

SUPREME COURT OF NEVADA

Case No. 79669

GREENMART OF NEVADA NLV LLC,; and
NEVADA ORGANIC REMEDIES, LLC
Appellants/Cross-Respondents,

Electronically Filed
Apr 15 2020 10:05 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

v.

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. D/B/A MOTHER HERB; NEVCANN LLC;
RED GARDENS LLC; THC NEVADA LLC; ZION GARDENS LLC; and
MMOF VEGAS RETAIL INC.,
Respondents/Cross-Appellants,

and

THE STATE OF NEVADA DEPARTMENT OF TAXATION,
Respondent,

Appeal from the Eighth Judicial District Court,
Clark County, Nevada
District Court Case # A-19-797004-B
The Honorable Elizabeth Gonzalez

APPELLANT'S APPENDIX – VOLUME 18

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29	Notice of Entry of Order and Order Regarding Nevada Wellness Center, LLC's Motion to Alter or Amend Findings of Fact and Conclusions of Law Granting Preliminary Injunction	11/6/19	AA 007058 - AA 007067
20	Order Granting in Part Motion to Coordinate Cases for Preliminary Injunction Hearing	7/11/19	AA 004938 - AA 004940
22	Order Granting Preliminary Injunction (Findings of Fact and Conclusions of Law)	8/23/19	AA 005277 - AA 005300
46, 47	Preliminary Injunction Hearing, Defendant's Exhibit 2009 Governor's Task Force Report	n/a	AA 011408 - AA 011568
47	Preliminary Injunction Hearing, Defendant's Exhibit 2018 List of Applicants for Marijuana Establishment Licenses 2018	n/a	AA 011569 - AA 011575

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47	Preliminary Injunction Hearing, Defendant's Exhibit 5025 Nevada Organic Remedies, LLC's Organizational Chart	n/a	AA 011576 - AA 011590
47	Preliminary Injunction Hearing, Defendant's Exhibit 5026 Nevada Organic Remedies, LLC's Ownership Approval Letter	n/a	AA 011591, AA 011592
47	Preliminary Injunction Hearing, Defendant's Exhibit 5026 Nevada Organic Remedies, LLC's Ownership Approval Letter as Contained in the Application	n/a	AA 011593 - AA 011600
47	Preliminary Injunction Hearing, Defendant's Exhibit 5038 Evaluator Notes on Nevada Organic Remedies, LLC's Application	n/a	AA 011601 - AA 011603
47	Preliminary Injunction Hearing, Defendant's Exhibit 5045 Minutes of ther Legislative Commission, Nevada Legislative Counsel Bureau	n/a	AA 011604 - AA 011633
47	Preliminary Injunction Hearing, Defendant's Exhibit 5049 Governor's Task Force for the Regulation and Taxation of Marijuana Act Meeting Minutes	n/a	AA 011634 - AA 011641
47	Register of Actions for Serenity Wellness Center, LLC v. State of Nevada, Department of Taxation, Case No. A-18-786962-B	n/a	AA011642 - AA 011664
27	Serenity Wellness Center, LLC et al.'s Joinder to MM Development Company Inc. and LivFree Wellness, LLC Development Company Inc. and LivFree Wellness, LLC's Motion to Amend the Findings of Fact and Conclusions of Law Granting Motion for Preliminary Injunction	9/30/19	AA 006506 - AA 006508
2	Serenity Wellness Center, LLC et al.'s Complaint	1/4/19	AA 000343 - AA 000359
0	Serenity Wellness Center, LLC et al.'s Corrected First Amended Complaint	7/11/19	AA 004907 - AA 004924
5, 6	Serenity Wellness Center, LLC et al.'s Ex Parte Motion for Leave to file Brief in Support of Motion for Preliminary Injunction in Excess of Thirty Pages in Length	4/10/19	AA 001163 - AA 001288

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20	Serenity Wellness Center, LLC et al.'s First Amended Complaint	7/3/19	AA 004889 - AA 004906
40	Serenity Wellness Center, LLC et al.'s Joinder to MM Development Company Inc. and LivFree Wellness, LLC Development Company Inc. and LivFree Wellness, LLC's Motion for Preliminary Injunction	5/20/19	AA 003603 - AA 003636
23	Serenity Wellness Center, LLC et al.'s Joinder to MM Development Company Inc. and LivFree Wellness, LLC Development Company Inc. and LivFree Wellness, LLC's Objection to Court's Exhibit 3	8/27/19	AA 005540 - AA 005543
27	Serenity Wellness Center, LLC et al.'s Joinder to Nevada Wellness Center, LLC's Motion to Amend the Findings of Fact and Conclusions of Law Granting Motion for Preliminary Injunction	10/7/19	AA 006528 - AA 006538
4	Serenity Wellness Center, LLC et al.'s Motion for Preliminary Injunction	3/19/19	AA 000769 - AA 000878
18	Serenity Wellness Center, LLC et al.'s Reply in support of Motions for Summary Judgment	5/22/19	AA 004395 - AA 004408
29	Serenity Wellness Center, LLC et al.'s Second Amended Complaint	11/26/19	AA 007131 - AA 007153
5	Serenity Wellness Center, LLC et al.'s Summons to State of Nevada, Department of Taxation	3/26/19	AA 001031 - AA 001034
19	Serenity Wellness Center, LLC et al.'s Supplemental Memorandum of Points and Authorities in Support of Preliminary Injunction	6/10/19	AA 004564 - AA 004716
6	State of Nevada, Department of Taxation's Answer to ETW Management Group, LLC et al.'s Amended Complaint	4/17/19	AA 001313 - AA 001326
19	State of Nevada, Department of Taxation's Answer to ETW Management Group, LLC et al.'s Second Amended Complaint	6/4/19	AA 004513 - AA 004526
5	State of Nevada, Department of Taxation's Answer to MM Development Company Inc. and LivFree Wellness, LLC Development Company Inc. and LivFree Wellness, LLC's First Amended Complaint	4/10/19	AA 001150 - AA 001162

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6	State of Nevada, Department of Taxation's Answer to Nevada Wellness Center, LLC's Complaint	5/2/19	AA 001342 - AA 001354
15	State of Nevada, Department of Taxation's Answer to Serenity Wellness Center, LLC et al.'s Complaint	5/20/19	AA 003637 - AA 003648
20	State of Nevada, Department of Taxation's Answer to Serenity Wellness Center, LLC et al.'s Corrected First Amended Complaint	7/15/19	AA 004949 - AA 004960
11	State of Nevada, Department of Taxation's Opposition to MM Development Company Inc. and LivFree Wellness, LLC Development Company Inc. and LivFree Wellness, LLC's Motion for Preliminary Injunction	5/20/19	AA 002704 - AA 002724
11-14	State of Nevada, Department of Taxation's Opposition to MM Development Company Inc. and LivFree Wellness, LLC Development Company Inc. and LivFree Wellness, LLC's Motion for Preliminary Injunction, Appendix	5/20/19	AA 002725 - AA 003444
24	State of Nevada, Department of Taxation's Opposition to Motion to Amend the Findings of Fact and Conclusions of Law Granting Motion for Preliminary Injunction	9/23/19	AA 005984 - AA 005990
28	State of Nevada, Department of Taxation's Opposition to Motion to Nevada Wellness Center, LLC's Amend the Findings of Fact and Conclusions of Law Granting Motion for Preliminary Injunction	10/24/19	AA 006827 - AA 006832
28	State of Nevada, Department of Taxation's Opposition to Nevada Organic Remedies, LLC's Application for Writ of Mandamus to Compel State of Nevada , Department of Taxation to Move Nevada Organic Remedies, LLC Into "Tier 2" of Successful Conditional License Applicants	10/24/19	AA 006889 - AA 006954
10	State of Nevada, Department of Taxation's Opposition to Serenity Wellness Center, LLC et al.'s Motion for Preliminary Injunction	5/9/19	AA 002273 - AA 002534
19-20	State of Nevada, Department of Taxation's Pocket Brief Regarding Regulatory Power Over Statutes Passed by Voter Initiative	6/10/19	AA 004717 - AA 004777

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20	State of Nevada, Department of Taxation's Supplement to Pocket Brief Regarding Regulatory Power Over Statutes Passed by Voter Initiative	6/24/19	AA 004879 - AA 004888
5	Stipulation and Order to Continue Hearing and Extend Briefing Schedule for Motion for Preliminary Injunction	4/8/19	AA 001144 - AA 001149
46	Transcripts for Hearing on Objections to State's Response, Nevada Wellness Center, LLC's Motion Re Compliance Re Physical Address, and Bond Amount Set	8/29/19	AA 011333 - AA 011405
29	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 1	5/24/19	AA 007170 - AA 007404
30	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 2 Volume 1	5/28/19	AA 007405 - AA 007495
30, 31	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 2 Volume 2	5/28/19	AA 007496 - AA 007601
31	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 3 Volume 1	5/29/19	AA 007602 - AA 007699
31, 32	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 3 Volume 2	5/29/19	AA 007700 - AA 007843
32, 33	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 4	5/30/19	AA 007844 - AA 008086
33	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 5 Volume 1	5/31/19	AA 008087 - AA 008149
33, 34	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 5 Volume 2	5/31/19	AA 008150 - AA 008369
34, 35	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 6	6/10/19	AA 008370 - AA 008594
35, 36	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 7	6/11/19	AA 008595 - AA 008847

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36	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 8 Volume 1	6/18/19	AA 008848 - AA 008959
36, 37	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 8 Volume 2	6/18/19	AA 008960 - AA 009093
37	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 9 Volume 1	6/19/19	AA 009094 - AA 009216
38	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 10 Volume 1	6/20/19	AA 009350 - AA 009465
38, 39	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 10 Volume 2	6/20/19	AA 009466 - AA 009623
39	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 11	7/1/19	AA 009624 - AA 009727
39, 40	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 12	7/10/19	AA 009728 - AA 009902
40, 41	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 13 Volume 1	7/11/19	AA 009903 - AA 010040
41	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 13 Volume 2	7/11/19	AA 010041 - AA 010162
41, 42	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 14	7/12/19	AA 010163 - AA 010339
42	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 15 Volume 1	7/15/19	AA 010340 - AA 010414
42, 43	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 15 Volume 2	7/15/19	AA 010415 - AA 010593
43	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 16	7/18/19	AA 010594 - AA 010698

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43, 44	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 17 Volume 1	8/13/19	AA 010699 - AA 010805
44	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 17 Volume 2	8/13/19	AA 010806 - AA 010897
44, 45	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 18	8/14/19	AA 010898 - AA 011086
45	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 19	8/15/19	AA 011087 - AA 011165
45, 46	Transcripts for the Evidentiary Hearing on Motions for Preliminary Injunction Day 20	8/16/19	AA 011166 - AA 011332

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPELLANT NEVADA ORGANIC REMEDIES, LLC'S OPENING BRIEF** was filed electronically with the Nevada Supreme Court on the 17th day of January, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Adam Fulton and Maximilien D. Fetaz
Brownsein Hyatt Farber Shreck, LLP

Counsel for Respondents,

ETWManagement Group LLC; Global Harmony LLC; Green Leaf Farms Holdings LL; Green Therapeutics LLC; Herbal Choice Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate Inc. d/b/a Mother Herb; NEVCANN LLC; Red Gardens LLC; TH Nevada LLC; Zion Gardens LLC; and MMOF Vegas Retail Inc.

Ketan D. Bhirud, Aaron D. Ford, Theresa M. Haar, David J. Pope,
and Steven G. Shevorski

Office of the Attorney General

Counsel for Respondent,

The State of Nevada Department of Taxation

David R. Koch, Steven B. Scow, Daniel G. Scow, and Brody R. Wight

Koch & Scow, LLC

Counsel for Appellant,

Nevada Organic Remedies, LLC

Margaret A. McLetchie, Alina M. Shell

McLetchie Law

Counsel for Appellant,

Counsel for GreenMart of Nevada NLV LLC

/s/ David R. Koch

Koch & Scow

EXHIBIT A

APPLICANTS (Owners/Officers/Board Members) for Application Period SEPTEMBER 7, 2018

Recreational Marijuana Store	Jurisdiction	Type	Entity	DBA/LOGO	Last Name	First Name	MI	Owner	Officer	Board Member
RD228	North Las Vegas	Retail Dispensary	Green Leaf Farms Holdings LLC	Players Network	Rombough	Irene		no	Officer	
RD228	North Las Vegas	Retail Dispensary	Green Leaf Farms Holdings LLC	Players Network	Tuttleman	David	Z	no	no	Board Member
RD228	North Las Vegas	Retail Dispensary	Green Leaf Farms Holdings LLC	Players Network	Joyce	Carole		no	no	Board Member
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Boucher	Gloria		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Cantwell	Steven		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Conley	Michael		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Floyd	Brian		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Floyd	Michael		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Khoury	Steven		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Thew	Curtis		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Triggs	Andrew		Owner	no	no
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Floyd	Deanna		no	no	Board Member
RD246	Nye	Retail Dispensary	Green Life Productions LLC	Green Life Productions	Villa	Kouanin		no	no	Board Member
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Chow	Theron		Owner	no	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Amy		Owner	Officer	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Duke		Owner	Officer	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Grappo	Anthony		Owner	no	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Kwok	Kenny		Owner	no	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Lim	Angie		Owner	no	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Premrsirut	Rutt		Owner	no	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Sumiyoshi	Michael		Owner	no	no
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Bostic	Jessie		no	no	Board Member
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Grill	Adam		no	no	Board Member
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Librot	Jason		no	no	Board Member
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Negrette	Jason		no	no	Board Member
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Newhard	Madison		no	no	Board Member
RD268	Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Stroum	Jordan		no	no	Board Member
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Chow	Theron		Owner	no	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Amy		Owner	Officer	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Duke		Owner	Officer	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Grappo	Anthony		Owner	no	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Kwok	Kenny		Owner	no	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Lim	Angie		Owner	no	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Premrsirut	Rutt		Owner	no	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Sumiyoshi	Michael		Owner	no	no
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Bostic	Jessie		no	no	Board Member
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Grill	Adam		no	no	Board Member
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Librot	Jason		no	no	Board Member
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Negrette	Jason		no	no	Board Member
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Newhard	Madison		no	no	Board Member
RD269	North Las Vegas	Retail Dispensary	Green Therapeutics LLC	Provisions	Stroum	Jordan		no	no	Board Member
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Chow	Theron		Owner	no	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Amy		Owner	Officer	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Duke		Owner	Officer	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Grappo	Anthony		Owner	no	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Kwok	Kenny		Owner	no	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Lim	Angie		Owner	no	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Premrsirut	Rutt		Owner	no	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Sumiyoshi	Michael		Owner	no	no
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Bostic	Jessie		no	no	Board Member
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Grill	Adam		no	no	Board Member
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Librot	Jason		no	no	Board Member
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Negrette	Jason		no	no	Board Member
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Newhard	Madison		no	no	Board Member
RD270	Unincorporated Clark	Retail Dispensary	Green Therapeutics LLC	Provisions	Stroum	Jordan		no	no	Board Member
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Chow	Theron		Owner	no	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Amy		Owner	Officer	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Duke		Owner	Officer	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Grappo	Anthony		Owner	no	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Kwok	Kenny		Owner	no	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Lim	Angie		Owner	no	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Premrsirut	Rutt		Owner	no	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Sumiyoshi	Michael		Owner	no	no
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Bostic	Jessie		no	no	Board Member
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Grill	Adam		no	no	Board Member
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Librot	Jason		no	no	Board Member
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Negrette	Jason		no	no	Board Member
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Newhard	Madison		no	no	Board Member
RD271	Reno	Retail Dispensary	Green Therapeutics LLC	Provisions	Stroum	Jordan		no	no	Board Member
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Chow	Theron		Owner	no	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Amy		Owner	Officer	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Duke		Owner	Officer	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Grappo	Anthony		Owner	no	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Kwok	Kenny		Owner	no	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Lim	Angie		Owner	no	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Premrsirut	Rutt		Owner	no	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Sumiyoshi	Michael		Owner	no	no
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Bostic	Jessie		no	no	Board Member
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Grill	Adam		no	no	Board Member
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Librot	Jason		no	no	Board Member
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Negrette	Jason		no	no	Board Member
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Newhard	Madison		no	no	Board Member
RD272	Henderson	Retail Dispensary	Green Therapeutics LLC	Provisions	Stroum	Jordan		no	no	Board Member
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Chow	Theron		Owner	no	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Amy		Owner	Officer	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Fu	Duke		Owner	Officer	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Grappo	Anthony		Owner	no	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Kwok	Kenny		Owner	no	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Lim	Angie		Owner	no	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Premrsirut	Rutt		Owner	no	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Sumiyoshi	Michael		Owner	no	no
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Bostic	Jessie		no	no	Board Member
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Grill	Adam		no	no	Board Member
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Librot	Jason		no	no	Board Member
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Negrette	Jason		no	no	Board Member
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Newhard	Madison		no	no	Board Member
RD273	Douglas	Retail Dispensary	Green Therapeutics LLC	Provisions	Stroum	Jordan		no	no	Board Member
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Duque	Spike	S	Owner	Officer	Board Member
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Duque	Steven	J	Owner	Officer	Board Member
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Gray	Rodney	A	Owner	no	no
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Gray	Shannon	M	Owner	no	no
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Gray	Todd	A	Owner	no	no
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Kolvet	Tammy	J	Owner	Officer	Board Member
RD445	Las Vegas	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Thawley	David	M	Owner	no	no
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Duque	Spike	S	Owner	Officer	Board Member
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Duque	Steven	J	Owner	Officer	Board Member
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Gray	Rodney	A	Owner	no	no
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Gray	Shannon	M	Owner	no	no
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Gray	Todd	A	Owner	no	no
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Kolvet	Tammy	J	Owner	Officer	Board Member
RD446	Henderson	Retail Dispensary	Greenleaf Wellness Inc	Greenleaf Wellness	Thawley	David	M	Owner	no	no
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Elizabeth	Shelby	M	Owner	no	no
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD504	Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member

AA 004252

APPLICANTS (Owners/Officers/Board Members) for Application Period SEPTEMBER 7, 2018

Recreational Marijuana Store	Jurisdiction	Type	Entity	DBA/LOGO	Last Name	First Name	MI	Owner	Officer	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD505	Unincorporated Clark	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD506	North Las Vegas	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD507	Reno	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD508	Nye	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD509	Elko	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD510	Sparks	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Boyes	William	S	Owner	no	no
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Stavola	Elizabeth	M	Owner	no	no
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Brown	Shelby	W	no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Clark	Caroline	D	no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Dougan	Stacey	L	no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Flores	Lucy		no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Hayes	Shelli		no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Lee	Hae	U	no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Martin	Laura		no	no	Board Member
RD511	Henderson	Retail Dispensary	Greenmart of Nevada LLC	Health for Life	Rutledge	Scot	D	no	no	Board Member
RD258	Unincorporated Clark	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Simpson	William		Owner	Officer	Board Member
RD258	Unincorporated Clark	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Bruno	Mark	A	no	no	Board Member
RD258	Unincorporated Clark	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Frye	Christopher	D	no	no	Board Member
RD258	Unincorporated Clark	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Loh	Ted-Chuen		no	no	Board Member
RD258	Unincorporated Clark	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Schiavone	Ray	E	no	no	Board Member
RD259	Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Simpson	William		Owner	Officer	Board Member
RD259	Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Bruno	Mark	A	no	no	Board Member
RD259	Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Frye	Christopher	D	no	no	Board Member
RD259	Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Loh	Ted-Chuen		no	no	Board Member
RD259	Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Schiavone	Ray	E	no	no	Board Member
RD260	North Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Simpson	William		Owner	Officer	Board Member
RD260	North Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Bruno	Mark	A	no	no	Board Member
RD260	North Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Frye	Christopher	D	no	no	Board Member
RD260	North Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Loh	Ted-Chuen		no	no	Board Member
RD260	North Las Vegas	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Schiavone	Ray	E	no	no	Board Member
RD261	Reno	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Simpson	William		Owner	Officer	Board Member
RD261	Reno	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Bruno	Mark	A	no	no	Board Member
RD261	Reno	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Frye	Christopher	D	no	no	Board Member
RD261	Reno	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Loh	Ted-Chuen		no	no	Board Member
RD261	Reno	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Schiavone	Ray	E	no	no	Board Member
RD262	Sparks	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Simpson	William		Owner	Officer	Board Member
RD262	Sparks	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Bruno	Mark	A	no	no	Board Member
RD262	Sparks	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Frye	Christopher	D	no	no	Board Member
RD262	Sparks	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Loh	Ted-Chuen		no	no	Board Member
RD262	Sparks	Retail Dispensary	Greenpoint Nevada Inc	Chalice Farms	Schiavone	Ray	E	no	no	Board Member
RD532	Unincorporated Clark	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Nguyen	Jason	T	Owner	Officer	no
RD532	Unincorporated Clark	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Chen	Wei	G	no	no	Board Member
RD532	Unincorporated Clark	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Conner	Jackie	L	no	no	Board Member
RD532	Unincorporated Clark	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Quintanilla	David	T	no	no	Board Member
RD532	Unincorporated Clark	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Wallace	Chad	M	no	no	Board Member
RD532	Unincorporated Clark	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Ye	Sharon	X	no	no	Board Member
RD533	North Las Vegas	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Nguyen	Jason	T	Owner	Officer	no
RD533	North Las Vegas	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Chen	Wei	G	no	no	Board Member
RD533	North Las Vegas	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Conner	Jackie	L	no	no	Board Member
RD533	North Las Vegas	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Quintanilla	David	T	no	no	Board Member
RD533	North Las Vegas	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Wallace	Chad	M	no	no	Board Member
RD533	North Las Vegas	Retail Dispensary	Greenscape Productions LLC	Health Wellness Center	Ye	Sharon	X	no	no	Board Member
RD643	Henderson	Retail Dispensary	Greenway Health Community LLC	Greenway Health Community	Caravette	Daniel	C	Owner	no	no
RD643	Henderson	Retail Dispensary	Greenway Health Community LLC	Greenway Health Community	Ching	Jason	S	Owner	no	no
RD643	Henderson	Retail Dispensary	Greenway Health Community LLC	Greenway Health Community	Lopez	Steven	J	Owner	no	no
RD643	Henderson	Retail Dispensary	Greenway Health Community LLC	Greenway Health Community	Peterson	Debra	A	no	no	Board Member
RD214	Unincorporated Clark	Retail Dispensary	Greenway Medical LLC	Greenway Medical	Buffkin	Corey	B	Owner	no	no
RD214	Unincorporated Clark	Retail Dispensary	Greenway Medical LLC	Greenway Medical	Duff	Edward	J	Owner	no	no
RD214	Unincorporated Clark	Retail Dispensary	Greenway Medical LLC	Greenway Medical	Fresquez	Christopher	A	Owner	no	no
RD214	Unincorporated Clark	Retail Dispensary	Greenway Medical LLC	Greenway Medical	Gengozian-Buffkin	Feather	L	no	Officer	no
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	kadens	Peter	A	Owner	no	Board Member
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Kessler	Irvin	R	Owner	no	no
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Kovler	Benjamin		Owner	no	Board Member
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Smith	Colin	J	Owner	no	no
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Berger	Wendy	A	no	no	Board Member
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Gainer	Terrance	W	no	Officer	no
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Geordiadis	Anthony	V	no	Officer	Board Member
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Marano	Nicholas	F	no	Officer	Board Member
RD427	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	McCue	Jack	D	no	Officer	no
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Kadens	Peter	A	Owner	no	Board Member
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Kessler	Irvin	R	Owner	no	no
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Kovler	Benjamin		Owner	no	Board Member
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Smith	Colin	J	Owner	no	no
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Berger	Wendy	A	no	no	Board Member
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Gainer	Terrance	W	no	Officer	no
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Geordiadis	Anthony	V	no	Officer	Board Member
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Marano	Nicholas	F	no	Officer	Board Member
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	McCue	Jack	D	no	Officer	no
RD428	Reno	Retail Dispensary	GTI Nevada LLC	Rise	Rollman	Dina		no	Officer	no
RD429	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Kadens	Peter	A	Owner	no	Board Member
RD429	Las Vegas	Retail Dispensary	GTI Nevada LLC	Rise	Kessler	Irvin	R	Owner	no	no

