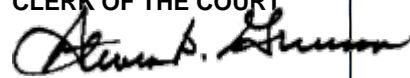


EXHIBIT A



MWCN
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MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737
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Telephone: 702.979.3565
Facsimile: 702.362.2060

Attorneys for ETW Management Group LLC; et al.

DISTRICT COURT
CLARK COUNTY, NEVADA

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

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL OF
RECORD ON AN ORDER
SHORTENING TIME**

Date of Hearing: February 7, 2020
Time of Hearing: 9:00 AM

This matter, having come on for hearing before Department XI, the Honorable Elizabeth G. Gonzalez presiding, on the 7th day of February, 2020, and noting no opposition was filed, that proper notice was given, pursuant to EDCR 2.20, EDCR 7.40, and NRPC 1.16 and based upon the papers and pleadings on file herein, and good cause appearing, hereby orders as follows:

1 **IT IS HEREBY ORDERED** that the Motion to Withdraw as Counsel of Record on an
2 Order Shortening Time filed by the law firm Brownstein Hyatt Farber Schreck, LLP, and Adam
3 R. Fulton, Esq. of the law firm Jennings and Fulton, LTD (collectively "Law Firms") to withdraw
4 as counsel of record for Plaintiffs Green Therapeutics LLC, NEVCANN LLC, Green Leaf Farms
5 Holdings LLC, and Red Earth LLC (the "Plaintiffs") is hereby GRANTED.

6 **IT IS FURTHER ORDERED** that the Plaintiffs are advised of the following rule: "A
7 corporation may not appear in proper person." EDCR 7.42(b).

8 **IT IS FURTHER ORDERED** that a copy of the order shall be mailed to the Plaintiffs at
9 their last known address:

10 (1) Green Therapeutics, 5975 Procyon St., Las Vegas, NV 89118.

11 Phone Number: (775) 372-7505

12 (2) NEVCANN, LLC 520 S. Fourth Street, Las Vegas NV 89101

13 Phone Number: (702) 863-4653

14 (3) Green Leaf Farms, 1771 E. Flamingo Rd., Suite 201A, Las Vegas NV 89119

15 Phone Number: (702) 241-6222

16 (4) Red Earth, LLC, 5040 Cecile Ave., Las Vegas, NV 89146

17 Phone Number: (818) 398-3541

18 **IT IS FURTHER ORDERED** that the current and upcoming deadlines in this matter are
19 as follows:

<u>Event</u>	<u>Date and Time (if applicable)</u>
Rebuttal Expert Disclosures Deadline	February 14, 2020
Hearing on Motion to Seal/Redact Records	February 28, 2020 (in chambers)
Hearing on Motion to Dismiss	February 28, 2020 at 9:00 a.m.
Hearing on Motion for Summary Judgement	February 28, 2020 at 9:00 a.m.
Close of Discovery Deadline	March 13, 2020
Dispositive Motions & Motions in <i>Limine</i> Filed By	March 13, 2020
Status Check: Trial Readiness	March 16, 2020 at 9:00 a.m.

<u>Event</u>	<u>Date and Time (if applicable)</u>
Pre-Trial Disclosures Deadline	March 20, 2020
Pre-trial Conference	March 26, 2020 at 9:15 a.m.
Objections to Pre-Trial Disclosures	April 3, 2020
Pre-Trial Memorandum Deadline	April 10, 2020
Calendar Call	April 14, 2020 at 9:30 a.m.
Trial (five week stack)	April 20, 2020 at 1:30 p.m.


IT IS SO ORDERED.

DATED this 14 day of February, 2020.


ELIZABETH G. GONZALEZ, DISTRICT JUDGE

Submitted by:

**BROWNSTEIN HYATT FARBER
SCHECK, LLP**

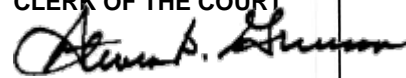
By: 
Adam K. Bult, Esq., NV Bar No. 9332
Maximilien D. Fetaz, Esq., NV Bar No. 12737
Travis F. Chance, Esq., NV Bar No. 13800
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2580 Sorrel Street
Las Vegas, NV 89146

Attorneys for ETW Plaintiffs

02-13-20P04:21 RCVD

EXHIBIT B



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Telephone: 702.979.3565
Facsimile: 702.362.2060

Attorneys for ETW Management Group LLC; et al.

