliminary Injunction  
22 Order at the district court were denied.<sup>1</sup> GreenMart, via its present Motion, now moves  
23 this Court to stay. Like at the district court, GreenMart's current Motion provides no  
24 compelling reason why the preliminary injunction should be stayed. The entire purpose  
25

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26  
27 <sup>1</sup> See Exhibit A, Order Denying (1) Nevada Organic Remedies, LLC's Motion to Dissolve  
28 Preliminary Injunction and to Stay Preliminary Injunction Pending Appeal and (2) Lone

1 of GreenMart's appeal is to challenge the preliminary injunction. Without a preliminary  
2 injunction in place, GreenMart's appeal will be moot. Moreover, without the preliminary  
3 injunction in place, Respondents will suffer irreparable harm as the Nevada Constitution  
4 and the Ballot Initiative continue to be violated. Therefore, GreenMart's Motion should  
5 be denied.

## 6 II. 7 DISCUSSION

8 While it is within this Court's sound discretion to grant or deny a motion to stay  
9 the preliminary injunction pending an appeal (White Pine Power Dist. No. 9 v. Pub. Serv.  
10 Comm'n, 76 Nev. 263, 264, 352 P.2d 256, 256 (1960)), NRAP 8(a)(1) provides that a  
11 party must ordinarily first seek a stay at the district court because the district court has  
12 "vastly greater familiarity with the facts and circumstances of the particular case." Nelson  
13 v. Heer, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005), as modified (Jan. 25, 2006).  
14 Here the district court denied NOR's request for a stay, and GreenMart's joinder to same.

15 In general, the party requesting a stay must show why it needs protection from the  
16 immediate effects of the district court's judgment while the reviewing court determines  
17 whether the district court erred. See Edwards v. Ghandour, 123 Nev. 105, 117, 159 P.3d  
18 1086, 1094 (2007), abrogated on other grounds by Five Star Capital Corp. v. Ruby, 124  
19 Nev. 1048, 194 P.3d 709 (2008) ("A stay will protect the appellant from the judgment's  
20 immediate consequences while the reviewing court determines whether reversible error  
21 occurred.").

22 Here, like before at the district court, GreenMart has failed to give a valid reason  
23 for why it needs protection from the immediate effects of the Preliminary Injunction  
24 Order. In fact, the only real reason Greenmart (as well as NOR) offers is invalid as a  
25 matter of law, i.e., that it is losing money each day the injunction is in place. This is not a

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26  
27 *Mountain Partners, LLC's Motion to Dissolve Preliminary Injunction for Failure to Post Bond*  
28 *on Order Shortening Time* filed on November 19, 2019, in the district court.

1 valid reason to grant a stay because “[m]ere injuries, however substantial, in terms of  
2 money, time and energy necessarily expended in the absence of a stay are not enough to  
3 show irreparable harm.” Hansen v. Eighth Judicial Dist. Court, 116 Nev. 650, 658, 6 P.3d  
4 982, 987 (2000) (quoting Wisconsin Gas Co. v. F.E.R.C., 758 F.2d 669, 674  
5 (D.C.Cir.1985)) (internal quotation marks omitted) (alterations in original). As such,  
6 nearly all of GreenMart’s arguments are invalid as a matter of law.

7 GreenMart’s Motion addresses whether this Court should stay the injunction under  
8 NRAP 8(c)’s four (4) factors test: (1) whether the object of the appeal or writ petition will  
9 be defeated if the stay or injunction is denied; (2) whether appellant/petitioner will suffer  
10 irreparable or serious injury if the stay or injunction is denied; (3) whether  
11 respondent/real party in interest will suffer irreparable or serious injury if the stay or  
12 injunction is granted; and (4) whether appellant/petitioner is likely to prevail on the  
13 merits in the appeal or writ petition. Id. Contrary to GreenMart’s Motion, these factors  
14 weigh against GreenMart’s requested stay.