AA 004253

EXHIBIT B

GREENMART OF NEVADA LLC

Business Entity Information

Status:	Active	File Date:	1/6/2014
Type:	Domestic Limited-Liability Company	Entity Number:	E0007912014-6
Qualifying State:	NV	List of Officers Due:	1/31/2020
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20141010537	Business License Exp:	1/31/2020

Additional Information

Central Index Key:	
Series LLC (YES if applicable):	YES

Registered Agent Information

Name:	CSC SERVICES OF NEVADA, INC.	Address 1:	2215-B RENAISSANCE DR
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89119
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
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No stock records found for this company



Officers

☐ Include Inactive Officers

Manager - JOHN FRITZEL

Address 1:	3461 RINGSBY COURT, SUITE 350	Address 2:	
City:	DENVER	State:	CO
Zip Code:	80216	Country:	
Status:	Active	Email:	

Manager - JAMES LOWE

Address 1:	3461 RINGSBY COURT, SUITE 350	Address 2:	
City:	DENVER	State:	CO
Zip Code:	80216	Country:	
Status:	Active	Email:	

AA 004255

— Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20140008829-84	# of Pages:	1
File Date:	1/6/2014	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20140008831-27	# of Pages:	1
File Date:	1/6/2014	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20140303470-14	# of Pages:	1
File Date:	4/25/2014	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20140303718-09	# of Pages:	1
File Date:	4/25/2014	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20140313316-54	# of Pages:	1
File Date:	4/29/2014	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20140374478-80	# of Pages:	1
File Date:	5/22/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150045363-59	# of Pages:	1
File Date:	1/30/2015	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20160002291-03	# of Pages:	1
File Date:	1/4/2016	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20160179684-84	# of Pages:	1
File Date:	4/21/2016	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170048080-30	# of Pages:	1

File Date:	1/31/2017	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20170116479-98	# of Pages:	1
File Date:	3/16/2017	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20170497331-87	# of Pages:	1
File Date:	11/27/2017	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170536899-70	# of Pages:	1
File Date:	12/21/2017	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20190017067-53	# of Pages:	1
File Date:	1/14/2019	Effective Date:	
(No notes for this action)			

EXHIBIT C

GREENMART OF NEVADA NLV, LLC

Business Entity Information

Status:	Active	File Date:	7/2/2014
Type:	Domestic Limited-Liability Company	Entity Number:	E0344582014-3
Qualifying State:	NV	List of Officers Due:	7/31/2019
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20141432383	Business License Exp:	7/31/2019

Additional Information

Central Index Key:	
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Registered Agent Information

Name:	MARGARET A. MCLETCHE	Address 1:	701 E. BRIDGER AVENUE, SUITE 520
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89101
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
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No stock records found for this company



Officers

☐ Include Inactive Officers

Manager - ELIZABETH STAVOLA

Address 1:	1605 W. BROOKS AVENUE	Address 2:	
City:	NORTH LAS VEGAS	State:	NV
Zip Code:	89032	Country:	
Status:	Active	Email:	



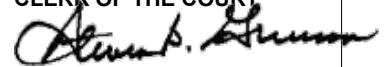
Actions\Amendments

Action Type:	Articles of Organization		
Document Number:	20140483837-40	# of Pages:	3
File Date:	7/2/2014	Effective Date:	

(No notes for this action)

AA 004259

Action Type:	Initial List		
Document Number:	20140485674-11	# of Pages:	1
File Date:	7/3/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150346954-89	# of Pages:	1
File Date:	7/31/2015	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20160334423-38	# of Pages:	1
File Date:	7/28/2016	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20160335406-40	# of Pages:	1
File Date:	7/28/2016	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170322171-56	# of Pages:	1
File Date:	7/28/2017	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20170498477-59	# of Pages:	1
File Date:	11/27/2017	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20170498478-60	# of Pages:	1
File Date:	11/27/2017	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20180150603-56	# of Pages:	1
File Date:	3/30/2018	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20180321924-62	# of Pages:	1
File Date:	7/20/2018	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20190188734-43	# of Pages:	1
File Date:	4/29/2019	Effective Date:	
(No notes for this action)			



JOIN
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jkahn@jk-legalconsulting.com

Attorneys Helping Hands Wellness Center, Inc.

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

SERENITY WELLNESS CENTER, LLC,)
et al.,)

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

Plaintiff,)

vs.)

THE STATE OF NEVADA,)
DEPARTMENT OF TAXATION,)

Defendants.)

and,)

HELPING HANDS WELLNESS)
CENTER, INC.,)

Defendant-Intervenor.)

**DEFENDANT INTERVENOR
HELPING HANDS WELLNESS
CENTER, INC.'S JOINDER TO LONE
MOUNTAIN PARTNERS, LLC'S
OPPOSITION TO PLAINTIFFS'
/COUNTERDEFENDANTS'
MOTION FOR PRELIMINARY
INJUNCTION OR FOR WRIT OF
MANDAMUS**

**DEFENDANT INTERVENOR HELPING HANDS WELLNESS CENTER, INC.'S
JOINDER TO LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO PLAINTIFFS'
/ COUNTERDEFENDANTS' MOTION FOR PRELIMINARY INJUNCTION OR FOR
WRIT OF MANDAMUS**

COMES NOW Defendant-Intervenor Helping Hands Wellness Center, Inc., ("HHWC")
by and through its counsel, Jared Kahn, Esq., and respectfully submits this Joinder to
Defendant-Intervenor Lone Mountain Partners, LLC's Opposition to Plaintiffs'

1 /Counterdefendants' Motion for Preliminary Injunction or for Writ of Mandamus (the "Lone
2 Mountain Opposition").

3 This Joinder is made and based upon the pleadings and papers on file herein, the Points
4 and Authorities in the Lone Mountain Opposition and herein, the prior Joinder filed by HHWC
5 herein, and any oral argument this Court may entertain at the time of the hearing.
6

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I. INTRODUCTION**

9 HHWC will not belabor this Court with a superfluous argument of the Lone Mountain
10 Opposition but will instead address factual particularities of the HHWC dispensary licensee
11 applicant not addressed by the Lone Mountain Opposition albeit pertinent to the Opposition to
12 the Motion for Preliminary Injunction and Supplemental Facts in Support of Motion.
13

14 **a. *Plaintiff Erroneously Attacks the HHWC Applicant***

15 **i. *Shareholder Bankruptcy from Twenty Years Ago Has No Bearing on***
16 ***Application Scoring***

17 Plaintiff asserts the Department of Taxation must somehow have improperly scored
18 HHWC's application because of a bankruptcy filing by one of its owners in 1996 – over twenty
19 years ago. However, Plaintiff points to nothing in the Statute, applicable regulations or the
20 license application instructions or scoring list that would somehow reduce an applicant's score
21 or penalize the applicant entity for one of its shareholders filing bankruptcy two decades prior.
22 In fact, as detailed in Lone Mountain Opposition, the Department's financial application criteria
23 requires the applicant to submit liquid funds in excess of \$250,000, and, the source of those
24 funds that are allocated for the dispensary. Plaintiffs make absolutely no showing that HHWC
25 did not satisfy the Department's financial application criteria to receive its score.
26
27
28

1 **ii. Plaintiffs Attempt to Mislead the Court by Failing to Include Board**
2 **Members in the Analysis for Scoring the Applications**

3 In various instances of Plaintiffs attack on the scoring of the applications and how the
4 Department must have made mistakes, the only mistake made is by that of the Plaintiffs by
5 failing to accurately represent to the Court the scoring criteria for diversity, finances, taxes and
6 contributions is not limited to owners and officers, but, also includes *Board members*.
7 Plaintiffs instead focus on HHWC, as an entity or its owners, having not contributed sufficiently
8 towards taxes and contributions, therefore, the State must have made a mistake, however, the
9 Plaintiffs ignore HHWC's Board members, whose contributions counted towards the
10 application scoring.

11 Plaintiffs' Motion ignores the application of the criteria despite quoting it in their
12 Motion:
13

14 The amount of taxes paid and other beneficial contributions,
15 including, without limitation, civil or philanthropic involvement
16 with this State or its political subdivisions, **by the applicant or the**
17 **owners, officers, or board members** of the proposed marijuana
establishment . . .

18 Motion at 25 (citing "Section 80 of Approved Regulations") (first emphasis in original).

19 Plaintiffs emphasize HHWC – the entity or its owners - failed to meet the relevant tax
20 and beneficial contributions. However, the regulation also expressly contemplates
21 consideration of the tax and beneficial contributions by "the persons who are proposed to be
22 owners, officers **or board members** of the proposed marijuana establishment." NAC §
23 453D.268(3) (emphasis added). The Plaintiffs fail to provide any evidence HHWC's Board
24 members' information submitted for the HHWC application was unable to satisfy the criteria
25 nor has Plaintiff proffered any legal justification why Board members should not be permitted
26 to satisfy the criteria.

27 Going further into Plaintiffs' shortcomings in their Motion's approach to attack the
28

1 Department's scoring of the diversity section, Plaintiffs assert the Department must have scored
2 the HHWC diversity section incorrectly because HHWC's shareholders are 100% women,
3 therefore, HHWC should receive a *higher* diversity score akin to Circle S. Again, Plaintiffs
4 ignore or fail to understand the scoring criteria for the diversity criteria, which includes "[t]he
5 diversity of the *owners, officers or board members* of the proposed marijuana establishment."
6 NAC 453D.272(1)(b) (emphasis added). Plaintiffs fail to address the fact HHWC's Board is
7 comprised of three (3) Caucasian men and three (3) women, which likely resulted in the small
8 reduction of diversity points awarded to HHWC reducing their potential 20/20 score to a 16/20.
9 As required by the applicable administrative code and scoring criteria, the Department scored
10 HHWC's diversity of the ownership in conjunction with its Board.
11

12 **iii. HHWC's Standard Operating Procedures Were Meticulous**

13 Plaintiffs assert it is inexplicable for HHWC to receive such high scores for Care-
14 Quality-Safekeeping Standard Operating Procedures (the "SOPs") because HHWC had not
15 previously operated a dispensary, therefore, it is a mystery how an applicant would be able to
16 receive such high scores. Despite Plaintiffs' rhetoric and its own disclosure of its poor scores
17 for SOPs after having operated a dispensary, Plaintiffs misinformation campaign must and can
18 be refuted.
19

20 HHWC knew its survival in the cannabis industry in Nevada would be dependent upon
21 obtaining a dispensary license in order to ensure a retail outlet for HHWC's cannabis products –
22 given the highly competitive supply-side of the industry. Therefore, HHWC undertook
23 painstaking steps to hire consultants to assist with the HHWC application who had previously
24 opened and operated dispensaries in order to prepare the SOPs and HHWC took meticulous
25 steps to create SOPs that would far exceed the industry norms in order to set HHWC apart from
26 the rest of the applicants. Plaintiffs' baseless attack that HHWC could not possibly score well
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28

1 because of its lack of prior dispensary experience evidences Plaintiffs naivete of the entire
2 application process – certain applicants knew the process would be highly competitive, knew it
3 would take near perfect application materials to succeed, and certain applicants such as HHWC
4 would need a dispensary to survive in this industry. All of these motivational factors, among
5 others, led HHWC to submit its well-planned, thoroughly prepared application, to ensure its
6 application would succeed. The time, effort and expense associated with the HHWC
7 application were obviously well spent. However, most importantly, other than Plaintiffs
8 attacking the Department’s scoring as erroneous, Plaintiffs fail to provide any evidence
9 supporting their contention the HHWC application materials and SOPs were somehow inferior
10 or not superior to the Plaintiffs. Plaintiffs mere reliance upon the notion it is an operating
11 dispensary, therefore, should have received a higher score is simply sour grapes and offers little
12 probative evidence.
13

14
15 **b. Plaintiffs’ Attack on the Manpower Employee Process is Unfounded**

16 In furtherance of the Lone Mountain Opposition’s response regarding the use of
17 Manpower employees for the application review process, interesting to note, the Plaintiffs
18 certainly had no issue with an employment agency reviewing and scoring their 2014 dispensary
19 applications when Plaintiffs were then awarded dispensaries. The Department indicated on
20 their website:
21

22 *Has the state done this before?*

23 Yes. During the first round of medical marijuana registration certificate
24 applications in 2014, the Division of Public and Behavioral Health—which was
25 the licensing and regulatory body at the time—***used an employment agency
contract to hire employees for reviewing applications.***¹
(Emphasis added).

26 Certainly, what is good for the goose must be good for the gander. The use of an
27

28 ¹ https://tax.nv.gov/FAQs/Marijuana_License_Application_Information_-_NEW/

1 employment agency was satisfactory for the Plaintiffs' when they were awarded the 2014
2 dispensary licenses, but now, Plaintiffs' want to denigrate the process and the Manpower
3 employees the Department utilized to assist with the review and scoring of applications for the
4 2018 process simply because the Plaintiffs lost. It is hypocritical, without merit nor any
5 evidence to sustain the allegation the Manpower employees failed to properly score the
6 applications.
7

8 **II. CONCLUSION**

9 For all the reasons set forth in the Lone Mountain Opposition, the previously joined
10 NOR Opposition and as further advanced herein by HHWC, Plaintiffs' mere allegations and
11 their absolute lack of evidence and complete naivete of the licensees' confidential and
12 meticulous applications proves Plaintiffs cannot sustain their burden for the extraordinary relief
13 and the Motion for Preliminary Injunction must be denied.
14

15 DATED: May 21, 2019.

16 /s/ Jared B. Kahn

17 Jared B. Kahn, Nevada Bar # 12603

18 JK Legal & Consulting, LLC

19 9205 W. Russell Rd., Suite 240

20 Las Vegas, NV 89148

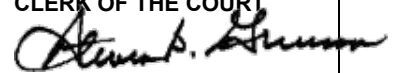
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26
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28



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Nevada Organic Remedies, LLC

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MM DEVELOPMENT COMPANY, INC., a
Nevada corporation, LIVFREE WELLNESS
LLC, dba The Dispensary, a Nevada Limited
liability company,

Plaintiff,

vs.

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

Defendants,

and

NEVADA ORGANIC REMEDIES, LLC

Defendant-Intervenor.

NEVADA ORGANIC REMEDIES, LLC,

Counterclaimant,

vs.

MM DEVELOPMENT COMPANY, INC., a
Nevada corporation, LIVFREE WELLNESS
LLC, dba The Dispensary, a Nevada Limited
liability company.

Counter-Defendants

Case No. A-18-785818-W
Dept. No. 8

**NEVADA ORGANIC REMEDIES,
LLC'S JOINDER TO LONE
MOUNTAIN PARTNERS, LLC'S
OPPOSITION TO MM
DEVELOPMENT COMPANY,
INC.'S MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: May 24, 2019
Time: 9:00 a.m.

1 Defendant-Intervenor Nevada Organic Remedies, LLC (“NOR”) hereby joins
2 Lone Mountain Partners, LLC’s Opposition to MM Development Company, Inc.’s Motion
3 for Preliminary Injunction (NOR has previously filed an Opposition to Serenity Wellness
4 Center’s earlier-filed motion) and joins in each of the arguments asserted therein.

5 NOR submits the following facts and authorities in response to certain of the
6 “rumor” or “speculation”-based claims that are directed primarily at NOR in MM and
7 Livfree’s motion. MM and Livfree are collectively referred to herein as “MM” unless
8 specifically referenced separately.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **1. MM Makes Unfounded and Sanctionable Claims of “Improper Bias”**

11 Unable to understand how they did not receive a license based on their own faulty
12 applications, MM resorts to claiming that scorers must have been “biased” in grading the
13 applications. Reminiscent of a high-school student excusing his own failings by telling
14 his parents that “the teacher doesn’t like me,” these hollow claims of “bias” are supported
15 with nothing more than a reckless statement that “rumors are rampant” as if the parties
16 to this litigation are spreading gossip in a high-school cafeteria. MM admits that it has
17 nothing more than “rumors” and “speculation” (likely generated within their own
18 companies) to support such outlandish claims, and this baseless argument renders such
19 claims subject to sanctions, as they violate NRCP 11(b)(3)’s requirement that “factual
20 contentions have evidentiary support.” MM’s brief abandons any pretense of supporting
21 claims with facts, as it readily confesses that it has no viable evidence to support its
22 slanderous stories spun by unnamed rumor-prattlers.

23 **A. MM Misrepresents Compliance Items in Its Attempt to Show “Bias”**

24 For example, in claiming that a partially redacted email¹ supports its false claim
25 that NOR was “caught” selling marijuana to “minors,” MM is misleading the Court
26

27 ¹ The redacted email is not authenticated, nor does MM provide any affidavit or testimony from
28 its author, Kara Cronkhite. If they had asked Ms. Cronkhite about the content of the email and
its context, their argument would be revealed for the sham that it is.

1 regarding the Department's own compliance process. Had MM bothered to inquire
2 about the content or the context of the email, or to explain the compliance process when
3 issues occur such as the one described, MM would immediately have realized that its
4 argument had no merit whatsoever.

5 Here are the facts as supported by a declaration from Andrew Jolley, who—unlike
6 the unsourced “rumors” submitted by MM—is a real person providing a sworn
7 declaration attesting to these facts: in 2018, NOR identified a sale of marijuana that it had
8 made to an individual who was under the legal age. The individual was 19 years old—
9 not a “minor” as MM continues to state—so he was under the legal age of 21 years
10 required to purchase marijuana. (See NAC 453D.558(1) (person purchasing marijuana
11 must produce “a form of valid identification showing that the person is 21 years of age
12 or older”)). When it learned of the sale to an underage purchaser, NOR self-reported the
13 improper sale and submitted a proposed Plan of Correction outlining steps that NOR
14 would take to further safeguard against such incidents going forward. The Department
15 approved this Plan of Correction, and the process was complete. (Suppl. Jolley Decl., ¶3.)

16 This process of identifying a problem, reporting it, and submitting a proposed Plan
17 of Correction is the essence of compliance with state regulations. NOR self-reported and
18 complied with all procedures after an individual customer lied to purchase marijuana.
19 This type of self-reporting is a key to the compliance process, as state regulators cannot
20 be expected to police every sale and activity of licensed entities. (Suppl. Jolley Decl., ¶4.)

21 While a marijuana dispensary that might wait for regulators to catch it in the act
22 may not be familiar with the self-reporting process, an industry-leader like NOR takes its
23 compliance obligations seriously and does everything it can to comply with the law.
24 There was no “investigation” by the Department as the proposed Plan of Correction was
25 approved. This is stated in the very email that MM cites, and this is the process
26 anticipated by the applicable regulations. MM is fully aware of what these terms mean,
27 and for it to misrepresent the email to benefit its own agenda in this motion undercuts
28 MM's credibility, violates the requirement that “factual contentions have evidentiary

1 support,” and demonstrates the depths to which MM will sink in hopes of suing its way
2 to a privileged license. MM has no evidence to support its concocted assertion of a “poor
3 compliance history,”² and if MM has any credibility it should withdraw this argument
4 and rumor-based allegations from its motion.

5 **B. MM Knowingly Makes Defamatory Accusations Based on “Rumors”**

6 Of all the sensational and ill-founded allegations in MM’s Motion, footnote 16
7 regarding “rumors” of “fraternization,” which MM implies somehow influenced scoring,
8 stands out as the most egregious. In that footnote, MM provides no declaration and no
9 facts but baldly claims “rumors are rampant” that in October 2018, Amanda Connor, an
10 attorney who represented NOR and numerous other license applicants, “fraternized”
11 with Department employees at a conference in Boston, Massachusetts. (Motion, p. 24.)
12 MM claims that this meeting in Boston creates an “appearance of impropriety” even if
13 MM has no facts or testimony to back it up. MM then goes on to further raise an “alarm”
14 that Connor’s clients received 16 conditional licenses, though MM does not even tell the
15 Court how many total applications were submitted on behalf of clients that Connor
16 represented.

17 NOR is informed and believes and plans to present evidence in support at the
18 hearing of this matter, that Ms. Connor did not attend the October 2018 conference that
19 is referenced. NOR is further informed and believes that Ms. Connor assisted in the
20 preparation of applications for clients on both sides of this dispute—including entities
21 **that did not receive a license and are complaining that they were somehow treated**
22 **unfairly by the Department.** MM’s unfounded claims of “improper bias” based on
23 made-up rumors further demonstrates the baselessness of each after-the-fact excuse that
24 MM has manufactured in its motion. MM’s reliance on rumors without any facts may be

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27 ² MM does not offer up its own “compliance history” to show that it was somehow treated
28 unfairly. Nor does MM explain how “compliance history” was even graded or factored into the
scoring of applications.

1 sanctioned under NRCP 11, as the claims in this section are being made for an improper
2 purpose and do not have evidentiary support. NRCP 11(b)(1), (3).

3 **2. MM Is Trying to “Con” the Court Regarding Diversity**

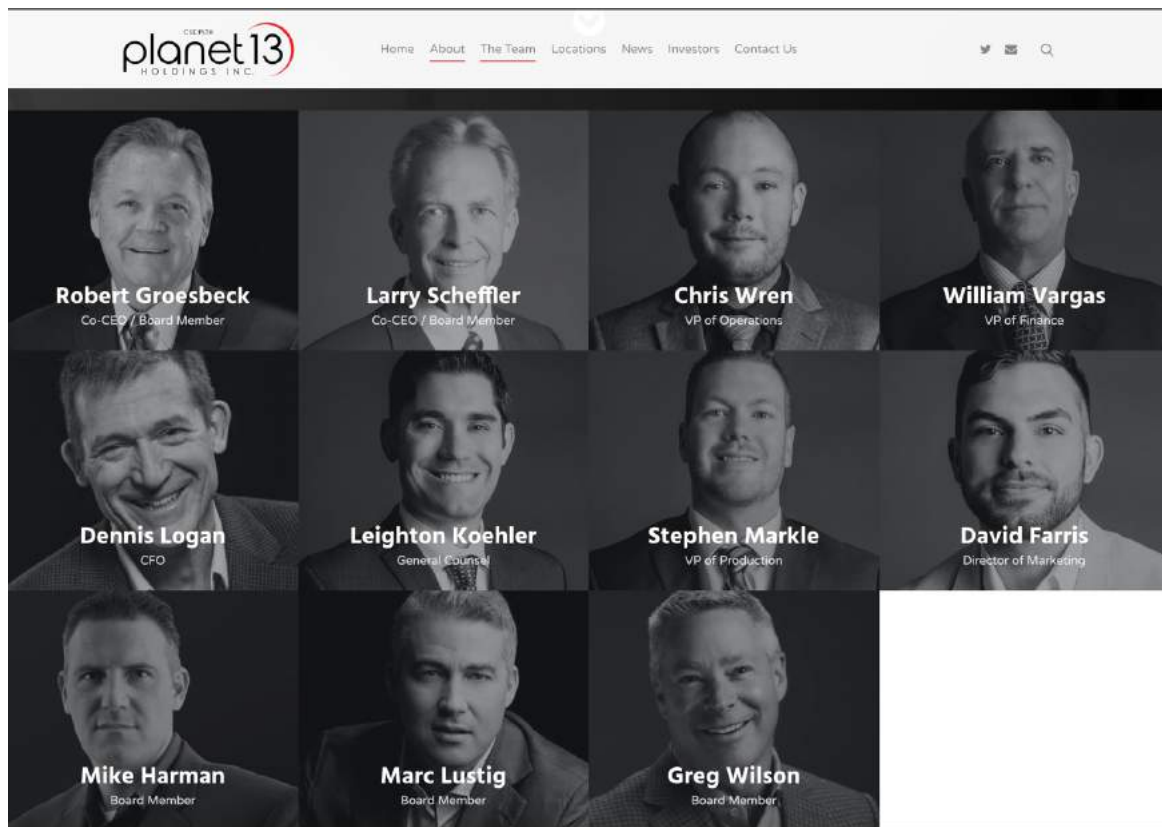
4 When the Department released its vast trove of information regarding scoring
5 methodology, tools, and the scores for each applicant on May 10, 2019, MM’s earlier
6 argument that diversity had been ignored by the scorers was demonstrated to be utterly
7 wrong. For example, MM argued in its motion that “NWC, which is 100% owned by
8 African-Americans, should have enormously benefitted from the addition of diversity as
9 a factor. That, however, was not the result.” (Motion, 4:4-6.) When the information was
10 released by the Department, MM would have seen that **NWC actually did receive the**
11 **full 20 points available for diversity.** (See, Ex. 7). Similarly, while MM claims GBS
12 Nevada Partners’ “high hopes” were disappointed when diversity was not considered,
13 the scores show that GBS actually received 8 points for diversity. (See, Ex. 8.)