HEARING REQUESTED

Date: February 7, 2020

Time: 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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 WITHDRAW AS
COUNSEL OF RECORD ON AN
ORDER SHORTENING TIME**

Adam K. Bult, Esq., Maximilien D. Fetaz, Esq., and Travis F. Chance, Esq. of the law firm Brownstein Hyatt Farber Schreck, LLP, and Adam R. Fulton, Esq. of the law firm Jennings and Fulton (collectively "BHFS"), hereby moves this Court for an order allowing it to withdraw as counsel of record for Plaintiffs Green Therapeutics LLC, NEVCANN LLC, Green Leaf Farms Holdings LLC, and Red Earth LLC (the "Plaintiffs"). This Motion is made and based upon the pleadings and papers on file herein, the Memorandum of Points and Authorities, and any oral

Memorandum of Points and Authorities, and any oral argument allowed at the time of hearing.

DATED this 27th day of January, 2020.

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 Plaintiffs

ORDER SHORTENING TIME

Good cause appearing therefore, IT IS HEREBY ORDERED that the **Motion to Withdraw as Counsel of Record on an Order Shortening Time** shall be heard on shortened time on the 7 day of Feb, 2020, at 9 a.m./p.m. before the above entitled Court located at Regional Justice Center, Courtroom 3E, 200 Lewis Ave., Las Vegas, NV 89155.

DATED this 27th day of January, 2020.


DISTRICT COURT JUDGE



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 ADAM K. BULT, ESQ. IN SUPPORT OF JOINT MOTION TO
CONSOLIDATE ON ORDER SHORTENING TIME**

I, Adam K. Bult, Esq., hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Nevada, a shareholder with the law firm of Brownstein Hyatt Farber Schreck, LLP, and counsel for Plaintiffs Green Therapeutics LLC, NEVCANN LLC, Green Leaf Farms Holdings LLC, and Red Earth LLC (the "Plaintiffs").

2. I make this declaration in support of the Motion to Withdraw as Counsel of Record on an Order Shortening Time (the "Motion").

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. BHFS's representation of the Plaintiffs began on or around December 2018.

5. In the recent months, the Plaintiffs have stopped paying their legal bills, which has led to them incurring an outstanding balance.

6. Due to this outstanding balance, I communicated with the Plaintiffs and explained that if they did not pay their outstanding balance, BHFS would withdraw as their counsel of record. The Plaintiffs have not paid their outstanding balance.

7. The firm's continued representation of the Plaintiffs will result in an unreasonable financial burden to BHFS because of their failure to pay their legal bills, despite demands for payment being made and a warning of withdrawal being given.

///

///

8. The last known contact information for each of the Plaintiffs is as follows:

(1) Green Therapeutics, 5975 Procyon St., Las Vegas, NV 89118.

Phone Number: 1 (775) 372-7505

(2) Nevcan, LLC 520 S. Fourth Street, Las Vegas NV 89101

Phone Number: 1 (702) 863-4653

(3) Green Leaf Farms, 1771 E. Flamingo Rd., Suite 201A, Las Vegas NV 89119

Phone Number: 1 (702) 241-6222

(4) Red Earth, LLC, 5040 Cecile Ave., Las Vegas, NV 89146

Phone Number: 1 (818) 398-3541

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

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

Dated on January 27, 2020



ADAM K. BULT, ESQ.