15 First, the object of the appeal will not be defeated if the stay of the injunction is  
16 denied. While GreenMart frames the object of its appeal as whether or not its licenses  
17 were rightfully issued, this is not the object of the appeal. Instead, GreenMart’s  
18 interlocutory appeal challenges the validity of the preliminary injunction that it is asking  
19 this Court to stay. Whether or not the injunction was validly issued has very little to do  
20 with whether its license was validly issued. Keeping the injunction in place would in no  
21 way hinder the appellate courts from analyzing whether the injunction was validly issued.  
22 Staying the injunction, on the other hand, would likely defeat the object of the appeal  
23 because staying the preliminary injunction could render the appeal moot.

24 For the Nevada appellate courts to rule on an issue it must not be moot, meaning  
25 that the “controversy must be present through all stages of the proceeding.” Personhood  
26 Nev. v. Bristol, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). If this Court were to stay  
27 the preliminary injunction, then there would be no controversy for it to adjudicate  
28

1 because the injunction would no longer be in effect. Thus, this factor weighs against  
2 GreenMart's request for stay.

3 Second, GreenMart will not be irreparably harmed without a stay. As stated above,  
4 for a harm to be irreparable it must be more than lost profits, expenses, time, and other  
5 monetary factors. Hansen, 116 Nev. at 658, 6 P.3d at 987. Harm suffered by a plaintiff,  
6 for the purposes of a stay, is rarely irreparable. See Mikohn Gaming Corp. v. McCrea,  
7 120 Nev. 248, 253, 89 P.3d 36, 39 (2004). This is because it must be shown that the harm  
8 suffered cannot be remedied by money damages. Dixon v. Thatcher, 103 Nev. 414, 415,  
9 742 P.2d 1029, 1029 (1987). GreenMart claims in its at-issue Motion that it will be  
10 irreparably harmed because it will suffer lost profits, lost income for rent, lost time, and  
11 perhaps a lost license. All of these losses can be accounted for with monetary damages,  
12 which can be paid out of the posted bond if the injunction was wrongfully issued, and,  
13 therefore, the damages are not irreparable.

14 Third, the Plaintiffs below at the district court will be irreparably harmed by  
15 staying the preliminary injunction. As to the same, the district court found "[d]ue to the  
16 limited number of licenses, Plaintiffs would suffer irreparable harm if the preliminary  
17 injunction was stayed pending appeal." See Exhibit A, Order, at 5:4-5.

18 Plaintiffs below have been irreparably harmed because of the repeated statutory  
19 and constitutional violations engaged in by the Department of Taxation ("DoT"). As the  
20 district court held in its Preliminary Injunction Order, the Plaintiffs below will continue  
21 to be irreparably harmed because of the constitutional violations engaged in by the DoT.  
22 See City of Sparks v. Sparks Mun. Court, 129 Nev. 348, 357, 302 P.3d 1118, 1124 (2013)  
23 (explaining that "a constitutional violation may be difficult or impossible to remedy  
24 through money damages, such a violation may, by itself, be sufficient to constitute  
25 irreparable harm"). For instance, in its Preliminary Injunction Order, the district court  
26 made numerous findings, including the following:



1 36. NAC 453D.272(1) required the DoT to determine that an  
2 Application is "complete and in compliance" with the provisions of NAC  
3 453D in order to properly apply the licensing criteria set forth therein and  
the provisions of the Ballot Initiative and the enabling statute.

4 37. When the DoT received applications, it **undertook no effort** to  
5 determine if the applications were in fact "complete and in compliance."

6 38. In evaluating whether an application was "complete and in  
7 compliance" **the DoT made no effort** to verify owners, officers or board  
8 members (except for checking whether a transfer request was made and  
remained pending before the DoT).

9 \*\*\*

10 40. The **DoT created a Regulation that modified the mandatory BQ2**  
11 **provision** "[t]he Department shall conduct a background check of each  
12 prospective owner, officer, and board member of a marijuana establishment  
13 license applicant" and determined it would only require information on the  
application from persons "with an aggregate ownership interest of 5 percent  
or more in a marijuana establishment." NAC 453D.255(1).

