

IN THE SUPREME COURT OF THE STATE OF NEVADA

\*\*\*

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

*Appellants,*

vs.

ETW MANAGEMENT GROUP LLC,  
A NEVADA LIMITED LIABILITY  
COMPANY; GLOBAL HARMONY  
LLC, A NEVADA LIMITED  
LIABILITY COMPANY; GREEN  
LEAF FARMS HOLDINGS LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; HERBAL CHOICE INC.,  
A NEVADA LIMITED LIABILITY  
COMPANY; JUST QUALITY, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; LIBRA WELLNESS  
CENTER, LLC, A NEVADA LIMITED  
LIABILITY COMPANY; MOTHER  
HERB, INC., A NEVADA LIMITED  
LIABILITY COMPANY; GBS  
NEVADA PARTNERS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; NEVCANN LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; RED EARTH LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; THC NEVADA LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; ZION GARDENS LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; and STATE OF  
NEVADA, DEPARTMENT OF  
TAXATION,<sup>1</sup>

*Respondents.*

ETW MANAGEMENT GROUP LLC, a  
Nevada limited liability company;  
GLOBAL HARMONY LLC, a Nevada

SUPREME COURT CASE NO.  
79669

Electronically Filed  
Feb 04 2020 04:29 p.m.

CASE NO.: 19-78004-3  
DEPT NO.: Elizabeth A. Brown

Clerk of Supreme Court  
**RESPONSE TO ORDER TO  
SHOW CAUSE**

<sup>1</sup> Appellants' caption failed to include GREEN THERAPEUTICS LLC, ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, and MMOF VEGAS RETAIL, INC. and incorrectly named MOTHER HERB, INC. and GBS NEVADA PARTNERS.

limited liability company; GREEN LEAF FARMS HOLDINGS LLC, a Nevada limited liability company; GREEN THERAPEUTICS LLC, a Nevada limited liability company; HERBAL CHOICE INC., a Nevada corporation; JUST QUALITY, LLC, a Nevada limited liability company; LIBRA WELLNESS CENTER, LLC, a Nevada limited liability company; ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, a Nevada corporation; NEVCANN LLC, a Nevada limited liability company; RED EARTH LLC, a Nevada limited liability company; THC NEVADA LLC, a Nevada limited liability company; ZION GARDENS LLC, a Nevada limited liability company; and MMOF VEGAS RETAIL, INC., a Nevada corporation,

*Respondent/Cross-Appellants,*

v.

STATE OF NEVADA, DEPARTMENT OF TAXATION, a Nevada administrative agency.

*Respondent.*

///

///

///

///

///

**RESPONSE TO ORDER TO SHOW CAUSE**

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
ADAM K. BULT, ESQ., Nevada Bar No. 9332  
MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737  
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800  
100 N. City Parkway, Suite 1600  
Las Vegas, NV 89106  
Telephone: 702.382-2101  
Facsimile: 702.382.8135

**JENNINGS & FULTON, LTD.**  
ADAM R. FULTON, ESQ., Nevada Bar No. 11572  
2580 Sorrel Street  
Las Vegas, NV 89146  
Telephone: 702.979.3565  
Facsimile: 702.362.2060

*Attorneys for 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. (collectively the “ETW Parties”)*

The ETW Parties, by and through their undersigned counsel of record, hereby file this Response to the Order to Show Cause issued on January 14, 2020.

On January 14, 2020, this court issued its Order to Show Cause, asking the parties to show why this court should not dismiss Case Numbers 79669, 79670, 79671, 79672, and 79673 for lack of jurisdiction. This court explained that it may not have jurisdiction to consider appeals in these case numbers because the underlying district court cases’ docket numbers and individual case captions were not included in the caption of the Order that is being appealed. In response to this Order to Show Cause, the ETW Parties have filed a NRCP 60(a) motion to amend the Order being appealed to include the docket numbers individual case captions in the caption of that Order. *See Exhibit A* (the “Rule 60(a) Motion”).<sup>2</sup> Currently, the