14 Rather than admit its claims were wrong and notify the Court of the true facts,
15 MM tries to save face in its Supplement by shifting gears and trying to claim that the
16 Department must have scored diversity incorrectly. It does so based on cherry-picked
17 photos of certain owners or managers of several successful applicants and arguing that
18 these applicants must have “conned” the Department into giving them scores not
19 reflective of actual diversity. The low point of this argument comes as MM claims in a
20 legal brief submitted to a court of law that “MM *got screwed* even more...by the
21 Manpower graders....” (Suppl. 7:14-15.) Such indecorous argument serves to underscore
22 the petty and baseless nature of the allegations leveled in MM’s motion.

23 Had MM actually cited the language of the scoring framework, it would have
24 learned that cherry-picking a handful of owners or board members is not how the scoring
25 worked. Rather, as stated in the Department’s disclosed methodology, diversity is
26 calculated “on the basis of race, ethnicity, or gender of the **persons proposed to be**
27 **owners, officers or board members**” of each applicant **as listed on “the owner, officer**
28 **and board member information forms.”** (Ex. 1, p. 5.) MM likes to talk about ownership

1 by Canadian publicly traded companies and likes to include pictures of people, but it did
2 not include pictures of its own owners, officers, and board members, instead blithely
3 stating that it has “ample diversity” without any proof to demonstrate its score.
4 (Supplement, 7:15.)

5 If MM had actually provided a snapshot of its “team” filled with “ample
6 diversity,” the hypocrisy of the complaints about diversity would have been quickly
7 exposed:



22 Source: <https://www.planet13holdings.com/about/#team>

23 Similarly, while MM repeatedly complains about “publicly traded Canadian
24 companies” being involved with successful applications, MM failed to inform the Court
25 that it had announced its own “business combination” with Carpincho Capital Corp.,
26 which is itself a **publicly traded company on the Canadian Securities Exchange and**
27 **which acquired MM in June 2018.** (Ex. 3.) While the owners of MM received tens of
28

1 millions of shares in their Canadian stock exchange transaction, apparently MM believes
2 that it should play by a different set of rules than any other applicant. MM's ongoing
3 hypocrisy in these arguments is revealing of the lack of merit to its substantive claims.

4 **3. MM's and Livfree's Own Applications Are the Problem**

5 MM and Livfree's entire motion is premised on a belief that they are better
6 companies than reflected in their scores. But the Department was not tasked with
7 independently analyzing businesses or performing its own investigation of ongoing
8 operations—they were scoring the actual applications submitted to the Department. That
9 is all they could do, and that is all they should have done. When attributing fault for not
10 receiving high enough scores, therefore, MM and Livfree should look at their own
11 applications rather than pointing the finger at others if they truthfully want to identify
12 the reasons for not receiving a score sufficient to receive an additional license.

13 With respect to the Financial Plan category, for example, Livfree spends multiple
14 pages denigrating the application scorers³ for purportedly being unable to comprehend
15 or calculate the massive wealth of Livfree's owners, which it believes should give it a free
16 ticket to receive a license. Livfree may believe that employees hired by the Department
17 can't possibly comprehend their status as "centimillionaires" (a word rich guys made up
18 to feel better while looking down with pity at "decamillionaires"), but having \$200
19 million in assets versus having \$100 million in assets would make no difference in the
20 scores given to applicants. The Application Scoring Tool – Financial Resources released
21 by the Department shows that any applicant with demonstrated "Total Assets ≥ \$3.51M"
22 would receive the full 10 points. (Ex. 2 at p. 1.) In fact, both MM and Livfree received the
23 full 10 points on this item. (See Exs. 4, 5.)

24 But MM and Livfree diverged on the next two financial items: "Adequate 1st Year
25 Operating Expenses" and "Liquid Assets/Source of Liquid Assets." While MM
26

27 ³ Apparently centimillionaires believe working at OfficeMax or singing country music as a
28 hobby should be a scarlet letter precluding individuals from meaningful employment or from
being hired to score poorly prepared license applications submitted by wealthy elitists.

1 apparently knew how to submit the information necessary to satisfy the standards
2 (receiving a score of 27.33 of a possible 30 points) (Ex. 4), Livfree failed to provide the
3 information requested and received only 2.67 of the possible 30 points. (Ex. 5.) The
4 Declaration submitted by Livfree's own Tia Dietz clearly shows why Livfree failed so
5 badly on this category. Dietz submitted applications for two different companies,
6 Natural Medicine ("NM") and Livfree ("LF"), and she admits that "The **only differences**
7 from the financial section of NM and LF was that **NM had a Statement of Commitment**
8 ... showing money from other sources and proof that the applicant has adequate funds"
9 **while the Livfree application did not.** (Tia Dietz Decl., ¶7.)

10 As the scoring criteria make clear, simply showing assets above a certain level did
11 not automatically result in the full 40 points. A Statement of Commitment and
12 demonstration that the funds were committed to this license was required. And surprise,
13 surprise, when the criteria were scored, Natural Medicine received the full 30 points on
14 these two financial categories (Ex. 6), while Livfree bombed out. In other words, an
15 applicant actually needs to follow instructions and provide the information requested in
16 order to received full points! While centimillionaires might be used to receiving special
17 treatment that allows them to ignore instructions elsewhere, the Department actually
18 followed its stated instructions and gave scores based on the content of the applications
19 and not the content of the applicants' wallets.

20 Before insulting workers hired by the Department, these applicants should
21 examine their own inability to follow instructions if they want to find the reasons they
22 did not succeed. And while MM and Livfree may now want a do-over to re-prepare their
23 applications, that is not how a competitive application process works, especially when so
24 much time and expense has already been spent by others to complete the process
25 properly.

26 4. MM's Oligopoly/Monopoly Arguments Are Hypocritical

27 One final hypocritical argument asserted by MM is its repeated cries over
28 purported monopoly/oligopoly concerns based on the regulations providing that no

1 applicant can receive more than 10% of the licenses for a given jurisdiction. While MM
2 tries to peddle this populist protection argument in one breath, its hypocrisy is betrayed
3 several pages later when MM brags that it should have been awarded a license due to the
4 fact that “MM operates the largest store in Nevada (i.e., Planet 13, **which has about 10%**
5 **of all Nevada sales**)....” (Motion, 22:27-28.)

6 MM is not satisfied with having 10% of all Nevada sales, it wants more. MM is
7 not concerned with the 10% limitation for itself, it just wants the 10% limitation imposed
8 on others to avoid what it perceives as potential monopoly concerns. MM is not
9 concerned about protecting the public from monopolies or competition in the
10 marketplace, because if it were, it would voluntarily agree to cap its own sales at 10% of
11 the market, which it has already proudly achieved. But it won’t do this, and it is only
12 making this argument in its motion because doing so suits its needs at this moment.

13 Thus, not only does MM’s 10% argument reflect a misreading of the rules
14 themselves, as no applicant received more than 10% of the licenses, but the rationale for
15 this very argument is undercut by MM’s own business history.

16 **5. Conclusion**

17 NOR joins in the arguments set forth in Lone Mountain’s Opposition brief, and NOR
18 further asserts that MM’s motion should be denied in its entirety based on the additional
19 reasons set forth herein.

20 **KOCH & SCOW, LLC**

21 By: /s/ David R. Koch
22 *Attorneys for Defendant-Intervenor*
23 *Nevada Organic Remedies LLC*
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1 **SUPPLEMENTAL DECLARATION OF ANDREW JOLLEY**

2 I, Andrew Jolley, declare and state as follows:

3 1. I am a founder of and corporate officer of Nevada Organic Remedies LLC
4 ("NOR"). I have personal knowledge of the information below and am competent to
5 testify as to the same if called upon by this Court. I make this Supplemental Declaration
6 in support of NOR's Joinder in the Opposition to Motion for Preliminary Injunction in
7 this action.

8 2. NOR spent substantial time and effort in preparing its 2018 applications. I
9 estimate that NOR spent more than 2,000 man-hours preparing its application, which
10 exceeded 2,800 pages. NOR submitted an application for eight recreational marijuana
11 retail store licenses in the following Nevada jurisdictions: Unincorporated Clark County,
12 City of Las Vegas, City of North Las Vegas, City of Henderson, City of Reno, Nye County,
13 Carson City and City of Sparks. We knew and expected that competition for these
14 additional licenses would be strong, and we were extraordinarily careful and diligent in
15 preparing our applications.

16 3. I have reviewed the statements made by MM about the 2018 sale of
17 marijuana to an individual who did not have a valid identification. The statements made
18 by MM about this incident are not accurate. In 2018, we learned that one of our stores
19 had sold a marijuana product to a 19-year old who was under the legal age to purchase
20 marijuana. He was not a "minor," as MM states. When we learned of the sale to an
21 underage purchaser, NOR self-reported the improper sale and submitted a proposed
22 Plan of Correction outlining steps that NOR would take to further safeguard against such
23 incidents going forward. The Department approved this Plan of Correction, and the
24 process was complete.

25 4. This process of identifying a problem, reporting it, and submitting a
26 proposed Plan of Correction is part of compliance with state regulations. NOR self-
27 reported and complied with all procedures after an individual customer misrepresented
28 his age to purchase marijuana. This type of self-reporting is a key to the compliance

1 process, as state regulators cannot be expected to police every sale and activity of licensed
2 entities.

3 5. While some marijuana dispensaries might wait for regulators to catch them
4 in the act, an industry-leader like NOR takes its compliance obligations seriously and
5 does everything it can to comply with the law.

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

8 DATED this 21st day of May 2019.

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10 
11 _____
12 ANDREW JOLLEY
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1. I am a licensed attorney in the State of Nevada and my firm is counsel of record for Nevada Organic Remedies, LLC in this matter. I have personal knowledge of the facts stated herein.

3. Attached hereto as Exhibit 2 is a true and correct copy of the "Application Scoring Tool – Financial Resources" that the Department has posted on its website.

5. Attached hereto are Detailed Scores by Category Sheets posted by the Department for each of the following entities:

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

A handwritten signature consisting of stylized cursive letters, likely reading "D.L.", written above a horizontal line.

DAVID R. KOCH

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on May 21, 2019, I caused the foregoing document entitled: **NEVADA ORGANIC REMEDIES, LLC'S JOINDER TO LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MM DEVELOPMENT COMPANY, INC.'S MOTION FOR PRELIMINARY INJUNCTION** to be served as follows:

- ☒ Pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in in the mail; and /or;
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Henderson, Nevada; and /or
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile; and /or
- ☐ hand-delivered to the attorney(s) listed below at the address indicated below;
- ☐ to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee (s); and or:
- ☐ by electronic mailing to:

GreenMart of Nevada NLV LLC:

Margaret McLetchie (maggie@nvlitigation.com)

Alina Shell (alina@nvlitigation.com)

Integral Associates LLC d/b/a Essence Cannabis Dispensaries:

MGA Docketing (docket@mgalaw.com)

Henry Hymanson (Hank@HymansonLawNV.com)

Philip Hymanson (Phil@HymansonLawNV.com)

Other Service Contacts not associated with a party on the case:

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1 Steven Shevorski (sshevorski@ag.nv.gov)

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4 **Nevada Organic Remedies LLC:**

5 David Koch (dkoch@kochscow.com)

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9 Daniel Scow (dscow@kochscow.com)

10 **Lone Mountain Partners LLC:**

11 Jamie Zimmerman (jamie@h1lawgroup.com)

12 Bobbye Donaldson (bobbye@h1lawgroup.com)

13 Moorea Katz (moorea@h1lawgroup.com)

14 Eric Hone (eric@h1lawgroup.com)

15 Executed on May 21, 2019 at Henderson, Nevada.

16 /s/ Andrea Eshenbaugh

17 Andrea Eshenbaugh

EXHIBIT 1

EXHIBIT 1

Department's Application Scoring Tool - Organizational Structure

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

APPLICATION EVALUATION – Evaluator's Guidelines - ORGANIZATIONAL STRUCTURE (IDENTIFIED)

Applications shall be consistently evaluated and scored in accordance with NRS 453D and LCB File No. R092-17.

TOTAL POSSIBLE POINTS = 60 Points

The following is intended to assist evaluators in scoring responses to the request for applications for marijuana establishments.

Applying these guidelines using your experience and expertise to the scoring process will ensure that your scoring is consistent and unbiased, which is critical when deciding the points assigned to each individual criteria.

The point range is detailed under each criteria section and points should be assigned based on the evaluators assessment of the response falling into categories of "excellent," "average," or "inadequate."

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score If applicable	Comments
<p>R092-17 Sec. 80 (a) Whether the owners, officers or board members have experience operating another kind of business that has given them experience which is applicable to the operation of a marijuana establishment</p> <p>R092-17 Sec. 80 (b) The diversity of the owners, officers or board members of the proposed marijuana establishment</p> <p>R092-17 Sec. 80 (c) The educational achievements of the owners, officers or board members of the proposed marijuana establishment</p> <p>R092-17 Sec. 80 (g) Whether the owners, officers or board members of the proposed marijuana establishment have direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State</p> <p>and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success</p>	<p>An organizational chart showing all owners, officers and board members, and key personnel of the marijuana establishment, including percentages of ownership for each individual and a short description of the proposed organizational structure.</p> <p>The organizational chart clearly demonstrates the following:</p> <ul style="list-style-type: none"> -Defines the roles and responsibilities that will make up the company's functioning and shows how everything fits together as a whole. -Demonstrates groupings of functions to ensure they are overseen and performed by a member of the organization -Position job descriptions demonstrate the scope, function and limits of their roles, and for what tasks and outcomes they will be held responsible for -Organizational structure shows efficiency between roles <p>An excellent response would include all the following elements: The organizational chart and position descriptions demonstrate all or most of the above expectations, are reasonable, and the rationale for the structure appears reasonable and logical. For each key personell, their experience, roles and duties are included.</p>				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

<p>R092-17 Sec. 80 (h) The experience of key personnel that the applicant intends to employ in operating the type of marijuana establishment for which the applicant seeks a license; and</p>	<p>An average response would include the following: The organizational chart and position descriptions demonstrate few of the above expectations and needed positions appear to be missing.</p>				
	<p>An inadequate response would include the following: The organizational chart and position descriptions do not demonstrate the above expectations and needed positions appear to be missing.</p>				
	Range 0 - 15 points				
Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score If applicable	Comments
	<p>A narrative description not to exceed 750 words, and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:</p> <p>Any previous experience at operating other businesses or non-profit organizations.</p> <p>An excellent response would include the following: Owners, officers and board members can each demonstrate business experience running other businesses or non-profits. Each individual has the knowledge and experience relevant to the roles and responsibilities outlined.</p> <p>A average response would include the following: Some owners, officers and board members can demonstrate business experience running other businesses or non-profits. Some individual has some knowledge and experience relevant to the roles and responsibilities outlined.</p> <p>A inadequate response would include the following: Owners, officers and board members demonstrates little to no prior business experience.</p>				
	Range 0 - 10 points				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
	A narrative description not to exceed 750 words; and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:				
	<p>The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed marijuana establishment</p> <p>An excellent response would include the following: The resumes demonstrate college degrees or higher.</p> <p>An average response would include the following: The resumes demonstrate some college degrees or higher.</p> <p>An inadequate response would include the following: The resumes do not demonstrate college degrees or higher. Some course work in related fields may be indicated.</p>				
	Range 0 - 5 points				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score If applicable	Comments
	<p>A narrative description not to exceed 750 words; and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:</p> <p>Any demonstrated knowledge or expertise with respect to direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate successful the compassionate use of marijuana to treat conditions</p> <p>An excellent response would include the following: Extensive knowledge of the marijuana industry is demonstrated, and prior experience running marijuana establishments is indicated.</p> <p>An average response would include the following: Some knowledge of the marijuana industry is demonstrated, but no prior experience running marijuana establishments is indicated.</p>				
	An inadequate response would include the following: Little to no knowledge of the marijuana industry is demonstrated.				
	Range 0 - 10 points				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score If applicable	Comments
	<p>Diversity on the basis of race, ethnicity or gender of the persons proposed to be owners, officers or board members.</p> <p>Diversity demographic information from the owner, officer and board member information forms. Diversity factors include race, gender and ethnicity. Points awarded for % of principals which are non-caucasian, female and non-anglo/European American. Must provide proof, may check in portal.</p> <p>0% = 0 points 0-10% = 2 point 11-20% = 4 points 21-30% = 6 points 31-40% = 8 points 41-50% = 10 points 51-60% = 12 point 61-70% = 14 points 71-80% = 16 points 81-90% = 18 points 91-100% = 20 points</p>				
	Range 0-20 points				

Time Tracking for Evaluation Process	
Evaluator Name	
Start Time:	
End Time:	
Total Time to be charged to applicant:	

Instructions to Evaluators:

- 1) Evaluators enter start time for evaluation
- 2) Evaluator individually scores criteria
- 3) Evaluators completes evaluation and enters end time

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

5) Time calculated is time which will be charged to the applicant

EXHIBIT 2

EXHIBIT 2

Department's Application Scoring Tool - Financial Resources

EVALUATOR NAME _____

FINANCIAL RESOURCES (IDENTIFIED)

ME ID# _____

APPLICATION EVALUATION – Evaluator's Guidelines - FINANCIAL RESOURCES (IDENTIFIED)

Applications shall be consistently evaluated and scored in accordance with NRS 453D and LCB File No. R092-17.

TOTAL POSSIBLE POINTS = 40 Points

The following is intended to assist evaluators in scoring responses to the request for applications for marijuana establishments.

Applying these guidelines using your experience and expertise to the scoring process will ensure that your scoring is consistent and unbiased, which is critical when deciding the points assigned to each individual criteria.

The point range is detailed under each criteria section and points should be assigned based on the evaluators assessment of the response falling into categories of "excellent," "average," or "inadequate."

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score If applicable	Comments
R092-17 Sec. 88 (d) The financial plan and resources of the applicant, both liquid and illiquid	Financial statements showing the resources of the applicant(s), both liquid and illiquid Documentation to be considered include: In-state and Out-of-State documentation from: -State or Federal Banks -Savings Banks -Savings and Loan Associations -Holding Companies -Real Estate Holdings -Large assets, including cars, boats, etc. Liquid Assets, including: -Stocks -Bonds Personal belongings, including: -Jewelry -Furniture, etc. Balance sheets with liabilities Total Assets ≤ \$250,000 = 1 points Total Assets - \$250,000 - \$500,000 = 3 points Total Assets = \$500,001 - \$1.5 M = 5 points Total Assets = \$1.51 M - \$2.5 M = 7 points Total Assets = \$2.51 M - \$3.5 M = 8 points Total Assets ≥ \$3.51M = 10 points				
	0 - 10 points *May or may not include \$250,000 in liquid assets required				

EVALUATOR NAME _____

FINANCIAL RESOURCES (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
	Proof that the applicant has adequate money to cover all expenses and costs of the start up and the first year of operations.				
	<p>An excellent response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board member and other sources, to confirm that there are sufficient funds to easily cover all expenses if sales do not meet the revenue projections. And demonstrate expenses and revenue appearing to be more than adequate to cover major categories of expenses for a start up operation; a small contingency may or may not be contemplated; some regulatory requirements are missing, list of line items included, unconditional use commitment included (I-2).</p> <p>An average response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board member and other sources, to shows that there are adequate funds to cover the first year of operations and demonstrate expenses and revenue appearing to be reasonable and cover major categories of expenses for a start up operation; a small contingency may or may not be contemplated; some regulatory requirements are missing</p> <p>An inadequate response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board members ad other sources insufficient to cover the first year of operations. An inadequate response would demonstrate expenses and revenue are somewhat defined; start up expenses are un-reasonable; no contingency fund; most regulatory requirements are missing</p>				
	Range 0 - 20 points				

EVALUATOR NAME _____

FINANCIAL RESOURCES (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
	Liquid assets and the source of those assets Documentation from a financial institution of this state or another state or District of Columbia the applicant has at least \$250k in liquid assets, and the source of those assets. < \$250,000 = 0 points >\$250,000 = 10 points				
	Range 0 - 10 points				

Time Tracking for Evaluation Process	
Evaluator Name	
Start Time:	
End Time:	
Total Time to be charged to applicant:	

Instructions to Evaluators:

- 1) Evaluators enter start time for evaluation
- 2) Evaluator individually scores criteria
- 3) Evaluators completes evaluation and enters end time
- 5) Time calculated is time which will be charged to the applicant

EXHIBIT 3

EXHIBIT 3

Article: "Carpincho Capital Completes Business Combination with
MM Development Company"

Carpincho Capital Completes Business Combination with MM Development Company to Form Planet 13 Holdings Inc.

PRNewswire (/users/newswire) | FOLLOW

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Carpincho Capital Completes Business Combination with MM Development Company to Form Planet 13 Holdings Inc.

Canada NewsWire

TORONTO, June 11, 2018

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(https://pro.benzinga.com/?afmc=43)

TORONTO, June 11, 2018 /CNW/ - **Planet 13 Holdings Inc.** (the "**Company**" or "**Planet 13**"), formerly Carpincho Capital Corp. ("**Carpincho**"), is pleased to announce the completion of its previously announced business combination with MM Development Company, Inc. ("**MMDC**"), a leading Nevada-based vertically-integrated cannabis company, and related acquisition of 10653918 Canada Inc. ("**Finco**") (collectively, the "**Transactions**").

Robert Groesbeck, Co-CEO and co-founder of Planet 13 stated "we look forward to public trading in Canada as the next logical step in our corporate evolution. As a team, we have made major strides towards providing a unique cannabis retailing experience for the 55 million people who visit the Las Vegas Strip every year. Access to the Canadian capital markets will enable us to build out our planned 16,500 square foot Las Vegas Superstore which will provide tourists access to the largest dispensary and attraction-based cannabis destination in the world."

Larry Scheffler, Co-CEO and co-founder of Planet 13 stated "we have already built a vertically integrated cannabis company that resonates with Las Vegas visitors and this expansion will achieve two primary objectives. The first is to utilize our unique strategic proximity to the Las Vegas Strip to capture more of the entertainment dollars flowing through Las Vegas each year, while further building the premium-quality brands and experience we have fostered over the past two and a half years in operation. The second objective is to leverage our exposure in Las Vegas, where people are open to new experiences, to begin building a brand and reputation beyond our home state and then leverage that over time into a measured and strategic expansion into other legal U.S. markets."

Overview of Transactions

Prior to the completion of the Transactions, Carpincho consolidated its share capital on the basis of 0.875 of a new common share for each existing common share, changed its name to "**Planet 13 Holdings Inc.**" and created a new class of convertible, restricted voting shares (the "**Planet 13 Restricted Shares**"). The Planet 13 Restricted Shares are convertible into common shares of Planet 13 (the "**Planet 13 Shares**") at the option of the holder or Planet 13 on a share-for-share basis. Holders of Planet 13 Restricted Shares are not entitled to vote on the election or removal of directors of Planet 13. On closing of the Transactions, there were 62,008,400 Planet 13 Shares and 49,700,000 Planet 13 Restricted Shares issued and outstanding.

The Canadian Securities Exchange (the "**CSE**") has conditionally approved the listing of the Planet 13 Shares. Listing is subject to the Company fulfilling all listing requirements of the CSE.

For further information with respect to the Transactions and the business of Planet 13, please refer to the listing statement of Planet 13 dated May 24, 2018 (the "**Listing Statement**") and posted under Planet 13's issuer profile on SEDAR at www.sedar.com (<http://www.sedar.com>).

AA 004293

As previously announced by Carpincho in April and May 2018, Finco completed private placements of subscription receipts (the "Subscription Receipts") at a price of C\$0.80 (the "Offering Price") per Subscription Receipt for gross proceeds of C\$25,166,640 (the "Offering"), the brokered portion of which was conducted by a syndicate of agents co-led by Beacon Securities Limited and Canaccord Genuity Corp. and including Haywood Securities Inc.