14 41. NRS 453D.200(6) provides that "[t]he DoT shall conduct a  
15 background check of each prospective owner, officer, and board member of  
16 a marijuana establishment license applicant." **The DoT departed from this**  
17 **mandatory language in NAC 453D.255(1) and made no attempt in the**  
18 **application process to verify that the applicant's complied with the**  
**mandatory language of the BQ2 or even the impermissibly modified**  
**language.**

19 42. The DoT made the determination that it was not reasonable to  
20 require industry to provide every owner of a prospective licensee. The  
21 DOT's determination that only owners of a 5% or greater interest in the  
22 business were required to submit information on the application was not a  
23 permissible regulatory modification of BQ2. **This determination violated**  
**Article 19, Section 3 of the Nevada Constitution. The determination**  
**was not based on a rational basis.**

24 \*\*\*

25 44. **The adoption of NAC 453D.255(1), as it applies to the**  
26 **application process is an unconstitutional modification of BQ2** [fn.  
27 omitted]. The failure of the DoT to carry out the mandatory provisions of  
28 NRS 453D.200(6) is fatal to the application process [fn. omitted]. **The**  
**DoT's decision to adopt regulations in direct violation of BQ2's**

1 **mandatory application requirements is violative of Article 19, Section**  
2 **2(3) of the Nevada Constitution.**

3 45. Given the lack of a robust investigative process for applicants, the  
4 requirement of the background check for each prospective owner, officer,  
5 and board member as part of **the application process impedes an**  
6 **important public safety goal in BQ2.**

7 46. Without any consideration as to the voters mandate in BQ2, the DoT  
8 determined that requiring each prospective owner be subject to a  
9 background check was too difficult for implementation by industry. **This**  
10 **decision was a violation of the Nevada Constitution, an abuse of**  
11 **discretion, and arbitrary and capricious.**

12 47. **The DoT did not comply with BQ2** by requiring applicants to  
13 provide information for each prospective owner, officer and board member  
14 or verify the ownership of applicants applying for retail recreational  
15 marijuana licenses. Instead the DoT issued conditional licenses to  
16 applicants who did not identify each prospective owner, officer and board  
17 member [fn. omitted].

18 Id., 14:7-16, 14:24 to 15:13, and 15:17 to 16:12, respectively (bold emphasis added). The  
19 district court also addressed certain other matters in its conclusions of law, including:

20 68. While the category of diversity is not specifically included in the  
21 language of BQ2, the evidence presented in the hearing demonstrates that a  
22 rational basis existed for the inclusion of this category in the Factors and  
23 the application.

24 69. The DoT's inclusion of the diversity category was implemented in a  
25 way that created a process which was **partial and subject to manipulation**  
26 **by applicants.**

27 70. **The DoT staff provided various applicants with different**  
28 **information** as to what would be utilized from this category and whether it  
would be used merely as a tiebreaker or as a substantive category.

71. Based upon the evidence adduced, the Court finds that **the DoT**  
**selectively discussed** with applicants or their agents the modification of the  
application related to physical address information.

72. **The process was impacted by personal relationships in decisions**  
**related to the requirements of the application and the ownership**

1 **structures of competing applicants.** This in and of itself is insufficient to  
2 void the process as urged by some of the Plaintiffs.

3 73. The DoT disseminated various versions of the 2018 Retail Marijuana  
4 Application, one of which was published on the DoT's website and required  
5 the applicant to provide an actual physical Nevada address for the proposed  
6 marijuana establishment, and not a P.O. Box, (see Exhibit 5), whereas an  
7 alternative version of the DoT's application form, **which was not made**  
8 **publicly available and was distributed to some, but not all, of the**  
9 **applicants via a DoT listserv service,** deleted the requirement that  
10 applicants disclose an actual physical address for their proposed marijuana  
11 establishment. See Exhibit 5A.