---

<sup>2</sup>The Rule 60(a) Motion (Ex. A) does not include the exhibits that were attached and filed with the district court, except for Exhibit I (the proposed caption). A majority of these excluded exhibits were either filed with this court as attached exhibits to the ETW Plaintiffs’ Response to the Order to Show Cause filed on November 21, 2019, or were filed with the court directly in the underlying appeal.

district court has not rendered a decision regarding the Rule 60(a) Motion. But the Rule 60(a) Motion is set for hearing on February 7, 2020. The ETW Plaintiffs anticipate that the district court will amend the order being appealed to include the case numbers and individual case captions. Therefore, the ETW Plaintiffs respectfully request that this court refrain from dismissing the above-referenced case numbers for lack of jurisdiction until the district court has ruled on the Rule 60(a) Motion.

DATED this 4th day of February, 2020.

BROWNSTEIN HYATT FARBER SCHRECK,  
LLP

*/s/ Adam K. Bult*

---

ADAM K. BULT, ESQ.,  
Nevada Bar No. 9332  
MAXIMILIEN D. FETAZ, ESQ.,  
Nevada Bar No. 12737  
TRAVIS F. CHANCE, ESQ.,  
Nevada Bar No. 13800

JENNINGS & FULTON, LTD.  
ADAM R. FULTON, ESQ., Nevada Bar No.  
11572

*Attorneys for Plaintiffs*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing **RESPONSE TO ORDER TO SHOW CAUSE** was filed electronically with the Nevada Supreme Court on the 4th day of February, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

David R. Koch  
Steven B. Scow  
Daniel G. Scow  
Brody R. Wight  
KOCH & SCOW, LLC

*Counsel for Appellant/Cross-Respondent  
Nevada Organic Remedies, LLC*

Ketan D. Bhirud  
Aaron D. Ford  
Theresa M. Haar  
David J. Pope  
Steven G. Shevorski  
OFFICE OF THE ATTORNEY  
GENERAL

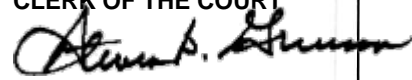
*Counsel for Respondent  
The State of Nevada Department of  
Taxation*

Margaret A. McLetchie  
Alina M. Shell  
MCLEATCHIE LAW

*Counsel for Appellant  
GreenMart of Nevada NLV, LLC*

/s/ Wendy Cosby  
an employee of Brownstein Hyatt Farber Schreck, LLP

# **EXHIBIT A**



1 **MAME**

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

100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

6 Telephone: 702.382.2101

Facsimile: 702.382.8135

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

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

JENNINGS & FULTON, LTD.

2580 Sorrel Street

Las Vegas, NV 89146

10 Telephone: 702.979.3565

Facsimile: 702.362.2060

11 *Attorneys for ETW Management Group LLC; et al.*

12  
13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 In Re: D.O.T. Litigation,

Case No.: A-19-787004-B

Consolidated with: A-785818

A-786357

A-786962

A-787035

A-787540

A-787726

A-801416

Dept No.: XI

**MOTION TO AMEND ORDER  
PURSUANT TO NRCP 60(a); EX  
PARTE MOTION FOR ORDER  
SHORTENING TIME**

**HEARING REQUESTED**

*Date: February 7, 2020*

*Time: 9:00 a.m.*

25 Plaintiffs ETW MANAGEMENT GROUP LLC ("ETW"), GLOBAL HARMONY LLC  
26 ("Global Harmony"), GREEN LEAF FARMS HOLDINGS LLC ("GLFH"), GREEN  
27 THERAPEUTICS LLC ("GT"), HERBAL CHOICE INC. ("Herbal Choice"), JUST QUALITY,  
28