The proceeds from the Offering, less certain expenses, were placed into escrow on completion of the Offering. In connection with the completion of the Transactions, the Subscription Receipts were converted on a one-for-one basis into a total of 31,458,300 common shares of Finco and 15,729,150 common share purchase warrants of Finco, which upon completion of the acquisition of Finco by Planet 13 became Planet 13 Shares and Planet 13 Share purchase warrants (the "**Planet 13 Warrants**"). The escrowed proceeds from the Offering, less the commission of the Agents and certain fees and expenses, have been released from escrow to Planet 13.

New Board and Management

Upon closing of the Transactions, the board of directors and management of the Company were reconstituted as follows in place of the previous directors and officers of Carpincho:

- **Robert Groesbeck**, Co-Chief Executive Officer and a Director;
- **Larry Scheffler**, Co-Chief Executive Officer and a Director;
- **Dennis Logan**, Chief Financial Officer;
- **William Vargas**, VP, Finance;
- **Chris Wren**, VP, Operations;
- **Tanya Lupien**, VP, Sales and Marketing;
- **Greg Wilson**, Director;
- **Marc Lustig**, Director; and
- **Michael Harman**, Director

Biographical descriptions of each director and member of the senior management team of Planet 13 is included in the Listing Statement.

Equity Awards

In connection with the closing of the Transactions, the Company has granted an aggregate of 820,000 stock options to employees and other service providers to purchase up to the same number of Planet 13 Shares, and awarded 5,638,358 share units to officers and directors of the Company. The stock options have an exercise price of C\$0.80 per share, expire five years from the date of grant and vest in thirds over a period of two years, with the first third vested as of the closing date of the Transactions, other than 175,000 that expire three years from the date of grant and vest over a period of nine months, with the first quarter vested as of the closing date of the Transactions, and an additional quarter vesting every three months thereafter. The share units vest in thirds over a period of two years, with the first third vested as of the closing date of the Transactions.

Promissory Notes

Messrs. Groesbeck and Scheffler, through controlled companies, have outstanding notes due from Planet 13 of US\$1.667 million each, or a total of US\$3.334 million. The promissory notes' bear interest at an effective rate of 15% per annum, and the aggregate unpaid principal amounts of the loans, all accrued and unpaid interest thereon, and all other amounts payable under the loans, are due and payable on demand at any time after December 31, 2019. The promissory notes provide that the holders have the option to convert the notes into Planet 13 Shares at a price of C\$0.80 per Planet 13 Share.

Information for Shareholders

to all former holders of Subscription Receipts, other than former holders of Subscription Receipts who acquired such Subscription Receipts on a non-brokered basis, evidencing the Planet 13 Shares and Planet 13 Warrants that they received in connection with the completion of the Transactions. Shareholders of the Company wishing to receive a physical share certificate should contact Odyssey for information on how to obtain physical share certificates in place of a DRS Advice. The ISIN number for the Planet 13 Shares is CA72706K1012 and the trading symbol reserved for the Planet 13 Shares on the CSE is "PLTH".

Early Warning

In connection with the Transactions, Robert Groesbeck and Larry Scheffler each acquired 11,891,000 Planet 13 Shares and 23,359,000 Planet 13 Restricted Shares. Prior to the completion of the Transactions, neither Messrs. Groesbeck nor Scheffler owned any securities of Carpincho or Finco. As at the date hereof, the 11,891,000 Planet 13 Shares and 23,359,000 Planet 13 Restricted Shares held by each of Messrs. Groesbeck and Scheffler represent approximately 31.5%, respectively, of the total issued and outstanding equity shares of Planet 13. The Planet 13 Shares and Planet 13 Restricted Shares were acquired for investment purposes only. Depending on market and other conditions, or as future circumstances may dictate, both Messrs. Groesbeck and Scheffler may, respectively, from time to time, and subject to any contractual lock-up agreements, and the escrow provisions referenced above, increase or decrease their holdings of Planet 13 Shares or other securities of Planet 13.

This portion of this news release is issued pursuant to National Instrument 62-103 – *The Early Warning System and Related Take-Over Bid and Insider Reporting Issues* of the Canadian Securities Administrators, which also requires an early warning report to be filed with the applicable securities regulators containing additional information with respect to the foregoing matters. A copy of the early warning reports of Messrs. Groesbeck and Scheffler will be available on Planet 13's issuer profile on SEDAR at www.sedar.com (<http://www.sedar.com>). Messrs. Groesbeck and Scheffler can be contacted c/o Planet 13 at 4850 West Sunset Road, Unit 130, Las Vegas, Nevada 89118.

The Company expects that trading of the Planet 13 Shares will commence on the CSE within the next two weeks.

About Planet 13 Holdings Inc.

Planet 13's mission is to provide compassionate, dignified and affordable access to cannabis, cannabis concentrates and cannabis-infused products to approved customers in the State of Nevada. Planet 13's operations are vertically integrated with a primary cultivation facility and dispensary located in Las Vegas. Planet 13's registered office is located at 4850 West Sunset Road, Unit 130, Las Vegas, Nevada 89118.

U.S. Disclaimer

The securities described herein have not been, and will not be, registered under the *United States Securities Act of 1933*, as amended (the "U.S. Securities Act") or any state securities laws and accordingly may not be offered or sold within the United States or to "U.S. persons", as such term is defined in Regulation S promulgated under the U.S. Securities Act ("U.S. Persons"), except in compliance with the registration requirements of the U.S. Securities Act and applicable state securities requirements or pursuant to exemptions therefrom. This news release does not constitute an offer to sell or a solicitation of an offer to buy any of the Company's securities to, or for the account or benefit of, persons in the United States or U.S. Persons. For more information about the transactions described herein, please refer to the Listing Statement.

Additional information about the Company is available at planet13lasvegas.com.

Cautionary Note Regarding Forward-Looking Information

This news release contains "forward-looking information" and "forward-looking statements" (collectively, "forward-looking statements") within the meaning of the applicable Canadian securities legislation. All statements, other than statements of historical fact, are forward-looking statements and are based on expectations, estimates and projections as at the date of this news release. Any statement that involves discussions with respect to predictions, expectations, beliefs, plans, projections, objectives, assumptions, future events or performance (often but not always using phrases such as "expects", or "does not expect", "is expected", "anticipates" or "does not anticipate", "plans", "budget", "scheduled", "forecasts", "estimates", "believes" or "intends" or variations of such words and phrases or stating that certain actions, events or results "may" or "could", "would", "might" or "will" be taken to occur or be achieved) are not statements of historical fact

receipt of the final stock exchange approval for the commencement of trading of the Planet 13 Shares on the CSE, and future expansion plans.

analyst-ratings) Ideas (/trading-ideas) Tech (/tech) Small-Cap (/news/small-cap) Personal Finance (/personal-finance)

These forward-looking statements are based on reasonable assumptions and estimates of management of the Company at the time such statements were made. Actual future results may differ materially as forward-looking statements involve known and unknown risks, uncertainties and other factors which may cause the actual results, performance or achievements of the Company to materially differ from any future results, performance or achievements expressed or implied by such forward-looking statements. Such factors, among other things, include: final regulatory and other approvals or consents; fluctuations in general macroeconomic conditions; fluctuations in securities markets; expectations regarding the size of the Nevada cannabis market and changing consumer habits; the ability of the Company to successfully achieve its business objectives; plans for expansion; political and social uncertainties; inability to obtain adequate insurance to cover risks and hazards; and the presence of laws and regulations that may impose restrictions on cultivation, production, distribution and sale of cannabis and cannabis related products in the State of Nevada; and employee relations. Although the forward-looking statements contained in this news release are based upon what management of the Company believes, or believed at the time, to be reasonable assumptions, the Company cannot assure shareholders that actual results will be consistent with such forward-looking statements, as there may be other factors that cause results not to be as anticipated, estimated or intended. Readers should not place undue reliance on the forward-looking statements and information contained in this news release. The Company assumes no obligation to update the forward-looking statements of beliefs, opinions, projections, or other factors, should they change, except as required by law.

The Company is indirectly involved in the manufacture, possession, use, sale and distribution of cannabis in the recreational and medicinal cannabis marketplace in the United States through its subsidiary MMDC. Local state laws where MMDC operates permit such activities however, these activities are currently illegal under United States federal law. Additional information regarding this and other risks and uncertainties relating to the Company's business are contained under the heading "Risk Factors" in the Company's Listing Statement filed on its issuer profile on SEDAR at www.sedar.com (<http://www.sedar.com>).

No stock exchange, securities commission or other regulatory authority has approved or disapproved the information contained herein.

SOURCE Planet 13 Holdings Inc.

View original content: <http://www.newswire.ca/en/releases/archive/June2018/11/c8015.html>
(<http://www.newswire.ca/en/releases/archive/June2018/11/c8015.html>)

View Comments and Join the Discussion!

EXHIBIT 4

EXHIBIT 4

MM Development Score Sheet

MM Development

FINALIZED ON: 10/05/18

Application #: 22 Locations: 6

Criteria 3 - Person Team Meeting - TALLEY SHEET

ME ID: RD284-289

IDENTIFIED TEAM SUMMARY PAGE (PER APPLICATION)

	Evaluator 1	Evaluator 2	Evaluator 3	Total Score	Average (Score/3)	
ORGANIZATIONAL STRUCTURE = 60 POINTS						41.67
1. Element 1: Organization Chart	14.0	14.0	13.0	41.0	13.67	
Points Possible =	15.0	15.0	15.0	45.0		
2. Element 2: Previous Business Experience	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Education Achievements	5.0	5.0	5.0	15.0	5.00	
Points Possible =	5.0	5.0	5.0	15.0		
4. Element 4: Experience with MJ in Nevada	9.0	9.0	9.0	27.0	9.00	
Points Possible =	10.0	10.0	10.0	30.0		
5. Element 5: Diversity	4.0	4.0	4.0	12.0	4.00	
Points Possible =	20.0	20.0	20.0	60.0		
FINANCIAL = 40 POINTS						37.33
1. Element 1: Financial Statements	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Adequate 1st Year Operating Expenses	18.0	17.0	17.0	52.0	17.33	
Points Possible =	20.0	20.0	20.0	60.0		
3. Element 3: Liquid Assets/Source of Liquid Assets	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
TAXES AND OTHER CONTRIBUTIONS = 25 POINTS						23.00
1. Element 1: Taxes paid to the State of Nevada	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Monetary Contributions to NV/Political Subdivisions	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Other Contributions to NV/Political Subdivisions	3.0	3.0	3.0	9.0	3.00	
Points Possible =	5.0	5.0	5.0	15.0		
TOTAL SCORE	103.0	102.0	101.0	306.0	102.00	
Score Possible	125.0	125.0	125.0		125.00	
ORGANIZATIONAL	1.50	1.00	1.25		3.75	
FINANCIAL	0.25	0.25	0.25		0.75	
TAXES	0.25	0.25	0.25		0.75	
Hours and Minutes:	TOTAL TIME	2.00	1.50	1.75	5.25	

AA 004298

EXHIBIT 5

EXHIBIT 5

Livfree Wellness Score Sheet

Livfree Wellness

FINALIZED ON: 10/02/18

Application #: 4 Locations: 6

Criteria 3 - Person Team Meeting - TALLEY SHEET

ME ID: RD292-297

IDENTIFIED TEAM SUMMARY PAGE (PER APPLICATION)

	Evaluator 1	Evaluator 2	Evaluator 3	Total Score	Average (Score/3)	
ORGANIZATIONAL STRUCTURE = 60 POINTS						39.67
1. Element 1: Organization Chart	15.0	15.0	15.0	45.0	15.00	
Points Possible =	15.0	15.0	15.0	45.0		
2. Element 2: Previous Business Experience	7.0	7.0	7.0	21.0	7.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Education Achievements	4.0	3.0	3.0	10.0	3.33	
Points Possible =	5.0	5.0	5.0	15.0		
4. Element 4: Experience with MJ in Nevada	7.0	7.0	5.0	19.0	6.33	
Points Possible =	10.0	10.0	10.0	30.0		
5. Element 5: Diversity	8.0	8.0	8.0	24.0	8.00	
Points Possible =	20.0	20.0	20.0	60.0		
FINANCIAL = 40 POINTS						12.67
1. Element 1: Financial Statements	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Adequate 1st Year Operating Expenses	2.0	2.0	4.0	8.0	2.67	
Points Possible =	20.0	20.0	20.0	60.0		
3. Element 3: Liquid Assets/Source of Liquid Assets	0.0	0.0	0.0	0.0	0.00	
Points Possible =	10.0	10.0	10.0	30.0		
TAXES AND OTHER BENEFICIAL CONTRIBUTIONS = 25 POINTS						24.33
1. Element 1: Taxes paid to the State of Nevada	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Monetary Contributions to NV/Political Subdivisions	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Other Contributions to NV/Political Subdivisions	5.0	5.0	3.0	13.0	4.33	
Points Possible =	5.0	5.0	5.0	15.0		
TOTAL SCORE	78.0	77.0	75.0	230.0	76.67	
Score Possible	125.0	125.0	125.0		125.00	
ORGANIZATIONAL	4.00	2.50	3.00		9.50	
FINANCIAL	1.00	1.00	1.00		3.00	
TAXES	0.25	0.75	0.50		1.50	
Hours and Minutes:	TOTAL TIME	5.25	4.25	4.50		14.00

AA 004300

EXHIBIT 6

EXHIBIT 6

Natural Medicine Score Sheet

Natural Medicine

FINALIZED ON: 10/04/18

Application #: 20 Locations: 3

Criteria 3 - Person Team Meeting - TALLEY SHEET

ME ID: RD300-302

IDENTIFIED TEAM SUMMARY PAGE (PER APPLICATION)

	Evaluator 1	Evaluator 2	Evaluator 3	Total Score	Average (Score/3)	
ORGANIZATIONAL STRUCTURE = 60 POINTS						38.00
1. Element 1: Organization Chart	6.0	6.0	6.0	18.0	6.00	
Points Possible =	15.0	15.0	15.0	45.0		
2. Element 2: Previous Business Experience	8.0	8.0	8.0	24.0	8.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Education Achievements	3.0	3.0	3.0	9.0	3.00	
Points Possible =	5.0	5.0	5.0	15.0		
4. Element 4: Experience with MJ in Nevada	3.0	3.0	3.0	9.0	3.00	
Points Possible =	10.0	10.0	10.0	30.0		
5. Element 5: Diversity	18.0	18.0	18.0	54.0	18.00	
Points Possible =	20.0	20.0	20.0	60.0		
FINANCIAL = 40 POINTS						40.00
1. Element 1: Financial Statements	10.0	10.0	10.0	30.0	10.00	
Points Possible =	20.0	20.0	20.0	60.0		
2. Element 2: Adequate 1st Year Operating Expenses	20.0	20.0	20.0	60.0	20.00	
Points Possible =	20.0	20.0	20.0	60.0		
3. Element 3: Liquid Assets/Source of Liquid Assets	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
TAXES AND OTHER CONTRIBUTIONS = 25 POINTS						22.67
1. Element 1: Taxes paid to the State of Nevada	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Monetary Contributions to NV/Political Subdivisions	8.0	8.0	8.0	24.0	8.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Other Contributions to NV/Political Subdivisions	5.0	5.0	4.0	14.0	4.67	
Points Possible =	5.0	5.0	5.0	15.0		
TOTAL SCORE						100.67
Score Possible						135.00
ORGANIZATIONAL	1.00	1.00	1.00		3.00	
FINANCIAL	0.25	0.25	0.25		0.75	
TAXES	0.25	0.25	0.25		0.75	
Hours and Minutes:	1.50	1.50	1.50		4.50	

AA 004302

EXHIBIT 7

EXHIBIT 7

Nevada Wellness Center Score Sheet

AA 004303

(NWC) Nevada Wellness Center

FINALIZED ON: 10/06/18

Application #: 24 Locations: 4

Criteria 3 - Person Team Meeting - TALLEY SHEET

ME ID: RD312-315

IDENTIFIED TEAM SUMMARY PAGE (PER APPLICATION)

	Evaluator 1	Evaluator 2	Evaluator 3	Total Score	Average (Score/3)	
ORGANIZATIONAL STRUCTURE = 60 POINTS						41.67
1. Element 1: Organization Chart	5.0	5.0	4.0	14.0	4.67	
Points Possible =	15.0	15.0	15.0	45.0		
2. Element 2: Previous Business Experience	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Education Achievements	4.0	4.0	4.0	12.0	4.00	
Points Possible =	5.0	5.0	5.0	15.0		
4. Element 4: Experience with MJ in Nevada	3.0	3.0	3.0	9.0	3.00	
Points Possible =	10.0	10.0	10.0	30.0		
5. Element 5: Diversity	20.0	20.0	20.0	60.0	20.00	
Points Possible =	20.0	20.0	20.0	60.0		
FINANCIAL = 40 POINTS						31.67
1. Element 1: Financial Statements	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Adequate 1st Year Operating Expenses	12.0	12.0	11.0	35.0	11.67	
Points Possible =	20.0	20.0	20.0	60.0		
3. Element 3: Liquid Assets/Source of Liquid Assets	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
TAXES AND OTHER CONTRIBUTIONS = 25 POINTS						21.00
1. Element 1: Taxes paid to the State of Nevada	6.0	6.0	6.0	18.0	6.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Monetary Contributions to NV/Political Subdivisions	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Other Contributions to NV/Political Subdivisions	5.0	5.0	5.0	15.0	5.00	
Points Possible =	5.0	5.0	5.0	15.0		
TOTAL SCORE	95.0	95.0	93.0	283.0	94.33	
Score Possible	125.0	125.0	125.0		125.00	
ORGANIZATIONAL	1.50	1.50	1.25		4.25	
FINANCIAL	0.25	0.25	0.25		0.75	
TAXES	0.25	0.25	0.25		0.75	
TOTAL TIME	2.00	2.00	1.75		5.75	

Hours and Minutes:

AA 004304

EXHIBIT 8

EXHIBIT 8

GBS Nevada Partners Score Sheet

AA 004305

G-BS Nevada Partners

FINALIZED ON: 11/07/18

Application #: 117 Locations: 5

Criteria 3 - Person Team Meeting - TALLEY SHEET

ME ID: RD402-406

IDENTIFIED TEAM SUMMARY PAGE (PER APPLICATION)

	Evaluator 1	Evaluator 2	Evaluator 3	Total Score	Average (Score/3)	
ORGANIZATIONAL STRUCTURE = 60 POINTS						31.00
1. Element 1: Organization Chart	5.0	5.0	5.0	15.0	5.00	
Points Possible =	15.0	15.0	15.0	45.0		
2. Element 2: Previous Business Experience	8.0	8.0	8.0	24.0	8.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Education Achievements	4.0	4.0	4.0	12.0	4.00	
Points Possible =	5.0	5.0	5.0	15.0		
4. Element 4: Experience with MJ in Nevada	6.0	6.0	6.0	18.0	6.00	
Points Possible =	10.0	10.0	10.0	30.0		
5. Element 5: Diversity	8.0	8.0	8.0	24.0	8.00	
Points Possible =	20.0	20.0	20.0	60.0		
FINANCIAL = 40 POINTS						36.67
1. Element 1: Financial Statements	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Adequate 1st Year Operating Expenses	18.0	16.0	16.0	50.0	16.67	
Points Possible =	20.0	20.0	20.0	60.0		
3. Element 3: Liquid Assets/Source of Liquid Assets	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
TAXES AND OTHER CONTRIBUTIONS = 25 POINTS						14.33
1. Element 1: Taxes paid to the State of Nevada	10.0	10.0	10.0	30.0	10.00	
Points Possible =	10.0	10.0	10.0	30.0		
2. Element 2: Monetary Contributions to NV/Political Subdivisions	1.0	1.0	1.0	3.0	1.00	
Points Possible =	10.0	10.0	10.0	30.0		
3. Element 3: Other Contributions to NV/Political Subdivisions	4.0	3.0	3.0	10.0	3.33	
Points Possible =	5.0	5.0	5.0	15.0		
TOTAL SCORE	84.0	81.0	81.0	246.0	82.00	
Score Possible	125.0	125.0	125.0		125.00	
ORGANIZATIONAL	1.25	1.50	1.50		4.25	
FINANCIAL	0.50	0.25	0.25		1.00	
TAXES	0.25	0.25	0.25		0.75	
TOTAL TIME	2.00	2.00	2.00		6.00	
Hours and Minutes:						

AA 004306

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*Attorneys for Plaintiffs and Proposed Additional Plaintiff
MMOF Vegas Retail, Inc.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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; RED EARTH LLC, a Nevada
limited liability company; THC NEVADA
LLC, a Nevada limited liability company; and
ZION GARDENS LLC, a Nevada limited
liability company,

Plaintiffs,

v.

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

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

**PLAINTIFFS' REPLY IN SUPPORT
OF JOINDER TO MOTION FOR
PRELIMINARY INJUNCTION AND
MOTION FOR PRELIMINARY
INJUNCTION OR FOR WRIT OF
MANDAMUS**

Defendants.

AND ALL RELATED MATTERS

Plaintiffs ETW MANAGEMENT GROUP LLC (“ETW”), GLOBAL HARMONY LLC (“Global Harmony”), GREEN LEAF FARMS HOLDINGS LLC (“GLFH”), GREEN THERAPEUTICS LLC (“GT”), HERBAL CHOICE INC. (“Herbal Choice”), JUST QUALITY, LLC (“Just Quality”), LIBRA WELLNESS CENTER, LLC (“Libra”), ROMBOUGH REAL ESTATE INC. dba MOTHER HERB (“Mother Herb”), NEVCANN LLC (“NEVCANN”), RED EARTH LLC (“Red Earth”), THC NEVADA LLC (“THCNV”), ZION GARDENS LLC (“Zion”), and MMOF Vegas Retail, Inc. (“MMOF”) (collectively, the “Plaintiffs”), by and through their undersigned counsel of record, Adam K. Bult, Esq., Maximilien D. Fetaz, Esq., and Travis F. Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and Adam R. Fulton, Esq., of the law firm of Jennings & Fulton, Ltd., hereby submit their Reply in Support of Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus (the “Reply”). This Reply is made and based on the following Memorandum of Points and Authorities, the attached exhibit, the papers and pleadings on file herein, and any argument of counsel at the hearing on this Motion.

DATED this 22nd day of May, 2019.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Adam K. Bult

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Attorneys for Plaintiffs

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. PLAINTIFFS HAVE A RIGHT TO PROCEDURAL DUE PROCESS.**

3 The DOT argues, first, that Plaintiffs have no right to procedural due process here because
4 they lack a protectable property interest under the Nevada constitution. The DOT bases this
5 argument on the notion that it is permitted to score applications when required by NRS 453D and
6 that this scoring process is discretionary. It is undisputed that “[t]he protections of due process
7 attach only to deprivations of property or liberty interests.” *Burgess v. Storey Cty. Bd. of Com’rs*,
8 116 Nev. 121, 124, 992 P.2d 856, 858 (2000) (quoting *Tarkanian v. Nat’l Collegiate Athletic*
9 *Ass’n*, 103 Nev. 331, 337, 741 P.2d 1345, 1349 (1987)). “A protected property interest exists
10 when an individual has a **reasonable expectation of entitlement** derived from existing rules or
11 understandings that stem from an independent source such as state law.” *Id.* (internal quotations
12 and citations omitted) (emphasis added).

13 The law is clear that “‘a benefit is not a protected entitlement if government officials may
14 grant or deny it in their discretion’ and that a property interest arises only when conferral of the
15 benefit is truly mandatory.” *Nevada Rest. Services, Inc. v. Clark Cnty.*, 2:11-CV-00795-KJD,
16 2012 WL 4355549, at *3 (D. Nev. Sept. 21, 2012) (quoting *Town of Castle Rock v. Gonzales*, 545
17 U.S. 748, 756 (2005)). The expectation of entitlement is determined largely by the language of
18 the law governing the benefit. *Wedges/Ledges of Cal. v. City of Phoenix*, 24 F.3d 56, 62 (9th Cir.
19 1994). Thus, while absolute discretion in the licensing context abrogates any expectation of
20 entitlement, a certain amount of discretion can be expected and will not defeat a finding of a
21 protectable property interest, so long as the expectation is reasonable under the circumstances.