12 \*\*\*

13 76. **By selectively eliminating the requirement to disclose an actual**  
14 **physical address for each and every proposed retail recreational**  
15 **marijuana establishment, the DoT limited the ability** of the Temporary  
16 Employees to adequately assess graded criteria such as (i) prohibited  
17 proximity to schools and certain other public facilities, (ii) impact on the  
18 community, (iii) security, (iv) building plans, and (v) other material  
19 considerations prescribed by the Regulations.

20 77. The hiring of Temporary Employees was well within the DoT's  
21 discretionary power.

22 78. **The evidence establishes that the DoT failed to properly train**  
23 **the Temporary Employees.** This is not an appropriate basis for the  
24 requested injunctive relief unless it makes the grading process unfair.

25 79. **The DoT failed to establish any quality assurance or quality**  
26 **control of the grading done by Temporary Employees** [fn. Omitted].  
27 This is not an appropriate basis for the requested injunctive relief unless it  
28 makes the grading process unfair.

\*\*\*

81. Certain of DoT's actions related to the licensing process were  
nondiscretionary modifications of BQ2's mandatory requirements. **The**  
**evidence establishes DoT's deviations constituted arbitrary and**  
**capricious conduct without any rational basis for the deviation.**

82. The DoT's decision to not require disclosure on the application and  
to not conduct background checks of persons owning less than 5% prior to  
award of a conditional license is **an impermissible deviation from the**



1 **mandatory language of BQ2, which mandated "a background check of**  
2 **each prospective owner, officer, and board member of a marijuana**  
3 **establishment license applicant." NRS 453D.200(6).**

4 \*\*\*

5 84. Under the circumstances presented here, the Court concludes that  
6 **certain of the Regulations created by the DoT are unreasonable,**  
7 **inconsistent with BQ2 and outside of any discretion permitted to the**  
8 **DoT.**

9 85. **The DoT acted beyond its scope of authority when it arbitrarily**  
10 **and capriciously replaced the mandatory requirement of BQ2, for the**  
11 **background check of each prospective owner, officer and board member**  
12 **with the 5% or greater standard in NAC 453.255(1). This decision by the**  
13 **DoT was not one they were permitted to make as it resulted in a**  
14 **modification of BQ2 in violation of Article 19, Section 2(3) of the**  
15 **Nevada Constitution.**

16 86. As Plaintiffs have shown that the DoT clearly violated NRS  
17 Chapter 453D, the claims for declaratory relief, petition for writ of  
18 prohibition, and any other related claims is likely to succeed on the  
19 merits.

20 87. The balance of equities weighs in favor of Plaintiffs.

21 Id., 20:1-24, 21:8-20, 22:1-9, and 22:15-27, respectively (bold emphasis added).

22 As the district court explained, the DoT violated the Ballot Initiative when it  
23 "arbitrarily and capriciously" replaced the mandatory requirements of the Ballot Initiative  
24 and violated other provisions of NRS Chapter 453D. A number of other violations are  
25 noted above from the Preliminary Injunction Order, including: (1) the DoT unlawfully  
26 communicated with some applicants and not others through a generic email address; (2)  
27 the DoT took no effort to determine if the applications were in fact complete and in  
28 compliance with the law; and (3) the DoT created regulations that unconstitutionally  
altered the Ballot Initiative by requiring applications only from owners with a 5% or  
greater interest in the business. These modifications and violations of the ballot initiative

1 violated the Nevada Constitution, which irreparably harmed the Plaintiffs below. That  
2 irreparable harm will continue if the preliminary injunction is lifted.

3 Fourth, GreenMart is unlikely to prevail on the merits of its appeal. As the district  
4 court stated that the "Plaintiffs have shown that the DoT clearly violated NRS Chapter  
5 453D, the claims for declaratory relief, petition for writ of prohibition, and any other  
6 related claims is likely to succeed on the merits." Preliminary Injunction Order, at 22:24-  
7 26. Further, the above examples are indisputably violations of the Nevada Constitution.  
8 Given the DoT's repeated violations of the Nevada Constitution by altering the ballot  
9 initiative, the Plaintiffs below have a probability of success on the merits. While  
10 GreenMart attempts to re-litigate this issue in its current Motion, its arguments are as  
11 unpersuasive now as when they were argued during the motion for preliminary injunction  
12 or when GreenMart joined NOR's unsuccessful stay request at the district court.