02-03-20A09:57 RCVD

20227938

1 LLC ("Just Quality"), LIBRA WELLNESS CENTER, LLC ("Libra"), ROMBOUGH REAL  
2 ESTATE INC. dba MOTHER HERB ("Mother Herb"), NEVCANN LLC ("NEVCANN"), RED  
3 EARTH LLC ("Red Earth"), THC NEVADA LLC ("THCNV"), ZION GARDENS LLC  
4 ("Zion"), and MMOF Vegas Retail, Inc. ("MMOF") (collectively, "ETW Plaintiffs"), by and  
5 through their undersigned counsel of record, Adam K. Bult, Esq., Maximilien D. Fetaz, Esq., and  
6 Travis F. Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and Adam R.  
7 Fulton, Esq., of the law firm of Jennings & Fulton, Ltd., hereby move this Court to amend its  
8 Finding of Facts, Conclusions of Law, and Order issued on August 23, 2019, pursuant to NRC  
9 60(a). This Motion is made and based upon the pleadings and papers on file herein, the  
10 Memorandum of Points and Authorities, the Declaration of Maximilien D. Fetaz, Esq., the  
11 exhibits attached hereto, and any oral argument allowed at the time of hearing.

12 DATED this 3rd day of February, 2020.

13 BROWNSTEIN HYATT FARBER SCHRECK, LLP

14   
15 ADAM K. BULT, ESQ., Nevada Bar No. 9332  
16 MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737  
17 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800

18 JENNINGS & FULTON, LTD.  
19 ADAM R. FULTON, ESQ., Nevada Bar No. 11572  
20 *Attorneys for Plaintiffs*  
21  
22  
23  
24  
25  
26  
27  
28



**ORDER SHORTENING TIME**

Good cause appearing therefore, IT IS HEREBY ORDERED that the **MOTION TO AMEND ORDER PURSUANT TO NRCP 60(a); EX PARTE MOTION FOR ORDER SHORTENING TIME** shall be heard on shortened time on the 7 day of Feb, 2020, at 9 (3E) a.m./p.m. before the above entitled Court located at Regional Justice Center, Courtroom 11, 200 Lewis Ave., Las Vegas, NV 89155.

DATED this 4<sup>th</sup> day of February, 2020.

  
DISTRICT COURT JUDGE CEH

Submitted by:

  
**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

ADAM K. BULT, ESQ., Nevada Bar No. 9332  
MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737  
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800

JENNINGS & FULTON, LTD.  
ADAM R. FULTON, ESQ., Nevada Bar No. 11572

*Attorneys for ETW Plaintiffs*

**DECLARATION OF MAXIMILIEN D. FETAZ, ESQ. IN SUPPORT OF MOTION TO  
AMEND ORDER PURSUANT TO NRCP 60(a); EX PARTE MOTION FOR ORDER  
SHORTENING TIME**

I, Maximilien D. Fetaz, Esq., hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Nevada and an attorney with the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel for ETW Plaintiffs in this matter.

2. I make this declaration in support of Plaintiffs' Motion to Amend Order Pursuant to NRCP 60(a) on an Order Shortening Time.

3. I have personal knowledge of the matters set forth in this declaration and, if called as a witness, could and would competently testify thereto.

4. On July 11, 2019, the Eighth Judicial District Court, Department XI entered its Order Granting in Part and Denying in Part Motion to Consolidate, which coordinated six of the matters that were before the Eighth Judicial District Court. Each involved the misfeasance of the Department of Taxation (the "Department") in issuing conditional licenses to operate recreational marijuana dispensaries. The cases were coordinated for purposes of the then pending Motions for Preliminary Injunction.

5. Over the course of several months, the Court held a 20-day evidentiary hearing on the request for injunctive relief.

6. On August 23, 2019, the Court filed its Findings of Facts and Conclusions of Law Granting Preliminary Injunction (the "Preliminary Injunction Order").

7. On September 19, 2019, both Greenmart of Nevada NVL LLC ("GreenMart") and Nevada Organic Remedies, LLC ("NOR") filed separate notices of appeal, challenging the Preliminary Injunction Order

8. In response, on October 3, 2019, the ETW Plaintiffs filed their Notice of Cross Appeal.

9. After these notices were filed, the Nevada Supreme Court issued an Order to Show Cause, asking the parties to explain why the appeals and cross appeal should not be dismissed due to jurisdictional defects.