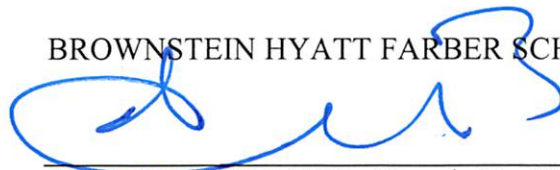
1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Nevada Rule of Professional Conduct 1.16(b) states that an attorney may be allowed to
3 withdraw from representing a client if: “(1) [w]ithdrawal can be accomplished without material
4 adverse effect on the interests of the client; . . . (5) [t]he client fails to substantially fulfill an
5 obligation to the lawyer regarding the lawyer's services and has been given reasonable warning
6 that the lawyer will withdraw unless the obligation is fulfilled; (6) [t]he representation will result
7 in an unreasonable financial burden on the lawyer . . . ; or (7) [o]ther good cause for withdrawal
8 exists.” Additionally, EDCR 7.40(b)(2) states that this Court may, “upon written motion,” enter
9 an order allowing an attorney to withdraw as counsel of record.

10 Here, as explained in the Declaration of Adam K. Bult, Esq., Plaintiffs have failed to
11 fulfill their obligations in paying the portion of the legal fees that they agreed to pay. Plaintiffs
12 have been given an adequate warning that if they did not pay their past due legal bills that BHFS
13 would withdraw as counsel of record. The Plaintiffs have failed to pay these bills, despite this
14 warning. This failure to pay for provided legal services will cause BHFS to incur an unreasonable
15 financial burden, as it will be forced to continue to provide legal services in this complex matter,
16 with no prospect of being compensated. Finally, no facts exist that indicate that Plaintiffs will
17 suffer any adverse effect by BHFS's withdrawal as counsel of record as there is ample time
18 before Trial for the Plaintiffs to retain new counsel. Thus, BHFS asks this Court to grant its
19 Motion to Withdraw as Counsel of Record.

20
21 DATED this 27th day of January, 2020.

22 BROWNSTEIN HYATT FARBER SCHRECK, LLP

23 

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

27 JENNINGS & FULTON, LTD.
28 ADAM R. FULTON, ESQ., Nevada Bar No. 11572
Attorneys for Plaintiffs

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 Withdraw as Counsel of Record on an Order Shortening Time** to be submitted electronically to all parties currently on the electronic service list on January 29, 2020.

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

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,¹

Respondents.

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

SUPREME COURT CASE NO.
79669

Electronically Filed
Feb 26 2020 1:45 p.m.
CASE NO.: 19-00043
DEPT NO.: Elizabeth A. Brown

Clerk of Supreme Court
**MOTION TO WITHDRAW AS
COUNSEL OF RECORD FOR
RESPONDENTS/CROSS
APPELLANTS GREEN
THERAPEUTICS LLC
NEVCANN LLC, GREEN LEAF
FARMS HOLDINGS LLC, and
RED EARTH LLC.**

¹ 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.

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///

///

**MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR
RESPONDENTS/CROSS APPELLANTS GREEN THERAPEUTICS LLC
NEVCANN LLC, GREEN LEAF FARMS HOLDINGS LLC, and RED
EARTH LLC.**

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*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, “ETW Parties”)*

Adam K. Bult, Esq., Maximilien D. Fetaz, Esq., and Travis F. Chance, Esq. of the law firm Brownstein Hyatt Farber Schreck, LLP, and Adam R. Fulton, Esq. of the law firm Jennings and Fulton (collectively “BHFS”), hereby move this Court, pursuant to NRAP 46(e)(3), SCR 46, and NRPC 1.16, to withdraw as counsel of record for Respondents/Cross Appellants Green Therapeutics LLC, NEVCANN LLC, Green Leaf Farms Holdings LLC, and Red Earth LLC (collectively, the “Withdrawing Respondents”). The undersigned will remain counsel for Respondents/Cross Appellants ETW Management Group LLC, Global Harmony LLC, Herbal Choice Inc., Just Quality, LLC, Libra Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb, THC Nevada LLC, Zion Gardens LLC, and MMOF Vegas Retail, Inc. (“Remaining Respondents”).

On February 14, 2020, the district court granted BHFS' Motion to Withdraw as Counsel of Record for the Withdrawing Respondents. *See Exhibit A* (the "Order Granting Motion to Withdraw"). The original Motion to Withdraw, attached hereto as **Exhibit B**, requested a withdrawal due to a failure of the Withdrawing Respondents to pay their agreed to pro rata portion of the legal fees allocated amongst the represented parties. Now, after the district court has granted that Motion to Withdraw, BHFS moves this court to withdraw as counsel of record for the Withdrawing Respondents.