13 **III.**  
14 **CONCLUSION**

15 Wherefore, consistent with the above, the Court should deny GreenMart's Motion.  
16 Respectfully submitted this 22<sup>ND</sup> day of NOVEMBER, 2019.

17 **CLARK HILL, PLLC**

18 By: 

19 Dominic P. Gentile, Esq. (NSBN 1923)

20 Ross Miller, Esq. (NSBN 8190)

21 John A. Hunt, Esq. (NSBN 1888)

22 3800 Howard Hughes Pkwy, Suite 500

23 Las Vegas, Nevada 89169

24 ph. (702) 862-8300; fax (702) 862-8400

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

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

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


28 Attorneys for Respondents (less the State of  
Nevada, Department of Taxation)

1  
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that pursuant to NRAP 25(1)(d) on the 22 day of  
4 NOVEMBER, 2019, I served a true and correct copy of the foregoing  
5 **RESPONDENTS' OPPOSITION TO APPELLANT, GREENMART OF NEVADA**  
6 **NLV LLC'S, MOTION TO SUSPEND PRELIMINARY INJUNCTION PENDING**  
7 **APPEAL** via the appellate CM/ECF electronic filing system to all parties currently on  
8 the electronic service list.  
9

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12 \_\_\_\_\_  
13 An employee of Clark Hill PLLC  
14  
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# **EXHIBIT 1**



1 ORDER

ADAM K. BULT, ESQ., Nevada Bar No. 9332

2 [abult@bhfs.com](mailto:abult@bhfs.com)

MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737

3 [mfetaz@bhfs.com](mailto:mfetaz@bhfs.com)

TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800

4 [tchance@bhfs.com](mailto:tchance@bhfs.com)

BROWNSTEIN HYATT FARBER SCHRECK, LLP

5 100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

6 Telephone: 702.382.2101

Facsimile: 702.382.8135

7 ADAM R. FULTON, ESQ., Nevada Bar No. 11572

8 [afulton@jfnvlaw.com](mailto:afulton@jfnvlaw.com)

JENNINGS & FULTON, LTD.

9 2580 Sorrel Street

Las Vegas, NV 89146

10 Telephone: 702.979.3565

Facsimile: 702.362.2060

11 *Attorneys for Plaintiffs*

12  
13 DISTRICT COURT

14 CLARK COUNTY, NEVADA

15 ETW MANAGEMENT GROUP LLC, a  
Nevada limited liability company; GLOBAL  
16 HARMONY LLC, a Nevada limited liability  
company; GREEN LEAF FARMS  
17 HOLDINGS LLC, a Nevada limited liability  
company; GREEN THERAPEUTICS LLC, a  
18 Nevada limited liability company; HERBAL  
CHOICE INC., a Nevada corporation; JUST  
19 QUALITY, LLC, a Nevada limited liability  
company; LIBRA WELLNESS CENTER,  
20 LLC, a Nevada limited liability company;  
ROMBOUGH REAL ESTATE INC. dba  
21 MOTHER HERB, a Nevada corporation;  
NEVCANN LLC, a Nevada limited liability  
22 company; RED EARTH LLC, a Nevada  
limited liability company; THC NEVADA  
23 LLC, a Nevada limited liability company;  
ZION GARDENS LLC, a Nevada limited  
24 liability company; and MMOF VEGAS  
RETAIL, INC., a Nevada corporation,

25 *Plaintiffs,*

26 v.