10. Specifically, the Nevada Supreme Court expressed concern that the case caption did not include the captions or case numbers for case numbers A-18-786357-W, A-19-787726-C, A-19-787540-W, A-19-787004-B, and A-18-785818-W.

11. Then, on January 14, 2020, the Nevada Supreme Court issued a second Order to Show Cause, explaining that an amended Preliminary Injunction Order was needed so that the appeals and cross appeal in the above referenced cases would not be dismissed for lack of jurisdiction.

12. The Nevada Supreme Court recommended that the ETW Plaintiffs file this motion to amend the Preliminary Injunction Order to include the other case numbers and captions.

13. This request is made in good faith and without dilatory motive.

14. This matter cannot be heard in the ordinary course because the Nevada Supreme Court has allotted 21 days to respond to the Order to Show Cause. If this matter is heard in the ordinary course, the Nevada Supreme Court could dismiss the above referenced appeals prior to a decision on this motion.

15. Therefore, the ETW Plaintiffs respectfully request that this motion be heard on February 7, 2020, or when the Court deems proper.

I declare under penalty of perjury under the laws of the State of Nevada that the forgoing is true and correct.

DATED: February 3<sup>rd</sup>, 2020 at Clark County, Nevada.

  
MAXIMILIEN D. FETAZ

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

The ETW Plaintiffs move this Court to amend its Findings of Fact, Conclusions of Law, and Order, issued on August 23, 2019, (the “Preliminary Injunction Order”), pursuant to NRCPC 60(a). As this Court is well aware, the Preliminary Injunction Order was coordinated among the various cases involving the Department of Taxation (the “DOT”), which were, at that point, unconsolidated. After this Court issued the Preliminary Injunction Order, GreenMart of Nevada NVL LLC (“GreenMart”) and Nevada Organic Remedies, LLC (“NOR”) both filed separate Notices of Appeal. The ETW Plaintiffs timely filed a Notice of Cross Appeal. Since then, the Nevada Supreme Court has twice called into question its ability to hear the appeal and cross appeal because the Preliminary Injunction Order lists only Case No. A-19-786962-B in the case caption and excludes the other coordinated case numbers. Despite the fact that this Court indicated within the Preliminary Injunction Order that it was considering the other coordinated cases, the Nevada Supreme Court has stated that to consider the appeal for the coordinated cases, each of those case numbers must be listed in the caption of the Preliminary Injunction Order. Due to the fact that this Court clearly intended to coordinate the cases for the purposes of the preliminary injunction, the ETW Plaintiffs ask that this Court amend the Preliminary Injunction Order to include the coordinated case numbers in the caption and refile the amended Preliminary Injunction Order into the coordinated lead case.

### II. FACTUAL BACKGROUND

On August 23, 2019, after several hearings, this Court issued the Preliminary Injunction Order, granting the preliminary injunction. *See Exhibit A* (the “Preliminary Injunction Order”). On September 19, 2019, both Greenmart and NOR filed their notices of appeal, challenging the Preliminary Injunction Order. *See Exhibit B* (“Greenmart’s Notice of Appeal”); *Exhibit C* (“NOR’s Notice of Appeal”). In response, on October 3, 2019, the ETW Plaintiffs filed their Notice of Cross Appeal. *Exhibit D* (the “Notice of Cross Appeal”). After these notices were filed, the Nevada Supreme Court issued an Order to Show Cause, asking the parties to explain why the

1 appeals and cross appeal should not be dismissed due to jurisdictional defects. **Exhibit E** (the  
2 “first Order to Show Cause”).