22 Indeed, “[s]ince licensing consists in the determination of factual issues and the
23 application of legal criteria to them—a judicial act—the fundamental requirements of due process
24 are applicable to it. Due process in administrative proceedings of a judicial nature has been said
25 generally to be conformity to fair practices of Anglo-Saxon jurisprudence, [] which is usually
26 equated with adequate notice and a fair hearing.” *Hornsby v. Allen*, 326 F.2d 605, 608 (5th Cir.
27 1964) (citations omitted).

28 . . .

Here, Nevada law requires that the DOT “shall approve a license application” if certain criteria are met. NRS 453D.210(5) (emphasis added). The certain criteria include:

- A. The Applicant has submitted an application and the required fee;
- B. The physical address of the proposed marijuana establishment is owned by the Applicant or is approved by the property owner;
- C. The physical address of the proposed marijuana establishment is not within certain community facilities;
- D. The proposed marijuana establishment is for retail marijuana and there are not more than a certain number of licenses already issued in that county based on the county’s population;
- E. The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and
- F. The owners, officers, or board members have not been convicted of a felony or been part of a prior marijuana establishment that has had its registration certificate or license revoked.

NRS 453D.210(5)(a)-(f). If the above criteria are met, the DOT has no discretion as to whether to approve the license application.

If the criteria of NRS 453D.210(5) are met, the only way the DOT may not approve an application is if “competing applications are submitted for a proposed retail marijuana store within a single county.” NRS 453D.210(6). However, the Legislature did not see fit to grant the DOT unfettered discretion in determining which of competing applications should be approved. Instead, it required that the DOT “shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.” *Id.* (emphasis added). The Legislature also did not permit the DOT to adopt *any* scoring method, but required it to adopt one that is both *impartial* and akin to *competitive*

1 *bidding. Id.* In other words, the conditions imposed upon the DOT in reviewing and approving
2 applications as noted above clearly demonstrate the legislative intent to reign in the DOT's
3 discretion.

4 Accordingly, the lack of discretion in awarding the licenses at issue is clear from the face
5 of NRS 453D, as a whole. Because there is little discretion granted to the DOT, Plaintiffs have a
6 protectable property interest in the applied-for licenses. As a result, the lack of any review
7 mechanisms in NRS 453D (or any other source of law) violates Plaintiffs' right to procedural due
8 process.

9 **II. RETAIL MARIJUANA LICENSES ARE NOT PRIVILEGED LICENSES**

10 The State's Oppositions also intimate that retail marijuana licenses are effectively
11 privileged licenses. This argument is made to circumvent a finding of a protectable property
12 interest and to infuse an element of discretion where none exists. The DOT here makes the false
13 equivalency between retail marijuana licenses and other privileged licenses, such as gaming,
14 presumably because marijuana was formerly illegal in this State and remains illegal at the federal
15 level.

16 However, the Legislature has not seen fit to declare retail marijuana licenses privileged in
17 nature. As noted above, property rights are generally derived from sources of state law. NRS
18 453D.020(3) expressly declares that "[t]he People of the State of Nevada proclaim that marijuana
19 should be regulated in a manner similar to alcohol." And, notably absent from the statutory
20 scheme set forth in NRS 453D is any indication that retail marijuana licensing is intended to be
21 privileged. Taken together with the express declaration of intent of the People of this State, it is
22 clear that retail marijuana licenses are *not* privileged.

23 This stands in stark contrast to other privileged license, such as gaming. The Legislature
24 expressly declared that "[n]o applicant for a [gaming] license...has any right to a license or the
25 granting of the approval sought. Any license issued...is a *revocable privilege*, and no holder
26 acquires any vested right therein or thereunder." NRS 463.0129(2) (emphasis added). Based upon
27 this declaration, Nevada courts have long held that "gaming is a privilege conferred by the state
28 and does not carry with it the rights inherent in useful trades and occupations." *State ex rel.*

1 *Grimes v. Board*, 53 Nev. 364, 1 P.2d 570 (1931). But, because NRS 453D does not contain any
2 such declarative policy, it is disingenuous (and legally incorrect) to characterize retail marijuana
3 licenses as privileged or discretionary. Because they are not, procedural due process protections
4 attach to Plaintiffs' applications here.

5 **III. THE DOT ARBITRARILY SCORED PLAINTIFFS' APPLICATIONS RELATED**
6 **TO FACTORS REQUIRING MANDATORY POINT AWARDS**

7 In addition to the constitutionally deficient nature of NRS 453D and the regulations
8 adopted by the Department, the Department also misapplied and failed to follow its own grading
9 guidelines in scoring applications. Numerous of the merit criteria utilized by the Department had
10 mandatory point values that were to be awarded if certain factors were met:

- 11 1) Diversity of an applicant's owners, officers, and/or board members;
- 12 2) The total value of liquid and illiquid assets of an applicant;
- 13 3) Whether an applicant has at least \$250,000.00 in liquid assets;
- 14 4) The amount of taxes paid to various political subdivisions and agencies of
15 the State of Nevada; and
- 16 5) Evidence of other beneficial contributions made to the State of Nevada and
17 its political subdivisions.

18 The recent disclosure of Plaintiffs' Applications has made clear that the Department's
19 scoring in these areas was at best inconsistent and at worst blatantly incorrect.

20 **A. The Department incorrectly calculated diversity scores.**

21 With respect to diversity, the Department's guidelines required certain point values to be
22 awarded depending upon the percentage of an applicant's owners, officers, or board members that
23 are non-Caucasian, female, and non-Anglo/European American.¹ The points to be awarded were:²
24
25
26

27 ¹ See Application Scoring Tool - Organizational Structure (Identified), attached hereto as **Exhibit**
28 **A**, at 5.

² *Id.*

Percentage Diversity	Points Awarded
0%	0
0-10%	2
11-20%	4
21-30%	6
31-40%	8
41-50%	10
51-60%	12
61-70%	14
71-80%	16
81-90%	18
91-100%	20

However, numerous Plaintiffs did not receive points to which they were entitled by the Department's own guidelines, as follows:

Applicant	Diversity Percentage	Points Given	Correct Points
ETW	50% (1 Hispanic, 2 female out of 6)	8	10
Green Leaf	68.4% (2 Jewish, 8 female, 2 Asian, 1 African American out of 19)	12	14
MMOF	66.6% (1 Jewish, 1 female out of 3)	0	14
Red Earth	80% (1 Hispanic, 1 Asian, 2 female out of 5)	14	16
THC	47% (5 female, 1 African American, 1 Persian, 1 Jewish out of 17)	8	10

MMOF's incorrect diversity score as noted above is a prime example of the Department's arbitrary and incorrect assignment of points for diversity. MMOF's ownership/board membership is comprised of 1 Jewish man and 1 female. Both of these fall within the scoring guideline's qualifier of "non-Caucasian, female [or] non-anglo/European American." Incredibly, MMOF was given a diversity score of **zero**. Such a score clearly does not comply with the Department's own scoring guidelines. Similarly, the other incorrect scoring noted above shows that the Department failed to follow its own established procedures and rules for grading retail marijuana license applications. This constitutes arbitrary and capricious action. *See Dutchess Bus. Servs., Inc. v.*

Nev. State Bd. of Pharmacy, 124 Nev. 701, 711, 191 P.3d 1159, 1166 (2008) (“Administrative bodies must follow their established procedural guidelines...”).

B. The Department arbitrarily calculated points for Plaintiffs’ financials.

In addition to the diversity scoring mishaps outlined above, the Department also arbitrarily and incorrectly failed to award points for various financial factors. As noted above, applicants were awarded a certain number of points for the amount of liquid and illiquid assets they could show, as follows:³

Amount	Points Awarded
Less than \$250,000	1
\$250,000-\$500,000	3
\$500,001-\$1.5 million	5
\$1.51 million ⁴ - \$2.5 million	7
\$2.51 million - \$3.5 million	8
More than \$3.51 million	10

However, the required number of points was not always awarded. For example, Libra was able to demonstrate a \$10 million loan approval and a \$2 million investment commitment – but was given a score of **zero** for the financial statement criterion. At minimum, the \$10 million loan approval certainly qualified as documentation from “Savings and Loan Associations,” as listed in the Department’s own guidelines.⁵ Thus, Libra should have been given the full ten points for its financial resources, but was not.

The misapplication of the Department’s own guidelines was pervasive and impacted other areas related to financials. With respect to the criterion for the amount of taxes paid, it appears that the Department gave point credit to some applicants for real property taxes but not to others.

³ See Application Scoring Tool - Financial Resources (Identified) for Financial Plan and Resources, attached hereto as **Exhibit B**, at 1.

⁴ It is worth noting that there is a gap in the guidelines. For example, it is unknown what number of points should have been awarded if an applicant was able to demonstrate \$1,500,001-\$1,509,999. The same issue exists for the \$2.5-\$2.51 million and \$3.5-\$3.51 million benchmarks.

⁵ See *id.*, at 3.

1 In other circumstances, the Department gave point credit for real property taxes paid in
2 connection with the criterion related to evidence of other beneficial contributions made to the
3 State of Nevada and its political subdivisions. There is no explanation for this arbitrary treatment
4 of applications and the mixing and matching of points awarded related to certain governmental
5 fees and taxes paid.⁶

6 **IV. CONCLUSION**

7 For the foregoing reasons, and those detailed in the Motions, the Motions must be granted
8 and an injunction must be issued.

9 DATED this 22nd day of May, 2019.

10 BROWNSTEIN HYATT FARBER SCHRECK, LLP

11 /s/ Adam K. Bult

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

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

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

15 JENNINGS & FULTON, LTD.

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

17 *Attorneys for Plaintiffs*

18
19
20
21
22
23
24
25
26 ⁶ This arbitrary treatment also extended to the non-identified portions of Plaintiffs' applications.
27 For example, recent testimony of Deputy Director Jorge Pupo before the Legislature on May 21,
28 2019 suggests that there were further inconsistencies related to whether an actual leased or owned
space was required for a license to be issued and it remains unknown how this inconsistency
factored into the scores received by Plaintiffs in their non-identified portions.

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 **PLAINTIFFS' REPLY IN SUPPORT OF JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS** to be submitted electronically for filing and/or service with the Eighth Judicial District Court's Electronic Filing System on the 22nd day of May, 2019, to the following:

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/s/ Wendy Cosby
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Exhibit A

APPLICATION EVALUATION – Evaluator’s Guidelines – ORGANIZATIONAL STRUCTURE (IDENTIFIED)

Applications shall be consistently evaluated and scored in accordance with NRS 453D and LCB File No. R092-17.

TOTAL POSSIBLE POINTS = 60 Points

The following is intended to assist evaluators in scoring responses to the request for applications for marijuana establishments. Applying these guidelines using your experience and expertise to the scoring process will ensure that your scoring is consistent and unbiased, which is critical when deciding the points assigned to each individual criteria.

The point range is detailed under each criteria section and points should be assigned based on the evaluators assessment of the response falling into categories of "excellent," "average," or "inadequate."

	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
Merit Criteria Per NRS and R092-17 R092-17 Sec. 80 (a) Whether the owners, officers or board members have experience operating another kind of business that has given them experience which is applicable to the operation of a marijuana establishment R092-17 Sec. 80 (b) The diversity of the owners, officers or board members of the proposed marijuana establishment R092-17 Sec. 80 (c) The educational achievements of the owners, officers or board members of the proposed marijuana establishment R092-17 Sec. 80 (g) Whether the owners, officers or board members of the proposed marijuana establishment have direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success	<p>An organizational chart showing all owners, officers and board members, and key personnel of the marijuana establishment, including percentages of ownership for each individual and a short description of the proposed organizational structure.</p> <p>The organizational chart clearly demonstrates the following:</p> <ul style="list-style-type: none"> -Defines the roles and responsibilities that will make up the company's functioning and shows how everything fits together as a whole. -Demonstrates groupings of functions to ensure they are overseen and performed by a member of the organization -Position job descriptions demonstrate the scope, function and limits of their roles, and for what tasks and outcomes they will be held responsible for -Organizational structure shows efficiency between roles <p>An excellent response would include all the following elements: The organizational chart and position descriptions demonstrate all or most of the above expectations, are reasonable, and the rationale for the structure appears reasonable and logical. For each key personnel, their experience, roles and duties are included.</p>				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

<p>R092-17 Sec. 80 (h) The experience of key personnel that the applicant intends to employ in operating the type of marijuana establishment for which the applicant seeks a license; and</p>	<p>An average response would include the following: The organizational chart and position descriptions demonstrate few of the above expectations and needed positions appear to be missing.</p>			
	<p>An inadequate response would include the following: The organizational chart and position descriptions do not demonstrate the above expectations and needed positions appear to be missing.</p>			
	<p>Range 0 - 15 points</p>			
<p>Merit Criteria Per NRS and R092-17</p>	<p>Evaluation Elements</p> <p>A narrative description not to exceed 750 words, and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:</p> <p>Any previous experience at operating other businesses or non-profit organizations.</p> <p>An excellent response would include the following: Owners, officers and board members can each demonstrate business experience running other businesses or non-profits. Each individual has the knowledge and experience relevant to the roles and responsibilities outlined.</p> <p>A average response would include the following: Some owners, officers and board members can demonstrate business experience running other businesses or non-profits. Some individual has some knowledge and experience relevant to the roles and responsibilities outlined.</p> <p>A inadequate response would include the following: Owners, officers and board members demonstrates little to no prior business experience.</p>	<p>Individual Scores</p>	<p>Comments</p>	<p>Revised Score if applicable</p>
	<p>Range 0 - 10 points</p>			

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and RS92-17	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
	A narrative description not to exceed 750 words; and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following: The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed marijuana establishment An excellent response would include the following: The resumes demonstrate college degrees or higher. An average response would include the following: The resumes demonstrate some college degrees or higher. An inadequate response would include the following: The resumes do not demonstrate college degrees or higher. Some course work in related fields may be indicated.				
Range 0 - 5 points					

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NBS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
	<p>A narrative description not to exceed 750 words; and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:</p> <p>Any demonstrated knowledge or expertise with respect to direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate successful compassionate use of marijuana to treat conditions</p> <p>An excellent response would include the following: Extensive knowledge of the marijuana industry is demonstrated, and prior experience running marijuana establishments is indicated.</p> <p>An average response would include the following: Some knowledge of the marijuana industry is demonstrated, but no prior experience running marijuana establishments is indicated.</p> <p>An inadequate response would include the following: Little to no knowledge of the marijuana industry is demonstrated.</p>				
	Range 0 - 10 points				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score If applicable	Comments
	<p>Diversity on the basis of race, ethnicity or gender of the persons proposed to be owners, officers or board members.</p> <p>Diversity demographic information from the owner, officer and board member information forms. Diversity factors include race, gender and ethnicity. Points awarded for % of principals which are non-caucasian, female and non-anglo/European American. Must provide proof, may check in portal.</p> <p>0% = 0 points 0-10% = 2 point 11-20% = 4 points 21-30% = 6 points 31-40% = 8 points 41-50% = 10 points 51-60% = 12 point 61-70% = 14 points 71-80% = 16 points 81-90% = 18 points 91-100% = 20 points</p>				
	Range 0-20 points				

Time Tracking for Evaluation Process	
Evaluator Name	
Start Time:	
End Time:	
Total Time to be charged to applicant:	

Instructions to Evaluators:

- 1) Evaluators enter start time for evaluation
- 2) Evaluator individually scores criteria
- 3) Evaluators completes evaluation and enters end time

Section 2 Evaluation Criteria Template ORG STRUCTURE Final

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

5) Time calculated is time which will be charged to the applicant

Exhibit B

EVALUATOR NAME _____

FINANCIAL RESOURCES (IDENTIFIED)

ME ID# _____

APPLICATION EVALUATION – Evaluator’s Guidelines – FINANCIAL RESOURCES (IDENTIFIED)

Applications shall be consistently evaluated and scored in accordance with NRS 459D and LCB File No. R092-17.

TOTAL POSSIBLE POINTS = 40 Points

The following is intended to assist evaluators in scoring responses to the request for applications for marijuana establishments. Applying these guidelines using your experience and expertise to the scoring process will ensure that your scoring is consistent and unbiased, which is critical when deciding the points assigned to each individual criteria.

The point range is detailed under each criteria section and points should be assigned based on the evaluators assessment of the response falling into categories of "excellent," "average," or "inadequate."

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
R092-17 Sec. 88 (d) The financial plan and resources of the applicant, both liquid and illiquid	<p>Financial statements showing the resources of the applicant(s), both liquid and illiquid</p> <p>Documentation to be considered include:</p> <ul style="list-style-type: none"> -In-state and Out-of-State documentation from: -State or Federal Banks -Savings Banks -Savings and Loan Associations -Holding Companies -Real Estate Holdings -Large assets, including cars, boats, etc. -Liquid Assets, including: -Stocks -Bonds -Personal belongings, including: -Jewelry -Furniture, etc. -Balance sheets with liabilities <p>Total Assets ≤ \$250,000 = 1 points Total Assets - \$250,000 - \$500,000 = 3 points Total Assets = \$500,001 - \$1.5 M = 5 points Total Assets = \$1.51 M - \$2.5 M = 7 points Total Assets = \$2.51 M - \$3.5 M = 8 points Total Assets ≥\$3.51M = 10 points</p>				
	<p>0 - 10 points</p> <p>* May or may not include \$250,000 in liquid assets required</p>				

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
	Proof that the applicant has adequate money to cover all expenses and costs of the start up and the first year of operations.				
	An excellent response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board member and other sources, to confirm that there are sufficient funds to easily cover all expenses if sales do not meet the revenue projections. And demonstrate expenses and revenue appearing to be more than adequate to cover major categories of expenses for a start up operation; a small contingency may or may not be contemplated; some regulatory requirements are missing, list of line items included, unconditional use commitment included (1-2).				
	An average response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board member and other sources, to show that there are adequate funds to cover the first year of operations and demonstrate expenses and revenue appearing to be reasonable and cover major categories of expenses for a start up operation; a small contingency may or may not be contemplated; some regulatory requirements are missing				
	An inadequate response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board members and other sources insufficient to cover the first year of operations. An inadequate response would demonstrate expenses and revenue are somewhat defined; start up expenses are un-reasonable; no contingency fund; most regulatory requirements are missing				
	Range 0 - 20 points				

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
	Liquid assets and the source of those assets Documentation from a financial institution of this state or another state or District of Columbia the applicant has at least \$250k in liquid assets, and the source of those assets. < \$250,000 = 0 points >\$250,000 = 10 points				
Range 0 - 10 points					

Time Tracking for Evaluation Process

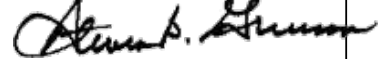
Evaluator Name

Start Time:

End Time:

Total Time to be charged to applicant:

- Instructions to Evaluators:
- Evaluators enter start time for evaluation
 - Evaluator individually scores criteria
 - Evaluators completes evaluation and enters end time
 - Time calculated is time which will be charged to the applicant



JOPP

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Commerce Park Medical, LLC, and Cheyenne Medical, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Case No. : A-19-786962-B
Dept. No.: XI

**INTERVENING DEFENDANTS'
JOINDER AND SUPPLEMENTAL
BRIEFING IN SUPPORT OF THE STATE
OF NEVADA'S AND NEVADA
ORGANIC REMEDIES, LLC'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION; AND
LONE MOUNTAIN PARTNERS, LLC'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION OR FOR
WRIT OF MANDAMUS**

Hearing Date: May 24, 2019
Hearing Time: 9:00 a.m.

company, GRAVITAS NEVADA, LLC, a Nevada limited liability company, NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM, LLC, a Nevada limited liability company, DOE PLAINTIFFS I through X; and ROE ENTITY PLAINTIFFS I through X,

Plaintiffs,

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION.

Defendants.

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.

Defendants in Intervention.

AND ALL RELATED ACTIONS

Intervening Defendants INTEGRAL ASSOCIATES LLC d/b/a ESSENCE CANNABIS DISPENSARIES, ESSENCE TROPICANA, LLC, ESSENCE HENDERSON, LLC, CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, COMMERCE PARK MEDICAL, LLC, and CHEYENNE MEDICAL, LLC (collectively “Defendants”), by and through their attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES and HYMANSON & HYMANSON, hereby files this joinder and supplemental brief in support of THE STATE OF NEVADA and NEVADA ORGANIC REMEDIES, LLC oppositions to Plaintiffs’, SERENITY WELLNESS CENTER, LLC, TGIG, LLC, NULEAF INCLINE DISPENSARY, LLC, NEVADA HOLISTIC MEDICINE, LLC, TRYKE COMPANIES SO NV, LLC, TRYKE COMPANIES RENO, LLC,

1 PARADISE WELLNESS CENTER, LLC, GBS NEVADA PARTNERS, LLC, FIDELIS
2 HOLDINGS, LLC, GRAVITAS NEVADA, LLC, NEVADA PURE, LLC, AND MEDIFARM, LLC
3 (collectively the “Serenity Wellness Plaintiffs”), motion for preliminary injunction; and LONE
4 MOUNTAIN PARTNERS, LLC’s opposition to Plaintiffs’, MM DEVELOPMENT COMPANY
5 INC. and LIVFREE WELLNESS LLC (collectively the “MM Development Plaintiffs”), motion for
6 preliminary injunction or for writ of mandamus.

7 This joinder and supplemental brief is made and based upon the following memorandum of
8 points and authorities, the pleadings, the exhibits attached hereto, and papers on file herein, and any
9 oral argument at the time of the hearing.

10 DATED this 23rd day of May, 2019.

11 Respectfully submitted,

12 **MAIER GUTIERREZ & ASSOCIATES**

13 */s/ Joseph Gutierrez*

14 _____
JOSEPH A. GUTIERREZ, ESQ.

15 Nevada Bar No. 9046

JASON R. MAIER, ESQ.

16 Nevada Bar No. 8557

Attorneys for Defendants in Intervention

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Serenity Wellness Plaintiffs and the MM Development Plaintiffs (collectively
4 “Plaintiffs”)¹ initiated their lawsuits against the State of Nevada, Department of Taxation (the
5 “Department”), alleging that the Department’s application process and issuance of conditional licenses
6 to operate recreational marijuana retail stores was implemented improperly. Plaintiffs challenge the
7 Department’s entire process of evaluating and ranking applicants, and seek to have this Court render
8 the entire application process void.

9 On March 19, 2019, the Serenity Wellness Plaintiffs filed a motion for preliminary injunction
10 (the “Serenity Wellness Motion”), requesting this Court to stop the licensing process, grant Plaintiffs
11 licenses, and restore the status quo.² Thereafter, on May 6, 2019, the MM Development Plaintiffs
12 filed a motion for preliminary injunction or for writ of mandamus (the “MM Development Motion”).
13 The MM Development Motion asks this Court to order the Department to re-score their applications
14 and place them in front of existing license holders.

15 Plaintiffs, however, have not provided any supporting argument as to how they would be
16 warranted any relief, much less injunctive relief. Injunctive relief is an “extraordinary and drastic
17 remedy.” *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008). A plaintiff seeking a preliminary injunction
18 carries the burden of showing: (1) a likelihood of success on the merits; (2) a likelihood of irreparable
19 harm; (3) that the balance of equities tips in its favor; and (4) that the injunction is in the public interest.
20 *Winter v. Nat’l Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiffs are unable to meet this
21 burden.

22 On May 9, 2019, the Department and Defendant Intervenor Nevada Organic Remedies, LLC
23 (“NOR”) filed separate oppositions to the Serenity Wellness Motion. Lone Mountain Partners, LLC
24 (“Lone Mountain Partners”) filed its opposition to the MM Development Motion on May 20, 2019.

25 _____
26 ¹ For purposes of this joinder and supplement, Plaintiffs shall mean the Serenity Wellness Plaintiffs,
27 MM Development Plaintiffs, and any and all Plaintiffs to join in their motions. Plaintiffs, by way of
28 joinders, have indicated that their positions are consistent with each other.