27 STATE OF NEVADA, DEPARTMENT OF  
28 TAXATION, a Nevada administrative agency;

CASE NO.: A-19-787004-B  
DEPT NO.: XI

ORDER DENYING (1) NEVADA  
ORGANIC REMEDIES, LLC'S  
MOTION TO DISSOLVE  
PRELIMINARY INJUNCTION AND  
TO STAY PRELIMINARY  
INJUNCTION PENDING APPEAL  
AND (2) LONE MOUNTAIN  
PARTNERS, LLC'S MOTION TO  
DISSOLVE PRELIMINARY  
INJUNCTION FOR FAILURE TO  
POST BOND ON ORDER  
SHORTENING TIME



DOES 1 through 20, inclusive; and ROE  
CORPORATIONS 1 through 20, inclusive,

*Defendants.*

AND ALL RELATED MATTERS

Intervenor Defendants Nevada Organic Remedies, LLC's ("NOR") Motion to Dissolve the Preliminary Injunction in All Cases Where No Bond Was Posted and to Suspend/Stay the Preliminary Injunction Pending Appeal in All Remaining Cases and Intervenor Defendant Lone Mountain Partners, LLC's ("LMP") Motion to Dissolve Preliminary Injunction for Failure to Post Bond on Order Shortening Time (collectively, the "Motions") (NOR and LMP are collectively referred to herein as the "Enjoined Parties"), and all Joinders to the same, having come on for hearing before this Honorable Court on October 7, 2019; David R. Koch, Esq., of the law firm Koch & Scow LLC, appearing on behalf of Nevada Organic Remedies, LLC; Eric D. Hone, Esq., of the law firm H1 Law Group, appearing on behalf of Lone Mountain Partners, LLC; Adam K. Bult, Esq. and Maximilien D. Fetaz, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, appearing on behalf of Plaintiffs ETW Management Group LLC, Global Harmony LLC, Green Leaf Farms Holdings LLC, Green Therapeutics LLC, Herbal Choice Inc., Just Quality, LLC, Libra Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb, NevCann LLC, Red Earth LLC, THC Nevada LLC, Zion Gardens LLC), and MMOF Vegas Retail, Inc.'s (collectively, "ETW Plaintiffs"); Dominic P. Gentile, Esq. and Ross J. Miller, Esq., of the law firm Gentile Cristalli Miller Armeni Savarese, appearing on behalf of Serenity Wellness Center, LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC, Nevada Holistic Medicine, LLC, TRYKE Companies SO NV, LLC, TRYKE Companies Reno, LLC, Paradise Wellness Center, LLC, GBS Nevada Partners, LLC, Fidelis Holdings, LLC, Gravitas Nevada, LLC, Nevada Pure, LLC, Medifarm, LLC (collectively, "Serenity Plaintiffs"); William S. Kemp, Esq. and Nathaniel R. Rulis, Esq., of the law firm Kemp, Jones & Coulthard LLP, appearing on behalf of MM Development Company, Inc. and LivFree Wellness LLC; Steven G. Shevorski, Esq., of the Office of the Nevada Attorney General, appearing on behalf of the State of Nevada, Department of Taxation; Todd L. Bice, Esq. and Jordon T. Smith, Esq., of the law firm Pisanelli Bice, appearing

1 on behalf of Integral Associates LLC d/b/a Essence Cannabis Dispensaries, Essence Tropicana,  
2 LLC, Essence Henderson, LLC; Jared Kahn, Esq., of the law firm JK Legal & Consulting, LLC,  
3 appearing on behalf of Helping Hands Wellness Center, Inc.; Alina M. Shell, Esq., of the law  
4 firm McLetchie Law, appearing on behalf of GreenMart of Nevada NLV LLC; Joseph A.  
5 Gutierrez, Esq., of the law firm Maier Gutierrez & Associates appearing on behalf of CPCM  
6 Holdings, LLC d/b/a Thrive Cannabis Marketplace, Commerce Park Medical, LLC, and  
7 Cheyenne Medical, LLC; Rusty Graf, Esq. and Brigid Higgins, Esq., of the law firm Black &  
8 Lobello, appearing on behalf of Clear River, LLC; and all other appearances noted in the record,  
9 and upon the Court's consideration of the pleadings and papers on file herein, including any  
10 joinders and oppositions, the arguments of counsel, and good cause appearing, makes the  
11 following findings of facts and conclusions of law:

12 FINDINGS OF FACT

13 1. On July 11, 2019, this Court issued an order coordinating certain cases for the  
14 purpose of a hearing on the Motion for Preliminary Injunction.