3 The Nevada Supreme Court pointed to two jurisdictional defects in the appeals and cross  
4 appeal. First, the Nevada Supreme Court noted that the Preliminary Injunction Order appeared to  
5 be filed only in one of the coordinated case numbers and that the corresponding caption bore only  
6 one case number: Case No. A-19-786962-B. Ex. E, at 3. The Nevada Supreme Court explained  
7 that while a Notice of Entry of Order was filed in each of the coordinated cases, this did not give  
8 the Nevada Supreme Court jurisdiction to hear an appeal in case numbers A-18-786357-W, A-19-  
9 787726-C, A-19-787540-W, A-19-787004-B, and A-18-785818-W. Ex. E, at 3. Instead, the  
10 Nevada Supreme Court stated that to have jurisdiction to review the Preliminary Injunction Order  
11 in these cases numbers, the Preliminary Injunction Order had to be filed in each of these case  
12 numbers, and the caption of the Preliminary Injunction Order had to bear the above-referenced  
13 case numbers. Ex. E, at 3. In this Order to Show Cause, the Nevada Supreme Court indicated that  
14 this jurisdictional defect could be rectified by filing the Preliminary Injunction Order into each of  
15 the coordinated case numbers. Ex. E, at 3 n.3.<sup>1</sup>

16 In response to this Order to Show Cause, the ETW Plaintiffs explained that the  
17 Preliminary Injunction Order was coordinated with case numbers A-18-786357-W, A-19-787726-  
18 C, A-19-787540-W, A-19-787004-B, and A-18-785818-W, as evidenced by the Court’s  
19 coordination order and reference to these case numbers in the body of the Preliminary Injunction  
20 Order; and therefore, the ETW Plaintiffs argued that the Nevada Supreme Court retained  
21 jurisdiction to hear the cross appeal as to these cases. *See Exhibit F* (“ETW Plaintiffs’ Responses  
22 to the Order to Show Cause”), at 4–5.

23 Then, on January 14, 2020, the Nevada Supreme Court issued a second Order to Show  
24 Cause, and stated that it remained unconvinced that it retained jurisdiction over the appeals in the  
25 case numbers that were not listed in the caption of the Preliminary Injunction Order, despite the  
26 fact that in the body of the Preliminary Injunction Order, this Court expressed that the cases were

---

27 <sup>1</sup>The second jurisdictional defect involved a tolling motion filed in one of the case numbers that  
28 has since been resolved and is not pertinent to this Motion. *See Ex. E*, at 3–4.

coordinated. *See Exhibit G* (the “second Order to Show Cause”), at 3–4. However, the Nevada Supreme Court noted that the jurisdictional defect could be remedied by filing an amended version of the Preliminary Injunction Order in the lead case and that the amended order must “bear the caption and case number of each district court case underlying these appeals.” *Id.* at 4–5. Now, the ETW Plaintiffs bring this Motion to Amend the Preliminary Injunction Order, so that the appeals and cross appeal may move forward in each of the underlying district court cases that were coordinated for the purposes of the Preliminary Injunction Order.

### III. ARGUMENT

The ETW Plaintiffs respectfully request that this Court amend the Preliminary Injunction Order, pursuant to NRCP 60(a), to include each of the coordinated case numbers in the caption.

NRCP 60(a) states that “[t]he court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice.” Such a correction to an order is proper when there is a clerical error such as “a mistake in writing or copying.” *Pickett v. Comanche Const., Inc.*, 108 Nev. 422, 428, 836 P.2d 42, 46 (1992). A clerical error occurs when there is a “failure to make the written conclusions of law and judgment truly speak the determination which had been made.” *Frontier Ins. Serv. Inc. v. Gates*, 109 Nev. 231, 239, 849 P.2d 328, 333 (1993) (internal quotation marks omitted). In other words, “a clerical error is a mistake or omission by a clerk, counsel, or judge, or printer which is not the result of the exercise of a judicial function.” *Pickett*, 108 Nev. at 428, 836 P.2d at 46. Thus, a “Rule 60(a) [motion] may be invoked to make an original order more clearly reflect a court’s contemporaneous intent.” *RG Elec., Inc. v. Cole*, Case No. 65043, 2016 WL 606851, at \*1 (Nev. Feb. 12, 2016) (unpublished) (*citing Burton v. Johnson*, 975 F.2d 690, 694 (10th Cir.1992)).