² Notably, the Serenity Wellness Plaintiffs’ requested relief is extremely inconsistent.

Defendants hereby join in the arguments set forth by the Department, NOR and Lone Mountain Partners and provide the following supplemental brief in support of their positions.

II. STATEMENT OF FACTS

A. DEFENDANT INTERVENORS ESSENCE AND THRIVE

By way of background, Defendants Integral Associates, LLC, Essence Tropicana, LLC (“Essence Tropicana”) and Essence Henderson, LLC (“Essence Henderson”) (collectively “Essence”) are owned by Armen Yemenidjian, Brian Greenspun, Wendy Berger, Jennifer Dooley, Anthony Georgiadis, Benjamin Kolver, Wes Moore, Glen Senk, and Alejandro Yemenidjian. *See* State of Nevada, Department of Taxation release of ownership information and scoring for each applicant as part of Senate Bill 32 at p. 76-77.

Essence was granted a total of eight (8) licenses issued by the Department on December 5, 2018, and were ranked as follows:

Business Name	Jurisdiction	Score	Ranking	Status
Essence Henderson	Carson City	227.17	1	Approved
Essence Henderson	North Las Vegas	227.17	1	Approved
Essence Henderson	Sparks	227.17	1	Approved
Essence Henderson	Unincorporated Clark County	227.17	2	Approved
Essence Tropicana	Henderson	227.84	1	Approved
Essence Tropicana	Las Vegas	227.84	1	Approved
Essence Tropicana	Reno	227.84	1	Approved
Essence Tropicana	Unincorporated Clark County	227.84	1	Approved

See State of Nevada, Department of Taxation release of 2018 retail store applications scores and rankings as part of Senate Bill 32 attached as **Exhibit “A”**.

Defendants CPCM Holdings, LLC Commerce Park Medical, LLC (“Commerce Park Medical”) and Cheyenne Medical, LLC (“Cheyenne Medical”) (collectively “Thrive”) are owned by Mitchell Britten, David Brown, Edward Findlay, Thomas Halbach, Nickolas Mamula, Jr., Julie Murray, and Phillip Peckman. *See* State of Nevada, Department of Taxation release of ownership information and scoring for each applicant as part of Senate Bill 32 at p. 14-15.

Thrive was granted a total of six (6) licenses on December 5, 2018, and were ranked as follows:

Business Name	Jurisdiction	Score	Ranking	Status
Cheyenne Medical	Elko County	216.5	1	Approved
Cheyenne Medical	Henderson	216.5	4	Approved
Cheyenne Medical	Reno	216.5	4	Approved
Cheyenne Medical	Las Vegas	216.5	5	Approved
Cheyenne Medical	Unincorporated Clark County	216.5	6	Approved
Commerce Park Medical	Nye County	212.16	3	Not Approved
Commerce Park Medical	North Las Vegas	212.33	7	Not Approved
Commerce Park Medical	Reno	212.16	7	Not Approved
Commerce Park Medical	Unincorporated Clark County	212.16	9	Approved

See Ex. “A”.

B. SENATE BILL 32

Prior to the issuance of the licenses on December 5, 2018, Plaintiffs never claimed that the regulations, statutes, or application process for obtaining a retail marijuana license were improper or flawed. In fact, Plaintiffs were in support of the regulations and application process. It was not until after Plaintiffs were denied licenses that they objected to the process and fabricated claims against the Department. A bulk of their allegations stemmed from the lack of transparency in the application process following the issuance of the licenses. *See* MM Development Motion at p. 9-11. This lack of transparency, however, is now moot following the release of information in Senate Bill 32 (“SB 32”).

On May 10, 2019, SB 32 was signed into law permitting the release of certain marijuana establishment information. *See* Fact Sheet regarding Marijuana Licensing Transparency attached as **Exhibit “B”**. Prior to SB 32, marijuana establishment information was protected by confidentiality statutes similar to all taxpayers. *Id.* Yet, in an effort to improve transparency in marijuana licensing and the industry, SB 32 was passed. *Id.* Immediately upon the signing of SB 32, the Department made available the information permitted by the bill. *Id.* The information released includes the following:

- Names of current owners of marijuana establishments;
- Information regarding the evaluators of the license applications;
- The use of state contractors for license application evaluation;
- The tools contractors used to evaluate applications;
- Methods contractors employed to evaluate applications;

- Companies that applied for licenses;
- Names of owners, officers and board members that applied;
- Who was awarded licenses and who was not; and
- Applicant scores.

See Nevada Marijuana License Application Information attached as **Exhibit “C”** (located at https://tax.nv.gov/FAQs/Marijuana_License_Application_Information_-_NEW/).

The Department further provided responses that directly addressed Plaintiffs unfounded allegations asserted throughout this litigation. By way of example, the use of Manpower has been highly contested matter by Plaintiffs. See the MM Development Motion at 7-8, 19-23. Notwithstanding, contractors were used during the first round of medical marijuana registration certificate applications in 2014 when the licensing and regulatory agency was the Division of Public and Behavioral Health. Coincidentally, when Plaintiffs were successful in obtaining licenses in 2014, they did not dispute the use of Manpower. The Department, additionally, addressed the Manpower’s qualifications, which demonstrated that each candidate exceeded the qualifications. *Id.*

Moreover, the Department has already addressed the fact that diversity was considered in the application process. *Id.* The Department cited to page 5 of the application scoring tool, which clearly lays out the points allocated for diversity demographic information from the owner, officer, and board member information forms. *Id.* Despite this disclosure by the Department, a large portion of MM Development’s Motion is spent erroneously arguing that diversity was not considered. See MM Development Motion at 5-7, 11-12.

Provided that the transparency arguments are now moot, it appears that even if this transparency was available from the beginning, which legally the Department could not do, the losers were going to bring a lawsuit. Plaintiffs are ultimately unwilling to admit that they just did not deserve a higher score.³ As expressed by the Department, the competition for these licenses was intense. “Applicants were aware of the competitive award process,” and “[t]here is no provision in Nevada law

³ Notably, the MM Development Motion does not even make a legal argument but instead simply argues positions that have been refuted, and smears any name that it can.

1 to award licenses to low-scoring applicants.” *See* Ex. “C” at p. 3.

2 **III. LEGAL ARGUMENT**

3 **A. PLAINTIFFS’ ARGUMENT REGARDING THE ISSUANCE OF MULTIPLE LICENSES IN CLARK**
4 **COUNTY TO THE SAME COMPANY IS VOID OF MERIT**

5 Plaintiffs argue that the Department violated the anti-monopolistic provisions of the statute by
6 awarding too many licenses to the same company in Clark County. *See* Serenity Wellness Motion at
7 p. 29; *see also* MM Development Motion at p. 26. Plaintiffs directly reference Essence in their
8 Motions, so this will be addressed in this brief. *Id.* Plaintiffs’ argument, however, is just plain wrong.
9 Plaintiffs selectively cite to portions of the applicable statutes and completely ignore the remaining
10 language.⁴

11 First, NAC 453D.272(5) and Section 80(5)(b) of Tax Regulation R092-17 are clear and
12 unambiguous. The statute provides as follows:

13 To prevent monopolistic practices, the Department will ensure, in a county whose
14 population is 100,000 or more, that the Department does not issue, to any person, group
15 of persons, or entity, ***the greater of:***
16 (a) One license to operate a retail marijuana store; ***or***
(b) More than 10 percent of the licenses for retail marijuana stores ***allocable in the***
county.

17 *See* NAC 453D.272(5) and Section 80(5)(b) of Tax Regulation R092-17 (emphasis added).

18 Notwithstanding, in their “anti-monopoly” argument, Plaintiffs focus entirely on NAC
19 453D.272(5) subpart (a) and ignore subsection (b), which sets forth the 10% requirement for allocable
20 licenses. The statute undisputedly makes clear that the Department can apply the “greater of”
21 subsection (a) or (b).

22 Next, in addressing the number of licenses “*allocable in the county*”, NRS 453D.210(5)(d)
23 states, “The proposed marijuana establishment is a proposed retail marijuana store and there are ***not***
24 more than:

25
26
27 ⁴ The Serenity Wellness Motion cites to the provisions out of context, whereas the MM Development
28 Motion just makes an umbrella argument that the anti-monopolistic provisions of the statute were
violated.

- 1 (1) Eighty licenses already issued in a county with a population greater than 700,000;
2 (2) Twenty licenses already issued in a county with a population that is less than 700,000 but
3 more than 100,000.

4 *See* NRS 453D.210(5)(d)(1)-(2) (emphasis added).⁵

5 Plaintiffs concede that Clark County has a population of greater than 700,000 people. As such,
6 subsection (1) of NRS 453D.210(5)(d) applies. Pursuant to NRS 453D.210(5)(d), there is a maximum
7 number of eight (8) licenses that can be awarded to one company in Clark County (10% of 80 = 8).

8 With Essence being awarded five (5) new retail licenses in Clark County and two (2) in
9 Washoe County, it now holds eight (8) total licenses in Clark County and two (2) in Washoe County.
10 ***This amounts to 10% of the total licenses allocable in Clark County and 10% of the total licenses***
11 ***allocable Washoe County.***⁶ Realizing their mistake, Plaintiffs backtrack and concede that “the
12 Department issued licenses in Washoe and Carson City consistent with the Regulation.” *See* Serenity
13 Wellness Motion at p. 29.

14 Instead of dropping the argument in its entirety, Plaintiffs continue to make anti-monopoly
15 provision arguments by claiming that the cap on licenses issued in Clark County is 7.9 licenses
16 because there were only seventy-nine (79) licenses issued in Clark County. Any hint of due diligence
17 would have proven this assertion incorrect, as the Department has now proven. The Department has
18 stated that it did allocate eighty (80) licenses in Clark County. *See* State of Nevada’s opposition brief
19 to preliminary injunction motion at p.18. The Department stated that during the one for one
20 application period there were forty-seven (47) retail store licenses issued in Clark County in May of
21 2017 and two (2) more in 2018. The Department then awarded thirty-one (31) licenses in Clark
22

23
24

⁵ Besides the regulations above, there are no other rules or limitations regarding the number of licenses
25 that can be issued in a given round of awarding licenses.

26 ⁶ Plaintiffs take issue with Essence and Thrive submitting multiple applications in the same
27 jurisdiction. However, Plaintiffs NuVeda, Compassionate Team of Las Vegas, LLC, Fidelis
28 Holdings, LLC, and Tryke each submitted multiple losing applications in either Clark County, Carson
City, Nye County, and/or City of Las Vegas. *See* Ex. “A”.

1 County in December of 2018, bringing the total to eighty (80).⁷ Therefore, Essence, with eight (8)
2 licenses in Clark County holds exactly 10% of the allocable licenses in Clark County, and its total
3 licenses do not violate NAC 453D.272(5).

4 Plaintiffs cite to the report of Dr. Amei, who they retained to analyze the number of licenses
5 issued under the statutes. Dr. Amei concluded that the Department issued licenses in Washoe County
6 and Carson City consistent with the Regulation. *See* Serenity Wellness Motion at p. 29. However,
7 Dr. Amei opined that the Department violated anti-monopoly provision by granting Essence more
8 than is permitted in Clark County. This faulty analysis was refuted by the Department when it stated
9 that it issued eighty (80) licenses in Clark County. As a purported economist “expert”, Dr. Amei has
10 no business interpreting Nevada statutes and giving her opinion on what the Department should have
11 done. Defendants will be moving to strike Dr. Amei and any other potential expert that Plaintiffs’
12 disclose that attempts to serve in this capacity.

13 Finally, Plaintiffs’ argument on this issue has no relevance to what they need to prove for the
14 issuance of the extraordinary injunctive relief they are seeking. Plaintiffs’ flawed interpretation of the
15 anti-monopoly provisions of the law do not support any of their claims for relief and should be
16 disregarded entirely.

17 **B. PLAINTIFFS FAIL TO SHOW THAT THEY ARE ENTITLED TO INJUNCTIVE RELIEF**

18 Injunctive relief is an “extraordinary and drastic remedy” that is never awarded as of right.
19 *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008). A plaintiff seeking a preliminary injunction carries the
20 burden of showing: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm; (3)
21 that the balance of equities tips in its favor; and (4) that the injunction is in the public interest. *Winter*
22 *v. Nat’l Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008). The court “must balance the competing
23 claims of injury and must consider the effect on each party of the granting or withholding of the
24 requested relief.” *Id.* at 24.

25
26
27 ⁷ It should be noted that the monopoly provision applies to Clark County as a whole and not to each
28 jurisdiction within Clark County. Further, there is no rule or regulation limiting the percentage of
new licenses issued in 2018 that one entity can obtain.

1 The Department, Lone Mountain Partners, and NOR have thoroughly addressed Plaintiffs'
2 inability to prove that they are entitled to injunctive relief in this matter. As such, Defendants will not
3 rehash the entirety of their arguments, but provide the supporting arguments herein.

4 *i. Plaintiffs Cannot Show a Likelihood of Success on the Merits of Their Claims*

5 As Plaintiffs' claims are legally and factual deficient, they will not be able to show a likelihood
6 of success on the merits. Plaintiffs' claims hinge on that argument that the Department's application
7 process lacked transparency, as provided above. Notwithstanding, since the passage of SB 32, and
8 the Department's immediate release of all information permitted, these arguments are moot.

9 Moreover, as the Government has argued and will most likely continue to argue Plaintiffs'
10 claims are barred by Governmental discretionary function immunity. *See* NRS 41.032(2). No action
11 can be brought against the State, a state agency or its officers or employees "based upon the exercise
12 or performance or the failure to exercise or perform a discretionary function or duty on the part of the
13 State or any of its agencies . . . or of any officer, employee . . . , whether or not the discretion involved
14 is abused." NRS 41.032(2); *see also Glover-Armont* at *5.

15 Here, the Department was afforded and performed discretion in the numerical scoring,
16 including assigning numerical values to each portion of the application and subsequently assigning
17 numerical values to each application reviewed by the Department. As such, Plaintiffs' claims are
18 unlikely to prevail based on the doctrine of discretionary function immunity.

19 Next, a writ of mandamus is not available due to the political question doctrine. Essentially
20 the core of Plaintiffs' complaints and preliminary injunction motions are asking the Court to rewrite
21 existing regulations and statutes. However, such action is a clear violation of the doctrine of separation
22 of powers and the political question doctrine.

23 Plaintiffs' state law due process claims fails because they do not have a recognized property
24 interest in a licenses that they were never awarded. A constitutional due process violation occurs
25 under the Nevada (and United States) Constitution when a person is deprived of life, liberty, or
26 property without due process of law. *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home*
27 *Mortgage*, 388 P.3d 970, 972 (2017). To determine if a due process claim exists, the court must first
28 determine if there is a liberty or property interest which has been interfered with by the State, and then

1 whether the procedures attendant upon that deprivation were constitutionally sufficient. *Malfitano v.*
2 *County of Storey by and Through Storey County Board of County Commissioners*, 396 P. 3d 815, 819
3 (2017). “To have a property interest in a benefit, a person **clearly must have more than an abstract**
4 **need or desire for it**. He must have more than a unilateral expectation of it. He must, instead, have a
5 legitimate claim of entitlement to it.” *Id.* at 819-8-20 citing to *Bd. Of Regents of State Colleges v.*
6 *Roth*, 408 U.S. 564, 577, 92 S.Ct. 2701, (1972) (emphasis added). Based on the clear ruling of the
7 U.S. Supreme Court Plaintiffs do not have a protected property interest in a license that they did not
8 qualify for and therefore never received.

9 Moreover, Plaintiffs do not have a substantive due process claim. “Substantive due process is
10 ordinarily reserved for those rights that are fundamental.” *Brittain v. Hansen*, 451 F.3d 982, 990 (9th
11 Cir. 2006). Plaintiffs are unable to show that the Department deprived them of any fundamental right.
12 No one has a right to a privilege license. *See generally, Doe v. State ex. Rel. Legislature of 77th*
13 *Session*, 406 P.3d 482, 485 (2017). (“[D]eclining to expand the concept of substantive due process to
14 encompass a new fundamental right to use medical marijuana recommended by a physician.”)
15 Accordingly, there is fundamental right to a conditional license to operate a retail marijuana
16 establishment in Nevada, and therefore, Plaintiffs’ substantive due process claim must fail.

17 Next, Plaintiffs are barred by the doctrines of estoppel and waiver because they are challenging
18 rules and regulations that were in place for months prior to applications being submitted. Plaintiffs
19 themselves benefitted from virtually the same regulations when they applied for and received licenses
20 in 2014. Plaintiffs followed the rules and regulations and submitted applications to the Department
21 for this round of licenses and did not complain about the rules and regulations at any time prior to
22 decisions being made by the Department. Only now that Plaintiffs failed in the application process
23 are they arguing that the regulations are improper.

24 Plaintiffs’ arguments are akin to someone failing the Nevada Bar Exam and then filing a
25 lawsuit in district court to challenge the State Bar of Nevada about the exam testing/scoring process
26 and rules they knew to be in place prior to the exam. To add insult to injury in this analogy, the failing
27 Bar Exam applicant then seeks injunctive relief to prevent the State Bar of Nevada from issuing Bar
28 Licenses to the people who rightfully passed the Bar Exam simply because they want to challenge the

1 entire testing process. This rational is absurd and is no different than the course of action taken by the
2 Plaintiffs in this case who failed to score high enough to be awarded recreational marijuana licenses.

3 Finally, the relief being sought by Plaintiffs is too overbroad in order to narrowly tailor an
4 injunction. There is no “reasonable probability” that real injury will occur before an injunction will
5 be issued because Plaintiffs are arguing over a license that they never had. As such, there is nothing
6 to enjoin. *See Berryman v. Int’l Bhd. of Elec. Workers*, 82 Nev. 277, 280, 416 P.2d 387, 388-89
7 (1966). “It is axiomatic that a court cannot provide a remedy unless it has found a wrong.” *State*
8 *Farm Mut. Auto. Ins. Co. v. Jafbros Inc.*, 109 Nev. 926, 928 (1993). “The existence of a right violated
9 is a prerequisite to the granting of an injunction ... an injunction will not issue to restrain an act which
10 does not give rise to a cause of action.” *Id.*

11 *ii. Plaintiffs Cannot Show Irreparable Harm*

12 The Serenity Wellness Plaintiffs’ entire argument on irreparable harm is contained on 1½
13 pages of argument starting on page 44 of their brief. *See* the Serenity Wellness Motion at p. 44.
14 Surprisingly, this is more of an argument than the MM Development Plaintiffs’ attempt to make, as
15 they fail to provide any irreparable harm argument. Plaintiffs’ claim the Department’s refusal to issue
16 them conditional licenses interfered with their business interests and caused them irreparable harm.

17 Plaintiffs claim that the Department has “unreasonably interfered with Plaintiffs’ business
18 interests” simply because the Plaintiffs’ failed to score high enough to obtain a marijuana license is
19 not irreparable harm. Again, the case law discussed above is clear that there is no property interest
20 when a party fails to obtain a license. Plaintiffs do not have a property interest in a marijuana license
21 that they failed to obtain through the application process that they agreed to.

22 Restoring the “status quo” does not mean that Plaintiffs should be awarded licenses that they
23 failed to score high enough to obtain.⁸ In fact, restoring the status quo simply means that Plaintiffs

24
25 ⁸ The Nevada Supreme Court has emphasized that a preliminary injunction may be issued to preserve
26 the status quo. *See Pickett v. Comanche Const., Inc.*, 108 Nev. 422, 426, 836 P.2d 42, 44 (1992).
27 Thus, “[a] preliminary injunction is not a preliminary adjudication on the merits, but a device for
28 preserving the status quo and preventing the irreparable loss of rights before judgment.” *Textile*
Unlimited, Inc. v. A. BMH and Company, Inc., 240 F.3d 781, 786 (9th Cir. 2001).

1 should maintain their status as losers of the 2018 application process, and those entities that were
2 awarded additional licenses in 2018 should maintain their new licenses. Plaintiffs were not issued
3 licenses when the results were given in December of 2018, and now they cannot be irreparably harmed
4 by failing to receive a license they were never awarded.

5 Defendants on the other hand, based on the case law cited by the Serenity Wellness Plaintiffs
6 (*State, Dep't of Bus. & Indus., Fin. Institutions Div. v. Nevada Ass'n Servs., Inc.* 128 Nev. 362, 370,
7 294 P.3d 1223, 1228 (2012)), would be irreparably harmed if this injunction is issued. The Serenity
8 Wellness Plaintiffs cite to *Nevada Ass'n Servs* on page 45 of their Motion:

9 We have determined that “acts committed without just cause which unreasonably
10 interfere with a business or destroy its credit or profits, may do ***an irreparable injury***.”
11 *Sobol v. Capital Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986); *see also*
12 *Com. v. Yameen*, 401 Mass. 331, 516 N.E.2d 1149, 1151 (1987) (“A licensee whose
license has been revoked or suspended immediately suffers ***the irreparable penalty*** of
loss of [license] for which there is no practical compensation.”

13 *Id.* (emphasis added).

14 Based on this case law, which the Serenity Wellness Plaintiffs somehow claim supports their
15 request for injunctive relief, it is clear that it will be the Defendants who will actually be irreparably
16 harmed by the granting of Plaintiffs’ motions for a preliminary injunction. Plaintiffs are not licensees
17 who have licenses that have been revoked or suspended.

18 Additionally, any further delay in obtaining final approval stands to harm Defendants and other
19 licensees, as they are each required to obtain a final inspection on a licensed marijuana establishment
20 within twelve (12) months of the licenses being granted. Under the Approved Regulations, licensees
21 have twelve (12) months from the date the licenses were awarded to receive a final inspection from
22 local governments for a marijuana establishment. R092-17, Sec. 87. If a marijuana establishment
23 does not receive a final inspection within twelve (12) months, the marijuana establishment must
24 surrender the license to the Department.⁹ Any delay in this final step could result in the loss of the
25

26
27 ⁹ The Department, however, may extend the period specified in this subsection if the Department, in
28 its discretion, determines that extenuating circumstances prevented the marijuana establishment from
receiving a final inspection within the period specified in this subsection. R092-17, Sec. 87.

1 licensees' awarded licenses. If Defendants and other licensees do not open within this timeframe, they
2 may lose their licenses entirely.

3 Plaintiffs claim of irreparable harm stems from their applications for **additional** marijuana
4 licenses to operate retail marijuana dispensaries. Plaintiffs are not being denied the right to continue
5 operating their current marijuana dispensaries or sell medical marijuana under their prior licenses.
6 This begs the question of how does the denial of additional licenses to Plaintiffs that they never had
7 (licenses that would allow Plaintiffs to open more marijuana dispensaries) constitute irreparable harm?
8 The Department **is not shutting down Plaintiffs' existing marijuana dispensaries**. Plaintiffs simply
9 just did not get granted new ones due to scoring lower than other applicants. When establishing
10 irreparable harm, the Nevada Supreme Court has held that "harm is irreparable if it cannot adequately
11 be remedied by compensatory damages." *Hamm v. Arrowcreek Homeowners' Ass'n*, 124 Nev. 28,
12 183 P.2d 895, 901 (2008). Plaintiffs are not claiming that the Department has taken some action to
13 remove one of their existing licenses and shut down one of their business operations. Plaintiffs are
14 still operational and making plenty of money under their existing licenses.

15 Indeed, CLS Holdings USA, Inc. ("CLS" Holdings) announced record sales in April of this
16 year. *See* May 14, 2019 article entitled CLS Holdings USA, Inc.¹⁰ announces record April sale results
17 released by marijuanastocks.com attached as **Exhibit "D"**; *see also* article from
18 profitconfidential.com regarding Planet 13 Holdings Inc. According to the press release, CLS
19 Holdings made over \$1 million dollars of revenue in March of 2019. *Id.* Further, MM Development
20 (Planet 13 Holdings, Inc.) is quoted as operating the largest cannabis dispensary in America and having
21 a central location just off the Las Vegas Strip. *Id.* A recent article about Planet 13 Holdings, Inc.,
22 states that its 2018 fourth quarter revenue increased by 145% and full-year 2018 revenue increased by
23 136%. *Id.*

24 As such, unlike *Nevada Ass'n Services, Inc.*, where the Court affirmed the district court's
25 finding that NAS would be unable to conduct any business during the timeframe at issue and
26

27
28 ¹⁰ CLS Holdings fully owns and operates Oasis Cannabis and the City Trees brand. Oasis Cannabis
is the dba of Serenity Wellness, who is the lead plaintiff in this case.