NRAP 46(e)(3) provides that "[a] withdrawal of counsel may be effected only by filing a motion in the court. The withdrawing attorney shall serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state the reasons for the attorney's withdrawal consistent with SCR 46 and RPC 1.16." SCR 46(2) further provides that "The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows: Upon the order of the court or judge thereof on the application of the attorney or the client." Finally, NRPC 1.16(b) states that an attorney may be allowed to withdraw from representing a client if: "(1) [w]ithdrawal can be accomplished without material adverse effect on the interests of the client; . . . (5) [t]he client fails to substantially fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6) [t]he representation will result in an unreasonable financial burden on the lawyer . . .; or (7) [o]ther good cause for withdrawal exists."

Here, final judgment and final determination have not yet been entered in the underlying district court case. This appeal involves the validity of the issuance of a preliminary injunction (an interlocutory order), and therefore, the district court proceedings are moving forward in this matter with the preliminary injunction in effect. Further, the district court already granted BHFS' Motion to Withdraw in the

continued proceedings below. **Ex. A.** Thus, withdrawal is appropriate under SCR 46(2).

Additionally, as explained in the original Motion to Withdraw, NRPC 1.16(b) allows for withdrawal of counsel at this stage in the proceedings. As explained in the district court: Withdrawing Respondents have (1) failed to fulfill their obligations in paying the portion of the legal fees that they agreed to pay; (2) have been given an adequate warning that if they did not pay their past due legal bills that BHFS would withdraw as counsel of record; (3) have failed to pay these bills, despite this warning. Withdrawing Respondents' failure to pay for provided legal services will cause BHFS to incur an unreasonable financial burden, as it will be forced to continue to provide legal services in this complex matter, with no prospect of being compensated. Moreover, no facts exist that indicate that Withdrawing Respondents will suffer any adverse effect by BHFS' withdrawal as counsel of record as there is ample time before trial and before any briefing is due for the Withdrawing Respondents to retain new counsel. These facts are supported by a Declaration of Adam K. Bult, Esq., the lead attorney in this matter. *See Ex. B* at 4-5.

Given that the district court has already granted BHFS' Motion to Withdraw for the proceedings below, and given that NRAP 46(e)(3), SCR 46, and NRPC 1.16 all allow withdrawal at this stage in the litigation, BHFS respectfully requests that this court grant this motion to withdraw as to Withdrawing Respondents in these appellate matters.

DATED this 26th day of February, 2020.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Adam K. Bult

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

JENNINGS & FULTON, LTD.

ADAM R. FULTON, ESQ., Nevada Bar No. 11572
Attorneys for ETW Parties

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR RESPONDENTS/CROSS APPELLANTS GREEN THERAPEUTICS LLC NEVCANN LLC, GREEN LEAF FARMS HOLDINGS LLC, and RED EARTH LLC** was filed electronically with the Nevada Supreme Court on the 26th 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
MCLETCHIE LAW

*Counsel for Appellant
GreenMart of Nevada NLV, LLC*

The following were service via U.S. Mail:

Green Therapeutics LLC
5975 Procyon St.
Las Vegas, NV 89118

NEVCANN LLC
520 S. Fourth Street
Las Vegas, NV 89101

Green Therapeutics LLC
848 N. Rainbow Blvd., Suite 12
Las Vegas, NV 89107

Green Leaf Farms Holdings LLC
c/o Registered Agent, Mark Bradley
1771 E. Flamingo Road, Suite 201A
Las Vegas, NV 89119

Red Earth LLC
c/o Schulker Enterprises, LLC
5040 Cecile Ave.
Las Vegas, NV 89146

Red Earth LLC
2310 Western Ave.
Las Vegas, NV 89102

/s/ Wendy Cosby

an employee of Brownstein Hyatt Farber Schreck, LLP