Here, this Court clearly intended for the Preliminary Injunction Order to apply to and be filed in each of the formerly unconsolidated cases, including case numbers A-18-786357-W, A-19-787726-C, A-19-787540-W, A-19-787004-B, and A-18-785818-W. As this Court indicated in its Preliminary Injunction Order, it intended to coordinate these cases for the purposes of the preliminary injunction. *See Ex. A*, at 2–3. This is further evidenced by this Court’s Order

1 Granting in Part and Denying in Part Motion to Consolidate, dated July 11, 2019, in which this  
2 Court coordinated the above-referenced cases for the purposes of the preliminary injunction  
3 hearing. *See Exhibit H* (the “Order on the Motion to Consolidate”), at 2:16-23. Thus, because  
4 this Court intended to coordinate these cases, amending the Preliminary Injunction Order to  
5 include the coordinated case numbers in the caption and refileing the amended Preliminary  
6 Injunction Order would effectuate the intent of the original order to coordinate these cases for the  
7 preliminary injunction. Otherwise, the Nevada Supreme Court will dismiss the appeals in the  
8 coordinated case numbers because it does not consider them to be coordinated, as the case  
9 numbers in question are not listed in the caption. An example caption for the amended  
10 Preliminary Injunction Order is attached hereto as **Exhibit I**.

11 Finally, once an appeal has been docketed, NRCP 60(a) allows amendment to an order  
12 “only with the appellate court’s leave.” Here, an appeal has been docketed, but the Nevada  
13 Supreme Court has twice urged that a copy of the Preliminary Injunction Order be re-filed with a  
14 caption bearing the coordinated case numbers in order to cure any appellate jurisdictional defect:

15 Alternatively, because the district court cases have now been  
16 consolidated, the order may be filed only in the lead case; however  
17 it must bear the caption and case number of each district court case  
underlying these appeals.

18 Ex. G, at 4–5; *see also* Ex. E, at 3 n.3. Thus, an amendment and re-filing of this order under  
19 NRCP 60(a) is proper, even though an appeal has been docketed and is pending, because the  
20 Nevada Supreme Court has granted leave to file such an amended Preliminary Injunction Order in  
21 both of its Orders to Show Cause. *See* Ex. E, at 3 n.3; Ex. G, at 4–5.

22 ///

28 ///



1 **IV. CONCLUSION**

2 Accordingly, the ETW Plaintiffs respectfully request that this Court file an amended  
3 Preliminary Injunction Order in the previous lead coordinated case, which bears case numbers A-  
4 18-786357-W, A-19-787726-C, A-19-787540-W, A-19-787004-B, and A-18-785818-W in the  
5 caption. This amended version of the Preliminary Injunction Order will effectuate this Court's  
6 intent to coordinate the Preliminary Injunction Order among those cases, cure the appellate  
7 jurisdictional defect, and allow the appeals and cross appeal to go forward.

8 DATED this 3rd day of February, 2020.

9 BROWNSTEIN HYATT FARBER SCHRECK, LLP

10   
11 ADAM K. BULT, ESQ., Nevada Bar No. 9332  
12 MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737  
13 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800

14 JENNINGS & FULTON, LTD.  
15 ADAM R. FULTON, ESQ., Nevada Bar No. 11572  
16 *Attorneys for Plaintiffs*  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **MOTION TO AMEND ORDER PURSUANT TO NRCP 60(a); EX PARTE MOTION FOR ORDER SHORTENING TIME** to be submitted electronically to all parties currently on the electronic service list on February 4, 2020.

/s/ Wendy Cosby  
an employee of Brownstein Hyatt Farber Schreck, LLP

# EXHIBIT I

1 **FFCL**

2  
3  
4 **DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6 SERENITY WELLNESS CENTER, LLC, a  
7 Nevada limited liability company, TGIG, LLC,  
8 Nevada limited liability company, NULEAF  
9 INCLINE DISPENSARY, LLC, a Nevada  
10 limited liability company, NEVADA  
11 HOLISTIC MEDICINE, LLC, a Nevada  
12 limited liability company, TRYKE  
13 COMPANIES SO NV, LLC, a Nevada limited  
14 liability company, TRYKE COMPANIES  
15 RENO, LLC, a Nevada limited liability  
16 company, PARADISE WELLNESS CENTER,  
17 LLC, a Nevada limited liability company,  
18 FIDELIS HOLDINGS, LLC, a Nevada limited  
19 liability company, GRAVITAS NEVADA,  
20 LLC, a Nevada limited liability company,  
21 NEVADA PURE, LLC, a Nevada limited  
22 liability company, MEDIFARM, LLC, a  
23 Nevada limited liability company, DOE  
24 PLAINTIFFS I through X,

25 *Plaintiffs,*

26 vs.