1 determined that the inability to conduct business would cause irreparable harm, Plaintiffs never had
2 their prior licenses revoked so the analysis is inapposite. *Nevada Ass’n Servs., Inc.* 128 Nev. At 370.
3 P.3d 1223, 1228 (2012)). Thus, Plaintiffs’ argument that they will suffer irreparable harm is void of
4 merit.

5 *iii. The Requested Injunctive Relief, if Granted, Would Cause Hardship to the*
6 *Public Interest and the Defendants*

7 In considering preliminary injunctions, courts weigh the potential hardships to the relative
8 parties and others, and the public interest. *See Univ. & Cmty. Coll. Sys. of Nevada v. Nevadans for*
9 *Sound Gov’t*, 120 Nev. 712, 721 (2004).

10 The Serenity Wellness Plaintiffs spend all of three sentences of their 49 page brief in
11 addressing this prong of the preliminary injunction analysis, whereas the MM Development Motion
12 is silent on the matter. *See* the Serenity Wellness Motion at p. 49. Plaintiffs claim the Department
13 will not suffer any “cognizable prejudice” if their injunctive relief is granted. Plaintiffs fail to address
14 the harm to the public, the loss revenue to the tax payers, and the harm to Defendants. This factor
15 weighs in favor of the public, Intervening Defendants, and the other license winners.

16 Plaintiffs request for a mandatory injunction is against the public’s interest. Plaintiffs are not
17 seeking to prevent an impending harm, or even maintain the status quo, but instead are looking to
18 have this Court circumvent the legislative process to award Plaintiffs’ licenses that they did not qualify
19 for. A preliminary injunction is treated as a mandatory injunction if the relief sought orders a
20 responsible party to take action. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Thus,
21 Plaintiffs mischaracterizes the relief they are seeking as a *preliminary* injunction, but what Plaintiffs
22 are actually seeking is rather a *mandatory* injunction.

23 The Ninth Circuit has clearly stated that “a mandatory injunction goes well beyond simply
24 maintaining the status quo *pendente lite* and is particularly disfavored.” *Garcia v. Google, Inc.*, 786
25 F.3d 733, 740 (9th Cir. 2015). Thus, Plaintiffs must meet an ***even higher burden of proof*** and level
26 of scrutiny to prove that a mandatory injunction is the appropriate remedy. In other words, he must
27 establish that “the law and facts *clearly favor* their position, not simply that he is *likely* to succeed.”
28 *Id.* (emphasis original).

1 An injunction is not in the public's best interest. The public voted in favor of the legislation
2 at issue in this case and any order preventing that process from going forward would harm the public,
3 especially in delaying the substantial tax revenue created by the businesses awarded licenses.
4 Moreover, the State of Nevada has already and will continue to derive significant tax revenue for
5 education and other important state interests from Nevada's recreational marijuana dispensaries. The
6 longer Intervening Defendants and the other license winners are prevented from getting their
7 dispensaries up and running, the less tax revenue the state of Nevada will receive for important
8 functions such as education.

9 Finally, Plaintiffs argue that public policy supports the conclusion that the purpose of an
10 impartial bidding process is to guard against "favoritism, improvidence, and corruption." Plaintiffs,
11 however, fail to set forth any allegations of "favoritism or corruption" in the licensing process, much
12 less attempt to meet their burden of proof with any shred of evidence to support such a preposterous
13 claim. Stated simply, Plaintiffs are sore losers who did not put the time, effort, resources into building
14 a company who should be qualified for this exclusive license. Instead of learning from their failures,
15 Plaintiffs are attempting to blame everyone else, challenge the process after the fact, and even hint at
16 the ridiculous claim that the process was somehow the result of "favoritism or corruption." Plaintiffs
17 have had over six (6) months to find a hint of evidence to support this claim and have failed to do so.

18 **C. PLAINTIFFS WOULD NEED TO POST A SUBSTANTIAL BOND TO COMPENSATE FOR THE**
19 **DAMAGE THEY WOULD CAUSE THROUGH THE REQUESTED INJUNCTIVE RELIEF**

20 NRCP 65 requires "the giving of security by the applicant in such sum as the court deems
21 proper, for the payment of such costs and damages as may be incurred or suffered by any party who
22 is found to have been wrongfully enjoined or restrained." NRCP 65(c).

23 Despite the fact that a bond is required for the issuance of any injunction, Plaintiffs fail to
24 mention the bond requirement in their motions. However, if this Court gets to the bond analysis,
25 nothing short of a substantial bond in excess of \$948,724,301.40 would be required to support the
26 extraordinary relief Plaintiffs are requesting. This number should not come as a surprise to Plaintiffs,
27 as they have represented time over time that the *"market has established that cannabis licenses are*
28 *worth tens of million, even hundreds of millions of dollars"*. See the Serenity Wellness Motion at p.

9 (emphasis added).

In support of the bond requirement, Thrive has submitted the affidavit of Mitchell Britten, CEO and Managing Partner of CPCMC Holdings, LLC attached as **Exhibit “E”**. Mr. Britten has submitted evidence of the estimated lost profits for that the sixty (61) license holders and the estimated lost tax revenue the State of Nevada would lose if there is a delay allowing the license holders to begin operating under the new licenses.

In calculating the estimated lost tax revenue and lost profits, Mr. Britten used historical tax data from Thrive’s locations and the Supplemental Registration to the Department of Taxation (“Supplemental Tax Registration”) that shows the estimated monthly receipts Thrive expected from just one of its new locations in the City of Las Vegas. See March 13, 2019 Supplemental Tax Registration to the Department of Taxation attached as **Exhibit “F”**. Thrive submitted this required Supplemental Tax Registration to the Department of Taxation on March 13, 2019, which calculated the estimated monthly receipts it expected from its Sahara Property operations to be **\$1,590,000**. *Id.* This estimate was sent to the Department of Taxation two months ago and was based upon historical data from another one of Thrive’s marijuana operations in the Las Vegas valley.

Mr. Britton’s estimate of the lost taxes and profits is as follows:

State of Nevada	Monthly	Annually
Sales and Use Tax	\$ 131,175.00	\$ 1,574,100.00
Retail Marijuana Tax	\$ 156,150.77	\$ 1,873,809.24
Wholesale Marijuana Tax	\$ 82,908.00	\$ 994,896.00
City of Las Vegas		
3% Gross Revenue Tax	\$ 46,845.23	\$ 562,142.76
Government Loss	\$ 417,079.00	\$ 5,004,948.00
Lost Company Profit (per location)	\$ 878,992.45	\$ 10,547,909.40
Total Loss from Each License	\$ 1,296,071.45	\$ 15,552,857.40
Number of Licenses	61	61
Total Loss	\$ 79,060,358.45	\$ 948,724,301.40

See Mitchell Britten’s calculation of monthly and annually lost taxes and profits attached as **Exhibit**

1 “G”.

2 This monetary loss does not include the jobs that will be lost and the additional taxes and fees
3 those jobs would generate to the State of Nevada. Based on Mr. Britten’s experience in running
4 marijuana dispensaries in Nevada, he estimates that each dispensary equates to thirty (30) direct jobs
5 and eight (8) indirect jobs, equaling a total of thirty-eight (38) jobs per store. With sixty-one (61)
6 potential stores opening in Nevada this year, Mr. Britten calculates there would be two-thousand, three
7 hundred and eighteen (2,318) lost jobs if Plaintiffs motion for preliminary injunction is granted, of
8 which, a minimum of eighteen hundred and thirty (1,830) would be jobs filled by Nevada residents.¹¹
9 See Ex. “D”.

10 Plaintiffs’ injunction will be detrimental to the State of Nevada, and counteract everything the
11 marijuana industry has tried to accomplish, such as more taxes for our school system. This is why a
12 bond would have to secure the costs and damages that will be incurred if this injunction is granted.

13 Accordingly, if this Court gets to an analysis on the bond requirement for the issuance of a
14 preliminary injunction, a bond in the amount of \$79 million per month or \$948 million per year is
15 necessary to cure the harm in lost tax revenue to the State of Nevada and lost profits to the companies
16 who were awarded the sixty-one (61) licenses.¹²

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26 ¹¹ As discussed in the affidavit of Mr. Britten, Thrive is ready to begin operations at its Sahara Property
27 once the TRO is lifted. Thrive has already hired, trained, and is currently paying twenty seven (27)
full-time employees for the Sahara Property who are ready to begin working at that location.

28 ¹² Intervening Defendants request leave to allow them and/or each license winner the opportunity to
supplement this element of the analysis if the Court wants more evidence on this issue.

1 **IV. CONCLUSION**

2 Based on the foregoing, Defendants Essence and Thrive respectfully request this Court deny
3 Plaintiffs' preliminary injunction motions in their entirety. Plaintiffs have incurred no irreparable
4 harm, their case will not succeed on the merits, and the balance of hardships tips sharply in favor of
5 the public and the license winners.

6 Dated this 23rd day of May, 2019.

7 Respectfully submitted,

8 **MAIER GUTIERREZ & ASSOCIATES**

9 /s/ Joseph A. Gutierrez

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Nevada Bar No. 9046

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to Administrative Order 14-2, a copy of the **INTERVENING DEFENDANTS'**
3 **JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF**
4 **NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION**
5 **FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S**
6 **OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF**
7 **MANDAMUS** was electronically filed on the 23rd day of May, 2019 and served through the Notice
8 of Electronic Filing automatically generated by the Court's facilities to those parties listed on the
9 Court's Master Service List and by depositing a true and correct copy of the same, enclosed in a
10 sealed envelope upon which first class postage was fully prepaid, in the U.S. Mail at Las Vegas,
11 Nevada, addressed as follows (*Note: All Parties Not Registered Pursuant to Administrative Order*
12 *14-2 Have Been Served By Mail.*):

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/s/ Brandon Lopipero

An Employee of MAIER GUTIERREZ & ASSOCIATES

EXHIBIT “A”

2018 Retail Marijuna Store Application Scores and Rankings

Revised 4 pm 5/14/2019

CARSON CITY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
3	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	No
4	TRNVP098, LLC	GRASSROOTS	196.49	No
5	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
6	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
7	BIONEVA INNOVATIONS OF CARSON CITY, LLC	BIONEVA INNOVATIONS	188.00	No
8	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
9	D LUX, LLC	D LUX	150.49	No
10	CN LICENSECO I, INC	CANA NEVADA	139.01	No
11	CARSON CITY AGENCY SOLUTIONS, LLC	CARSON CITY AGENCY SOLUTIONS	128.67	No

CHURCHILL COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO APPLICATIONS RECEIVED				

CLARK COUNTY- HENDERSON				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
5	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	Yes
6	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
7	QUALCAN, LLC	QUALCAN	209.66	No
8	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
9	WSCC, INC	SIERRA WELL	201.50	No
10	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.83	No
11	TRNVP098, LLC	GRASSROOTS	196.49	No
12	HARVEST of NEVADA, LLC	HARVEST	195.01	No
13	RED EARTH, LLC	RED EARTH	194.67	No
14	GRAVITAS NEVADA, LTD	THE APOTHECARIUM	194.66	No
15	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
16	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
17	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
18	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	No
19	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
20	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
21	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
22	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
23	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
24	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
25	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
26	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
27	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
28	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
29	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
30	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
31	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	148.51	No
32	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
33	NYE FARM TECH, LTD	URBN LEAF	133.34	No
34	GREENLEAF WELLNESS, INC	GREENLEAF WELLNESS	114.83	No
35	GREENWAY HEALTH COMMUNITY, LLC	GREENWAY HEALTH COMMUNITY	87.33	No

CLARK COUNTY- LAS VEGAS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
5	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
6	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
7	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	212.33	Yes
8	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
9	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.67	Yes
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	Yes
11	QUALCAN, LLC	QUALCAN	207.33	No
12	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
13	3AP, INC	NATURE'S CHEMISTRY	202.83	No
14	WSCC, INC	SIERRA WELL	200.83	No
15	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
16	LAS VEGAS WELLNESS & COMPASSION CENTER	PEGASUS NV	199.83	No
17	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.83	No
18	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
19	TGIG, LLC	THE GROVE	196.67	No
20	TRNVP098, LLC	GRASSROOTS	196.49	No
21	TRNVP098, LLC	GRASSROOTS	196.49	No
22	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
23	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	196.00	No
24	HARVEST of NEVADA, LLC	HARVEST	195.01	No
25	RED EARTH, LLC	RED EARTH	194.67	No
26	STRIVE WELLNESS OF NEVADA, LLC	STRIVE	194.00	No
27	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
28	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
29	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
30	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
31	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
32	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
33	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
34	AGUA STREET, LLC	CURALEAF	188.00	No
35	GREEN THERAPEUTICS, LLC	PROVISIONS	187.67	No
36	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	184.84	No
37	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
38	GTI NEVADA, LLC	RISE	184.33	No
39	GTI NEVADA, LLC	RISE	184.33	No
40	GTI NEVADA, LLC	RISE	184.33	No
41	TRYKE COMPANIES RENO, LLC	REEF	182.00	No
42	SILVER SAGE WELLNESS, LLC	+ VIBES	181.99	No
43	CW NEVADA, LLC	CANOPI	181.67	No
44	TRYKE COMPANIES RENO, LLC	REEF	181.33	No
45	MATRIX NV, LLC	MATRIX NV	180.67	No
46	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
47	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
48	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
49	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	179.83	No
50	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
51	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
52	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
53	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
54	MEDI FARM IV, LLC	BLUM	173.50	No
55	NEVADA HOLISTIC MEDICINE, LLC	NHM	172.50	No
56	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
57	LUFF ENTERPRISES NV, INC	SWEET CANNABIS	171.33	No
58	THC NEVADA, LLC	CANNA VIBE	170.99	No
59	THE HARVEST FOUNDATION, LLC	THE HARVEST FOUNDATION	170.50	No
60	MALANA LV, LLC	MALANA LV	168.66	No
61	WEST COST DEVELOPMENT NEVADA, LLC	SWEET GOLDY	168.17	No
62	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
63	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
64	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
65	NEVADA PURE, LLC	SHANGO LAS VEGAS	164.83	No
66	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
67	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
68	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
69	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
70	GREENPOINT NEVADA, INC	CHALICE FARMS	160.84	No
71	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
72	NEVADA WELLNESS CENTER, LLC	NWC	156.51	No
73	ALTERNATIVE MEDICINE ASSOCIATION, LLC	ALTERNATIVE WELLNESS	154.67	No
74	YMY VENTURES, LLC	STEM	154.16	No
75	SOLACE ENTERPRISES	THALLO	153.67	No
76	MMOF VEGAS RETAIL, INC	MEDMEN	152.67	No
77	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
78	YMY VENTURES, LLC	STEM	152.16	No
79	NEVCANN, LLC	NEVCANN	150.67	No
80	NEVCANN, LLC	NEVCANN	150.67	No
81	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	150.51	No
82	WENDOVERA, LLC	WENDOVERA	145.66	No
83	FOREVER GREEN, LLC	FOREVER GREEN	144.01	No
84	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
85	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
86	PARADISE WELLNESS CENTER, LLC	LAS VEGAS RELEAF	142.99	No
87	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	141.83	No
88	CN LICENSECO I, INC	CANA NEVADA	139.01	No
89	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
90	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
91	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
92	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
93	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
94	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
95	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
96	NYE FARM TECH, LTD	URBN LEAF	133.34	No
97	NYE FARM TECH, LTD	URBN LEAF	133.34	No
98	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
99	GB SCIENCES NEVADA, LL	GB SCIENCES	125.00	No
100	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
101	GREENLEAF WELLNESS, INC	GREENLEAF WELLNESS	115.16	No
102	RG HIGHLAND	TWEEDLEAF	113.00	No
103	NLV WELLNESS, LLC	ETHCX	109.67	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
CLARK COUNTY- MESQUITE				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO ALLOCATION				

CLARK COUNTY- NORTH LAS VEGAS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
5	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
6	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
7	COMMERCE PARK MEDICAL, LLC	THRIVE	212.33	No
8	CLEAR RIVER, LLC	KABUNKY	209.83	No
9	QUALCAN, LLC	QUALCAN	209.00	No
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
11	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
12	3AP, INC	NATURE'S CHEMISTRY	202.83	No
13	WSCC, INC	SIERRA WELL	201.50	No
14	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
15	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	198.50	No
16	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
17	TGIG, LLC	THE GROVE	196.67	No
18	TRNVP098, LLC	GRASSROOTS	196.49	No
19	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
20	HARVEST of NEVADA, LLC	HARVEST	195.68	No
21	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	195.67	No
22	RED EARTH, LLC	RED EARTH	194.67	No
23	ZION GARDENS, LLC	ZION GARDENS	194.17	No
24	GREENSCAPE PRODUCTIONS, LLC	HERBAL WELLNESS CENTER	192.83	No
25	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
26	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
27	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.54	No
28	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.33	No
29	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
30	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
31	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
32	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
33	GREEN THERAPEUTICS, LLC	PROVISIONS	188.67	No
34	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
35	AGUA STREET, LLC	CURALEAF	185.50	No
36	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	185.17	No
37	GTI NEVADA, LLC	RISE	184.33	No
38	MATRIX NV, LLC	MATRIX NV	181.00	No
39	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
40	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
41	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
42	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
43	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
44	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
45	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
46	THC NEVADA, LLC	CANNA VIBE	170.99	No
47	MALANA LV, LLC	MALANA LV	169.00	No
48	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
49	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
50	EUPHORIA WELLNESS, LLC	EUPHORIA WELLNESS	165.16	No
51	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
52	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
53	GREENPOINT NEVADA, INC	CHALICE FARMS	161.84	No
54	NEVADA WELLNESS CENTER, LLC	NWC	156.51	No
55	SOLACE ENTERPRISES	THALLO	153.67	No
56	PHYSIS ONE, LLC	LV FORTRESS	153.00	No
57	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
58	NEVCANN, LLC	NEVCANN	150.67	No
59	HEALTHCARE OPTIONS for PATIENTS ENTERPRISES, LLC	SHANG0	150.33	No
60	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
61	WENDOVERA, LLC	WENDOVERA	145.66	No
62	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
63	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
64	FOREVER GREEN, LLC	FOREVER GREEN	141.34	No
65	CN LICENSECO I, INC	CANA NEVADA	139.01	No
66	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
67	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	137.51	No
68	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
69	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
70	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
71	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
72	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
73	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No
74	NLV WELLNESS, LLC	ETHCX	109.67	No
75	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No
76	THOMPSON FARM ONE, LLC	GREEN ZONE	49.66	No

CLARK COUNTY- UNINCORPORATED CLARK COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
3	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
4	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
5	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
6	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
7	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	214.66	Yes
8	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
9	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	Yes
10	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
11	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.50	No
12	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
13	QUALCAN, LLC	QUALCAN	207.66	No
14	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	205.67	No
15	3AP, INC	NATURE'S CHEMISTRY	202.83	No
16	WSCC, INC	SIERRA WELL	200.83	No
17	LAS VEGAS WELLNESS & COMPASSION CENTER	PEGASUS NV	200.16	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
18	ACRES MEDICAL, LLC	ACRES DISPENSARY	198.67	No
19	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
20	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.17	No
21	TGIG, LLC	THE GROVE	196.67	No
22	TRNVP098, LLC	GRASSROOTS	196.49	No
23	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
24	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	195.67	No
25	HARVEST of NEVADA, LLC	HARVEST	195.01	No
26	RED EARTH, LLC	RED EARTH	195.00	No
27	GRAVITAS NV	THE APOTHECARIUM	194.66	No
28	ZION GARDENS, LLC	ZION GARDENS	194.17	No
29	GREENSCAPE PRODUCTIONS, LLC	HERBAL WELLNESS CENTER	192.83	No
30	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
31	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
32	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
33	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
34	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
35	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
36	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
37	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
38	FIDELIS HOLDINGS, LLC	PISOS	189.33	No
39	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
40	LVMC C&P, LLC	CANNA COPIA	188.50	No
41	GREEN THERAPEUTICS, LLC	PROVISIONS	187.67	No
42	AGUA STREET, LLC	CURALEAF	187.17	No
43	AGUA STREET, LLC	CURALEAF	186.50	No
44	CWNEVADA, LLC	CANOPI	184.34	No
45	TRYKE COMPANIES RENO, LLC	REEF	181.33	No
46	MATRIX NV, LLC	MATRIX NV	180.33	No
47	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
48	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
49	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	179.50	No
50	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
51	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
52	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
53	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
54	MEDI FARM IV, LLC	BLUM	173.50	No
55	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
56	LUFF ENTERPRISES NV, INC	SWEET CANNABIS	171.33	No
57	WEST COST DEVELOPMENT NEVADA, LLC	SWEET GOLDY	168.17	No
58	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
59	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
60	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
61	NEVADA PURE, LLC	SHANGO LAS VEGAS	165.83	No
62	EUPHORIA WELLNESS, LLC	EUPHORIA WELLNESS	165.16	No
63	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
64	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
65	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
66	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
67	GREENPOINT NEVADA, INC	CHALICE FARMS	160.84	No
68	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
69	NEVADA WELLNESS CENTER, LLC	NWC	155.18	No
70	YMY VENTURES, LLC	STEM	153.83	No
71	MMOF VEGAS RETAIL, INC	MEDMEN	152.67	No
72	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
73	NEVCANN, LLC	NEVCANN	150.67	No
74	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
75	WENDOVERA, LLC	WENDOVERA	145.66	No
76	NCMM, LLC	NCMM	144.16	No
77	NCMM, LLC	NCMM	144.16	No
78	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
79	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
80	CN LICENSEC O I, INC	CANA NEVADA	139.01	No
81	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
82	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
83	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	135.84	No
84	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
85	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
86	NYE FARM TECH, LTD	URBN LEAF	133.34	No
87	GFIVE DISPENSARY, LLC	G5	128.83	No
88	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
89	GB SCIENCES NEVADA, LL	GB SCIENCES	125.00	No
90	KINDIBLES, LLC	AREA 51	117.50	No
91	KINDIBLES, LLC	AREA 51	117.50	No
92	KINDIBLES, LLC	AREA 51	117.50	No
93	KINDIBLES, LLC	AREA 51	117.50	No
94	NLV WELLNESS, LLC	ETHCX	109.67	No
95	GREENWAY MEDICAL, LLC	GREENWAY MEDICAL	101.00	No
96	MILLER FARMS, LLC	LUCID	88.66	No
97	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

DOUGLAS COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	Yes
3	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	184.84	No
4	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	148.51	No
5	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
6	WENDOVERA, LLC	WENDOVERA	145.66	No
7	NCMM, LLC	NCMM	144.16	No

ELKO COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
2	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.53	No
3	QUALCAN, LLC	QUALCAN	209.66	No
4	HARVEST of NEVADA, LLC	HARVEST	195.01	No
5	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
6	WENDOVERA, LLC	WENDOVERA	145.66	No
7	H&K GROWERS, CORP	H&K GROWERS	125.83	No
8	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
ESMERALDA COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	185.17	Yes
3	BLUE COYOTE RANCH, LLC	BLUE COYOTE RANCH	100.83	No
EUREKA COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	EUREKA NEWGEN FARMS, LLC	EUREKA NEWGEN FARMS	97.67	Yes
HUMBOLDT COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	Yes
3	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
4	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
5	MILLER FARMS, LLC	LUCID	88.66	No
LANDER COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes
3	HARVEST of NEVADA, LLC	HARVEST	195.01	No
4	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
5	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
LINCOLN COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
LYON COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
3	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No
4	5SEAT INVESTMENTS, LLC	KANNA	162.00	No
5	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	143.17	No
6	FOREVER GREEN, LLC	FOREVER GREEN	141.01	No
7	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
8	MILLER FARMS, LLC	LUCID	88.66	No
9	INTERNATIONAL SERVICES AND REBUILDING, INC	VOODOO WELLNESS	56.00	No