15 2. On August 23, 2019, this Court entered its Findings of Facts and Conclusions of  
16 Law Granting Preliminary Injunction.

17 3. On August 29, 2019, this Court ordered the Plaintiffs to post a bond in the amount  
18 of \$5,000,000 for purposes of the injunction the Court entered.

19 4. On September 13, 2019, Plaintiffs posted a bond in the amount of \$5,000,000 (the  
20 "Bond on Preliminary Injunction") in Case No. A-18-785818.

21 5. On the same day, Notices of Posting Bond were filed in Case Nos. A-18-785818-  
22 W; A-19-786962-B; A-19-787004-B; and A-19-787540-W.

23 6. The Bond on Preliminary Injunction lists the following Case Nos: A-18-785818-  
24 W; A-19-786962-B; A-19-787004-B; A-19-787540-W.

25 7. On September 27, 2019, NOR filed its Motion to Dissolve the Preliminary  
26 Injunction in All Cases Where No Bond Was Posted and to Suspend/Stay the Preliminary  
27 Injunction Pending Appeal in All Remaining Cases.  
28





1 16. The Plaintiffs satisfied this Court's Order by posting a bond in the amount of  
2 \$5,000,000 and the Notices of Posting Bond were filed in Case Nos. A-18-785818-W; A-19-  
3 786962-B; A-19-787004-B; and A-19-787540-W.

4 17. Due to the limited number of licenses, Plaintiffs would suffer irreparable harm if  
5 the preliminary injunction was stayed pending appeal.

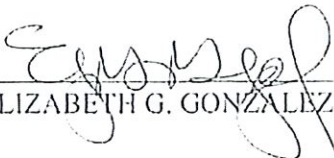
6 18. If any conclusions of law are properly findings of fact, they shall be treated as if  
7 appropriately identified and designated.

8 ORDER

9 ACCORDINGLY, IT IS HEREBY ADJUDGED ORDERED AND DECREED that  
10 NOR's Motion to Dissolve the Preliminary Injunction in All Cases Where No Bond Was Posted  
11 and to Suspend/Stay the Preliminary Injunction Pending Appeal in All Remaining Cases is  
12 DENIED.

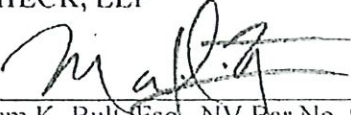
13 IT IS FURTHER ORDERED that LMP'S Motion to Dissolve Preliminary Injunction for  
14 Failure to Post Bond on Order Shortening Time is DENIED.

15 DATED this 18 day of November, 2019.

16  
17   
18 ELIZABETH G. GONZALEZ, DISTRICT COURT JUDGE

19 Submitted by:

20 BROWNSTEIN HYATT FARBER  
21 SCHECK, LLP

22 By:   
23 Adam K. Bull, Esq., NV Bar No. 9332  
24 Maximilien D. Fetaz, Esq., NV Bar No. 12737  
25 Travis F. Chance, Esq., NV Bar No. 13800  
26 100 North City Parkway, Suite 1600  
27 Las Vegas, NV 89106-4614

28 Adam R. Fulton, Esq., NV Bar No. 11572  
JENNINGS & FULTON, LTD.  
2580 Sorrel Street  
Las Vegas, NV 89146

*Attorneys for ETW Plaintiffs*

1 Approved as to form and content:

2 KEMP, JONES & COULTHARD, LLP

GENTILE CRISTALLI MILLER  
ARMENI SAVARESE

3  
4 By: \_\_\_\_\_  
William S. Kemp, Esq., NV Bar No. 1205  
5 Nathanael R. Rulis, Esq., NV Bar No. 11259  
3800 Howard Hughes Pkwy., 17<sup>th</sup> Floor  
6 Las Vegas, NV 89169