27 THE STATE OF NEVADA, DEPARTMENT  
28 OF TAXATION,

*Defendants.*

and

NEVADA ORGANIC REMEDIES, LLC;  
INTEGRAL ASSOCIATES LLC d/b/a  
ESSENCE CANNABIS DISPENSARIES, a  
Nevada limited liability company; ESSENCE  
TROPICANA, LLC, a Nevada limited liability  
company; ESSENCE HENDERSON, LLC, a  
Nevada limited liability company; CPCM  
HOLDINGS, LLC d/b/a THRIVE CANNABIS  
MARKETPLACE, COMMERCE PARK  
MEDICAL, LLC, a Nevada limited liability  
company; and CHEYENNE MEDICAL, LLC, a  
Nevada limited liability company; LONE  
MOUNTAIN PARTNERS, LLC, a Nevada

CASE NO.: A-19-786962-B  
DEPT NO.: XI

COORDINATED WITH:

CASE NO. A-18-786357-W  
A-19-787726-C  
A-19-787540-W  
A-19-787004-B  
A-18-785818-W

**AMENDED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW GRANTING  
PRELIMINARY JUNCTION**

limited liability partnership; HELPING HANDS WELLNESS CENTER, INC., a Nevada corporation; GREENMART OF NEVADA NLV LLC, a Nevada limited liability company; and CLEAR RIVER, LLC,

*Intervenors.*

COMPASSIONATE TEAM OF LAS VEGAS LLC, a Nevada limited liability company,

*Plaintiffs,*

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1 through 10; and ROE CORPORATIONS 1 through 10,

*Defendants.*

GREENMART OF NEVADA NLV LLC, a Nevada limited liability company,

*Intervenor Defendant.*

HIGH SIERRA HOLISTICS, LLC,

*Plaintiff,*

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1 through 10; and ROE CORPORATIONS 1 through 10,

*Defendants.*

NEVADA WELLNESS CENTER, LLC, a Nevada limited liability company,

*Plaintiffs,*

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive,

*Defendants.*

CASE NO. A-18-786357-W  
DEPT. NO. XIV

CASE NO. A-19-787726-C  
DEPT. NO. XIV

CASE NO. A-19-787540-W  
DEPT NO. XVIII

ETW MANAGEMENT GROUP, LLC, a Nevada limited liability company; GLOBAL HARMONY LLC, a Nevada limited liability company, GREEN LEAF FARMS HOLDINGS, LLC, a Nevada limited liability company, GREEN THERAPEUTICS LLC, a Nevada limited liability company; HERBAL CHOICE, INC., a Nevada corporation; JUST QUALITY, LLC, a Nevada limited liability company; LIBRA WELLNESS CENTER, LLC, a Nevada limited liability company; ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, a Nevada corporation, NEVCANN LLC, a Nevada limited liability company; THC NEVADA LLC, a Nevada limited liability company; and ZION GARDENS LLC, a Nevada limited liability company,

*Plaintiffs,*

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION, a Nevada administrative agency; DOES 1 through 20; and ROE CORPORATIONS 1 through 20, inclusive,

*Defendants.*

MM DEVELOPMENT COMPANY, INC., a Nevada Corporation; LIVFREE WELLNESS LLC, dba The Dispensary, a Nevada limited liability company,

*Plaintiffs,*

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1 through 10; and ROE CORPORATIONS 1 through 10,

*Defendants.*

///

///

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

CASE NO. A-18-785818-W  
DEPT NO. VIII

Submitted by:

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

*/s/ Adam K. Bult*

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

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

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

JENNINGS & FULTON, LTD.

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

*Attorneys for ETW Plaintiffs*