7 *Attorneys for MM Development, et al.*

By: \_\_\_\_\_  
Dominic P. Gentile, Esq., NV Bar No. 1923  
Ross Miller, Esq., NV Bar No. 8190  
Vincent Savarese III, Esq., NV Bar No. 2467  
1300 S. Decatur Blvd.  
Las Vegas, NV 89145

*Attorneys for Serenity Wellness Center, LLC,  
et al.*

10 MAIER GUTIERREZ & ASSOCIATES

KOCH & SCOW, LLC

12 By: \_\_\_\_\_  
13 Joseph A. Gutierrez, Esq., NV Bar No. 9046  
8816 Spanish Ridge Avenue  
14 Las Vegas, NV 89148

15 Philip M. Hymanson, Esq., NV Bar No. 2253  
HYMANSON & HYMANSON  
16 8816 Spanish Ridge Avenue  
Las Vegas, NV 89148

17 *Attorneys for Defendants CPCM Holdings, LLC*  
18 *d/b/a Thrive Cannabis Marketplace; Commerce*  
19 *Park Medical, LLC; and Cheyenne Medical,*  
*LLC*

By: \_\_\_\_\_  
David R. Koch, Esq., NV Bar No. 8830  
Steven B. Scow, Esq., NV Bar No. 9906  
Brody R. Wight, Esq., NV Bar No. 13615  
Daniel G. Scow, Esq., NV Bar No. 14614  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052

*Attorneys for Nevada Organic Remedies, LLC*

20 H1 LAW GROUP

JK LEGAL & CONSULTING, LLC

22 By: \_\_\_\_\_  
23 Eric D. Hone, Esq., NV Bar No. 8499  
701 N. Green Valley Pkwy., #200  
24 Henderson, NV 89074

25 *Attorneys for Lone Mountain Partners, LLC*

By: \_\_\_\_\_  
Jared Kahn, Esq., NV Bar No. 12603  
9205 W. Russell Rd., Suite 240  
Las Vegas, NV 89148

*Attorneys for Helping Hands Wellness  
Center, Inc.*



1 **OFFICE OF THE NEVADA ATTORNEY**  
2 **GENERAL**

3 By: \_\_\_\_\_  
4 Steven G. Shevorsi, Esq., NV Bar No. 8256  
5 Theresa M. Haar, Esq., NV Bar No. 12158  
6 Ketan D. Bhirud, Esq., NV Bar No. 10515  
7 555 E. Washington Ave., #3900  
8 Las Vegas, NV 89101

9 *Attorneys for State of Nevada, Department of*  
10 *Taxation*

11 **McLETCHIE LAW**

12 By: \_\_\_\_\_  
13 Margaret A. McLetchie, Esq.  
14 NV Bar No. 10931  
15 Alina M. Shell, Esq., NV Bar 11711  
16 701 E. Bridger Ave., Suite 520  
17 Las Vegas, NV 89101

18 *Attorneys for GreenMart of Nevada NLV, LLC*

19 **PISANELLI BIC PLLC**

20 By: \_\_\_\_\_  
21 Todd L. Bice, Esq., NV Bar No. 4534  
22 Jordan T. Smith, Esq., NV Bar 12097  
23 400 South 7th Street, Suite 300,  
24 Las Vegas, NV 89101

25 *Attorneys for Integral Associates LLC d/b/a*  
26 *Essence Cannabis Dispensaries; Essence*  
27 *Tropicana, LLC; Essence Henderson, LLC*  
28

**PARKER NELSON & ASSOCIATES**

By: \_\_\_\_\_  
Theodore Parker III, Esq., NV Bar No. 4716  
2460 Professional Court #200  
Las Vegas, NV 89128

*Attorneys for Nevada Wellness Center*

**BLACK & LoBELLO**

By: \_\_\_\_\_  
Rusty Graf, Esq., NV Bar No. 6322  
Brigid Higgins, Esq., NV Bar No. 5990  
10777 W. Twain Ave., #300  
Las Vegas, NV 89135

*Attorneys for Clear River, LLC*