MINERAL COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes

NYE COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
2	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
3	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	No
4	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
5	TGIG, LLC	THE GROVE	196.67	No
6	TRNVP098, LLC	GRASSROOTS	196.49	No
7	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
8	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
9	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.50	No
10	GREEN LIFE PRODUCTIONS, LLC	GREEN LIFE PRODUCTIONS	180.68	No
11	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
12	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
13	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
14	5SEAT INVESTMENTS, LLC	KANNA	161.67	No
15	NYE FARM TECH, LTD	URBN LEAF	133.34	No
16	NLV WELLNESS, LLC	ETHCX	109.67	No
17	MILLER FARMS, LLC	LUCID	88.66	No
18	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

PERSHING COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes

STOREY COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	Yes

WHITE PINE COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes
3	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
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WASHOE COUNTY- RENO				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
5	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
6	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.66	Yes
7	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	No
8	QUALCAN, LLC	QUALCAN	209.66	No
9	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.33	No
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
11	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
12	WSCC, INC	SIERRA WELL	201.50	No
13	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
14	TGIG, LLC	THE GROVE	196.67	No
15	TRNVP098, LLC	GRASSROOTS	196.49	No
16	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
17	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
18	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
19	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.50	No
20	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
21	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	No
22	BIONEVA INNOVATIONS OF CARSON CITY, LLC	BIONEVA INNOVATIONS	187.67	No
23	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No
24	GTI NEVADA, LLC	RISE	184.33	No
25	HIGH SIERRA CULTIVATION, LLC	HIGH SIERRA	183.33	No
26	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
27	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
28	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.50	No
29	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
30	WAVESER OF NEVADA, LLC	JENNY'S DISPENSARY	175.67	No
31	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
32	THC NEVADA, LLC	CANNA VIBE	170.99	No
33	HELIOS NV, LLC	HYDROVIZE	167.17	No
34	MMNV2 HOLDINGS I, LLC	MEDMEN	166.83	No
35	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
36	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
37	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
38	GREENPOINT NEVADA, INC	CHALICE FARMS	159.84	No
39	NEVADA WELLNESS CENTER, LLC	NWC	155.18	No
40	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
41	NEVCANN, LLC	NEVCANN	150.67	No
42	D LUX, LLC	D LUX	149.83	No
43	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	141.83	No
44	CN LICENSECO I, INC	CANA NEVADA	139.01	No
45	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
46	H&K GROWERS, CORP	H&K GROWERS	126.50	No
47	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
48	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
49	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No
50	NEVADA BOTANICAL SCIENCE, INC	VIGOR DISPENSARIES	115.34	No
51	NV GREEN, INC	NV GREEN	105.84	No
52	MILLER FARMS, LLC	LUCID	88.66	No
53	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

WASHOE COUNTY- SPARKS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	No
3	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	No
4	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
5	TGIG, LLC	THE GROVE	196.67	No
6	TRNVP098, LLC	GRASSROOTS	196.49	No
7	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	192.01	No
8	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
9	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
10	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
11	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
12	GREENPOINT NEVADA, INC	CHALICE FARMS	161.17	No
13	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.33	No
14	D LUX, LLC	D LUX	149.83	No
15	CN LICENSECO I, INC	CANA NEVADA	139.01	No
16	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No

WASHOE COUNTY- UNINCORPORATED WASHOE				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO ALLOCATION				

EXHIBIT “B”



STEVE SISOLAK
Governor
JAMES DEVOLLD
Chair, Nevada Tax Commission
MELANIE YOUNG
Executive Director

STATE OF NEVADA DEPARTMENT OF TAXATION

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Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

FACT SHEET MARIJUANA LICENSING TRANSPARENCY

Marijuana establishment information was previously protected by confidentiality statutes similar to all taxpayers. Senate Bill 32 permits the release of certain marijuana establishment information. Immediately upon signing of SB 32, the Department of Taxation has made available on the web:

Web Site: https://tax.nv.gov/FAQs/Marijuana_License_Application_Information_-_NEW/

Records Released: 10,400*

Applicant Names: 8,900*

Pages Released: 800*

September – December Retail Store Application Period

From September 7-20th the Department accepted applications for Retail Marijuana Stores. Below are facts related to this specific application period.

Number of applications received:	462
Number of applicants:	127
Number of conditional licenses awarded:	61
Awardees with diversity in ownership, officers or board members:	59%
Awardees that didn't previously have a dispensary:	53%

License Application Evaluator Qualifications:

Contractor A: Fire Inspector, 20 years
Contractor B: Real Estate Development/Accounting - 23 years
Contractor C: Gov. Environmental Health Specialist, 30 Years
Contractor D: MBA, Project Manager - 18 years
Contractor E: Government Accounting & IT - 30 Years
Contractor F: Government Operations & Fiscal Manager - 30 years
Administrative Assistant II (1 assistant for each team)

For questions, write to: Marijuana@Tax.State.Nv.US

*Approximate number of documents, names and pages released.

AA 004360

EXHIBIT “C”

Skip to this Content



State of Nevada Department of Taxation

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NEVADA MARIJUANA LICENSE APPLICATION INFORMATION

Unprecedented Release of Marijuana Licensing Information

In an ongoing effort to improve transparency in marijuana licensing and the industry, Governor Steve Sisolak and Executive Director of Taxation, Melanie Young are pleased to announce the passage of [Senate Bill 32](#), permitting the release of details regarding who applied for licenses, who received licenses, their ranking, score and the process of issuing marijuana license.

"This new policy is an important step in a multi-pronged approach to greater transparency in marijuana licensing under my administration. As our legal marijuana industry has evolved and flourished, it's more important than ever that the industry and the public enjoy the benefits of a completely open and transparent process from licensing to operation so that our marijuana industry can become the gold standard in the nation."

- Governor Steve Sisolak.

"Until now, information about marijuana applicants and licensees has been strictly confidential. This is the result of merging two statutory and regulatory structures that deal with highly sensitive information: medical marijuana, which necessarily protects patients and providers, and taxation, which protects the financial and proprietary information of Nevada's businesses."

-Executive Director of Taxation Melanie Young

Documents released on this site include:

- Names of current owners of marijuana establishments
- Information regarding the evaluators of the license applications
- The use of state contractors for license application evaluation.
- The tools contractors used to evaluate applications
- Methods contractors employed to evaluate applications
- Companies that applied for licenses
- Names of owners, officers and board members that applied
- Who was awarded licenses and who was not
- Applicant scores.

Open Letter from Executive Director Young

The Department of Taxation staff is tasked with the fair and efficient collection of approximately 7 billion dollars annually. Marijuana licensing and regulation is a small, but significant Department function. Since 2015, the State has successfully evaluated thousands of license applications and successfully issued more than 300 licenses to operate marijuana establishments. Recently, intense competition for retail licenses has led to applicants challenging the process the state has implemented to issue licenses.

Questions have been raised regarding the use of contractors to evaluate license applications. This process has been in place since 2015 for marijuana licensing and use of contractors is a common practice to accomplish temporary tasks efficiently for the

Media Contact

Kyril "Ky" Plaskon
Education Information Officer
774-684-3487
kplaskon@tax.state.nv.us

Current Licensees as of May 1, 2019

[Owners, Officers and Board Members](#)
↓

Company Names & Scores by Application Period Date

[January 2, 2018](#) ↓

[May 15, 2017](#) ↓

[November 20, 2017](#) ↓

[November 27, 2017](#) ↓

[June 13, 2018](#) ↓

[June 14, 2018](#) ↓

[September 7, 2018 \(Updated\)](#) ↓

[October 30, 2018](#) ↓

[Jan. 31 - Feb. 15, 2019](#) ↓

Applicant Names by Application Period

[Application Periods Summary](#) ↓

[May 15 - 31, 2017](#) ↓

[Nov. 20 - Dec. 4, 2017](#) ↓

[Nov. 27 - 29, 2017](#) ↓

[Jan. 2 - 16, 2017](#) ↓

[June 13 - 26, 2018](#) ↓

[June 14 - 27, 2018](#) ↓

[Sept. 7 - 20, 2018](#) ↓

[Oct. 30 - Nov. 13, 2018](#) ↓

[Jan. 31 - Feb. 15, 2019](#) ↓

September 2018 Application Period Documents

[Notice of Intent to Accept Applications](#)
↓

[Retail Marijuana Store Application](#) ↓

state. All state agencies are approved by the Department of Administration to use temporary hiring agencies including Manpower. The Marijuana Enforcement Division does not have full-time staff dedicated to application evaluation and the Division could not be expected to pull nearly a quarter of its staff from regular duties regulating the industry to evaluate applications for three months.

In June 2018, the Department was approved by the Interim Finance Committee to use Manpower as a vehicle for hiring qualified temporary employees to evaluate license applications. The state hired a small number of highly-qualified individuals with decades of expertise. This method translated to more consistency and efficiency in the marijuana licensing process to meet legally-mandated deadlines. Training involved weeks pouring over thousands of documents and intense one-on-one and group evaluation activities to prepare contractors for scoring applications.

There are many questions about the scoring tools. This is the result of Nevadans' foresight anticipating extreme demand for marijuana licenses. Nevada has a merit-based award system laid out by Nevada Revised Statutes and Nevada Administrative Code. The law requires that applicants be evaluated based on financial, building and owner information. Applications are scored and ranked accordingly. There are no provisions in the law to issue licenses to low-scoring applicants. This structure has led to a strong marijuana industry in Nevada.

Now, under the leadership of Governor Sisolak, taxpayer confidentiality rules in [Senate Bill 32 \(SB32\)](#) have been amended. That means the public can see who is operating marijuana establishments in Nevada and who applied for licenses. We hope that you will participate in this new era of transparency in Nevada's marijuana industry by taking the time to review information on this site.

If you have questions, please send them to Marijuana@tax.state.nv.us

Sincerely,
Melanie Young
Executive Director
Nevada Department of Taxation

September 2018 Application Period Facts

Nevada has a unique competitive and rigorous scoring process for licenses that is outlined by law, requiring analysis of financials, business plans and qualifications of the applicants. By law, the highest scoring applicants are awarded a conditional license.

Retail Dispensary licenses Available:	64
Application period:	10 days
Evaluation & scoring period:	90 days
Number of applications received:	462
Number of applicants:	127
Number of jurisdictions:	17
Number of applicants awarded licenses:	17
Number of conditional licenses awarded:	61
Awardees with diversity in ownership, officers or board members	59%
Awardees that didn't previously have a dispensary	53%

Sept. 2018 Application Evaluator Qualifications

The Department of Taxation was approved to identify, hire and train highly qualified temporary contractors to evaluate and score applications. The contractors were housed at the Carson City Department of Taxation Office under the supervision of Marijuana Enforcement Division staff. The contractors' qualifications are outlined below.

- Contractor A: Fire Inspector, 20 years
- Contractor B: Real Estate Development/Accounting, 23 years
- Contractor C: Gov. Environmental Health Specialist, 30 Years
- Contractor D: MBA, Project Manager - 18 years

[Remaining Store Allocations by Jurisdiction &](#)

[Application Scoring Tool - Organizational Structure &](#)

[Application Scoring Tool - Care, Quality & Safekeeping &](#)

[Application Scoring Tool - Adequacy of Size of Building &](#)

[Application Scoring Tool - Likely Impact on Community &](#)

[Application Scoring Tool - Financial Resources &](#)

[Scoring Tool - Taxes & Financial Contributions &](#)

[Ranks & Scores of Applicants by Jurisdiction \(Updated\) &](#)

[Entity Application Key: Entity ID & Company Name &](#)

[Detailed Scores by Category Sheet - Non-Identified &](#)

[Detailed Scores by Category - Identified &](#)

[Carson City Limit Advisory &](#)

[City of Henderson Limit Advisory &](#)

[City of Reno Limit Advisory &](#)

[Consent to Release Applicant Name &](#)

[Score Review Procedure &](#)

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- Contractor E: Government Accounting & IT - 30 Years
- Contractor F: Government Operations & Fiscal Manager - 30 years
- Administrative Assistant II (1 assistant for each team)

Sept. 2018 Application Period Transparency

Was diversity considered in the application process?

Yes. On the right-hand column of this screen, see page 5 of the "Application Scoring Tool - Organizational Structure."

Why did 17 applicants win all of the 61 licenses?

Because of intense competition for licenses, Nevada law & regulations require a competitive scoring process for licenses. Applicants were scored on 6 categories outlined in the law including: Financial Resources; Organizational Structure; Impact on the Community; Building Plans, Size and Adequacy; Care, Quality and Safekeeping of marijuana; and Taxes and Financial Contributions. The applicants with the highest score in those areas are awarded licenses by law. Applicants were aware of the competitive award process. 127 Marijuana license applicants submitted an average of 3 applications each totaling 462 applications. There is no provision in Nevada law to award licenses to low-scoring applicants.

Why were temporary contractors used to evaluate applications?

State agencies use qualified contractors on a daily basis to efficiently complete temporary tasks. Contractors are approved for use by the Nevada System of Higher Education, the Court System, The Legislative Counsel Bureau and all Political Subdivisions within the State. That includes the Department of Taxation. Similar to all other contract work in other state departments, the Marijuana Enforcement Division identified, hired and trained highly-qualified contract employees to score applications and administrative assistants to provide support.

How were the application reviewers "highly qualified"?

The Department sought contract employees with specific skills and experience that directly related to the substance of what they would be evaluating in the applications. The application evaluators met the State of Nevada job specifications for Accountants; Fire & Life Safety Inspector; Marijuana Program Inspector; Personnel Officer and Administrative Assistants. The minimum qualifications of each evaluator are listed above, including information demonstrating that candidates exceeded the qualifications.

Why didn't the Department use its own employees?

The Marijuana Enforcement Division of the Department of Taxation does not have budgeted full-time positions dedicated to license application evaluation. Staff is dedicated to other statutory and regulation-mandated duties such as auditing, inspecting, and investigating establishments; reviewing advertising and packaging submissions; reviewing and processing ownership transfers; collecting taxes; and processing agent card applications and renewals. Given the volume of applications and workload the Department anticipated for this round of licensing, the Division could not divert staff away from their existing duties to focus on application review. Additionally, by using contract employees to review and score applications, the Department could ensure an objective and independent process carried out by reviewers with no pre-existing relationships to, or insider knowledge, of the applicants.

Why did the Department use Manpower?

The State of Nevada has an existing contract with Manpower to hire employees to fulfill temporary needs. After Taxation staff identified and interviewed the candidates of choice, those candidates registered through Manpower, allowing the Department to hire them under the existing contract.

Has the state done this before?

Yes. During the first round of medical marijuana registration certificate applications in 2014, the Division of Public and Behavioral Health—which was the licensing and regulatory body at the time—used an employment agency contract to hire employees for reviewing applications.

Did the Department have to get any kind of approval to use contract employees?

Yes. In June of 2018, the Department appeared before the Legislative Interim Finance Committee (IFC) to seek funding approval to hire the contract employees for reviewing and scoring the applications. IFC granted that approval.

What kind of training did the Department provide to the application reviewers?

Over a two-week period, the application reviewers were trained by numerous staff from the Department of Taxation, Marijuana Enforcement Division, including the Program Manager, Program Supervisor, Education and Information Officer, Chief Compliance Officer, Program Officers, Auditors, Investigators, Inspectors and Administrative Assistants. The application reviewers were trained on the history of marijuana in the state, marijuana laws and regulations, the contents of the application, and tools for reviewing and scoring.

To familiarize the evaluators with the contents of applications and the process for reviewing and scoring them, evaluators reviewed and scored 10 applications from previous application periods. The applications contained hundreds of pages each. This created a mock application period for reviewing and scoring. The mock applications consisted of applications that should have resulted in low, medium, and high scores. Evaluators worked with Marijuana Enforcement Division staff to score the mock applications. By the end of the training, they were familiar with a range of application qualities, their

contents, criteria, how to apply evaluation tools (score sheets) and were able to process applications independently in a timely manner.

What was the process the evaluators used to review and score applications?

Evaluators were split into two teams. One team reviewed and scored "non-identified" sections of applications (they did not know the identity of the applicants). The other team reviewed and scored the "identified" sections of the applications (the content of the section included the identity of the applicants by necessity).

The independence of each evaluator was a key component to maintaining the integrity of the process. Each reviewer independently reviewed each application thoroughly and came to an independent scoring conclusion.

During the evaluation period, the reviewers were placed in three offices: one office for the three-person Identified-Team reviewers, another office for the three-person Non-Identified Team reviewers, and a third office for the Administrative Assistants (one assistant for each team). The Identified and Non-Identified reviewers were not permitted to discuss any application details with the other team to maintain separation and confidentiality for an independent evaluation process.

Team members individually reviewed applications, assigned scores to each criteria section, and then held a team meeting between the three reviewers on that team to see how closely their scores aligned. If scores differed in any criteria section of the application by three or more points, they were required to re-review the section and discuss until they arrived at a scoring consensus. Following the three-person evaluation team meeting, the reviewers' scores for each criteria section of the application were averaged to score that section.

Scores for all criteria sections were then totaled across both the identified and non-identified sections to arrive at a total score for the entire application.

What criteria did the reviewers look at, and what were the point values for the criteria?

The following are the criteria sections that were reviewed and scored. Each section also contained a further breakdown of weighted components that made up the total possible point value for the section. These criteria sections and point values—along with the citations of administrative code for the criteria—were provided in the application. All applicants were aware of the criteria and used the criteria to preparing their applications. 250 points were possible per applications. Virtually the same scoring tool was applied in 2014.

Non-identified criteria (125 points):

- Integrated plan for the care, quality, and safekeeping of marijuana from seed to sale - 40 points
- Plan to staff, educate, and manage the proposed marijuana establishment on a daily basis - 30 points
- Operating procedures for the electronic verification system and description of the marijuana inventory control system - 20 points
- Adequacy of the size of the proposed marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana - 20 points
- Proposal demonstrating the likely impact of the establishment in the community in which it will be located and the manner in which the establishment would meet the needs of the persons who are authorized to use marijuana - 15 points

Identified criteria (125 points):

- Proposed organizational structure and information concerning each owner, officer, and board member (including racial, ethnic, and gender diversity) - 60 points
- Evidence of the amount of taxes paid or other beneficial financial contributions made to the state or its political subdivisions - 25 points
- Financial plan and documentation - 30 points
- Documentation from a financial institution that demonstrates the applicant has at least \$250,000 in liquid assets and the source of those funds - 10 points

Who applied for marijuana licenses and why weren't their names public?

Until the passage of Senate Bill 32, information about marijuana applicants and licensees was strictly confidential. This is the result of merging two statutory and regulatory structures that deal with highly sensitive information: medical marijuana, which necessarily protects patients and providers, and taxation, which protects the financial and proprietary information of Nevada's businesses. All taxpayers in Nevada are protected by confidentiality statutes. A taxpayer is defined by NRS 360.255 subsection 1: The records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged. Therefore the Department is unable to disclose the name of the business that paid the marijuana license application fee. The Department requested applicants to provide a waiver permitting the release of their names, however, of the 127 applicants, only 8 returned the waiver and consented to the release of their names. The Department, in conjunction with the Office of the Governor and Legislature has amended SB32 to allow for the release of marijuana business names.

Sept. 2018 Application Period Timeline

Date	Activity
June 2018	

	Legislative Interim Finance Committee approves funding to hire contract employees to review and score retail marijuana store applications.
July 5	Notice of Intent to Accept Applications posted to Department's website Application posted to Department's website, including criteria categories to be scored and their respective point values
July - Aug.	Identify candidates for application evaluation positions, review resumes and conduct interviews
Aug. 28	Contract score reviewers' employment and orientation begins
Aug. 28 - Sep. 7	Evaluator training & preparation
Sep. 7 - 20	10-day period during which applicants can submit applications.
Sep. - Nov	Application review and scoring
Nov	Verifications conducted: Points of contact, Tax Identification Numbers, ownership, jurisdictional info, agent card background checks, Executive review of rankings.
Dec. 5 2018	Team meets 90-day statutorily-required deadline, issuing 462 Conditional approvals and denials issued via USPS and email.
Jan. 9 - Mar. 5	Staff conducts score review meetings as outlined by NAC453D

General Marijuana Licensing Questions

If you have questions or would like more information, please send an email to marijuana@tax.state.nv.us

Request ADA document remediation for individuals using assistive technology devices

About	Tax Forms	Online Services	Commerce Tax
Contact Us	General Purpose	SilverFlume - Register	News
Holiday Schedule	Forms	Nevada Tax - File &	Commerce Tax FAQs
Public Records	Sales & Use Tax	Pay	Commerce Tax Filing
Request	Forms	Permit Search - Report	Registration Resources
	Modified Business Tax	Tax Evasion	Statutes & Regulations
	Forms	Marijuana Agent Portal	Video Training
	Live Entertainment Tax		
	Forms	Legal Gov	Publications
	Excise Tax Forms	Appeals	
	Commerce Tax Forms	Appraiser Education and Testing	Boards/Meetings
		Local Government	Public Meetings
		Finance	Nevada Tax Commission
		Net Proceeds of	State Board of Equalization
		Minerals	Mining Oversight and Accountability
		Locally Assessed Property	Commission
		Centrally Assessed Property	Committee on Local Government Finance
			Appraiser Certification Board

FAQ's

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EXHIBIT “D”

Welcome To Marijuana Stocks

Wed May 15 2019 12:23:40 GMT-0700 (Pacific Daylight Time)



(f)

FREE MARIJUANA STOCKS NEWSLETTER - CLICK HERE

CLS Holdings USA , Inc. (CLSH) (CLSH.CN) announces record April sales results

By J. Phillip (<https://marijuanastocks.com/author/admin/>) -
May 14, 2019

**CLS
Holdings
USA, Inc.
announces
record April
sales
results**



CLS Holdings USA ,
Inc. (CLSH.CN)
(CLSH.CN), the
"Company" or
"CLS", a diversified
cannabis company
operating as
Cannabis Life
Sciences, today
highlighted its
financial and
operational results
for the month of
April, 2019 with

(<https://marijuanastocks.com/wp-content/uploads/2014/09/NEWS2.jpg>) record revenue of \$1,141,574.50 USD . Results are compared to those of Alternative Solutions, LLC, the entity CLS acquired in June 2018 that operates Oasis and City Trees.

- CLS Holdings' Oasis dispensary saw record April 2019 revenue of \$652,500 , an increase of 56% from April 2018
- The dispensary serviced a record 15,040 customers in the month
- City Trees, the Company's branded product division, saw a revenue increase from \$236,456 in April 2018 to \$489,074 in April 2019 , a 52% increase.
- Gross margin increased from the 37% gross margin of Alternative Solutions in 2018 to 44% for the Company in 2019
- City Trees increased its customer base from 17 in April 2018 to 32 in April 2019 a 47% increase

As previously announced, the Oasis Cannabis Dispensary completed a renovation along with vibrant new signage in March 2019 and the results to date have been outstanding. Oasis is able to process many more daily orders with greater efficiency.

City Trees continues to gain market share and now services 78% of total dispensaries in Nevada .

The City of Las Vegas recently approved Social Use Venues aka Consumption Lounges, In anticipation of this approval, the Company leases 5000 square feet of space in front of its existing dispensary. The Company believes as a result of this that it is in a unique position to capitalize on another significant revenue stream.

"Many of the initiatives management has put in place since the beginning of 2019 are starting to show significant results. The team in Las Vegas is functioning at a high level and although we are less than halfway through May we continue to see improved results in all categories. The combined operating divisions are operating profitably, and we will continue to work hard improving results with a focus on providing exceptional customer service to all our highly valued customers." said Andrew Glashow , President and COO of the Company.

About CLS Holdings USA , Inc.

CLS Holdings USA , Inc. (CLSH) is a diversified cannabis company that acts as an integrated cannabis producer and retailer through its Oasis Cannabis subsidiaries in Nevada and plans to expand to other states.

CLS stands for "Cannabis Life Sciences," in recognition of the Company's patented proprietary method of extracting various cannabinoids from the marijuana plant and converting them into products with a higher level of quality and consistency. The Company's business model includes licensing operations, processing operations, processing facilities, sale of products, brand creation and consulting services.

<http://www.clsholdingsinc.com>

Twitter: @CLSHusa

About Oasis Cannabis

Oasis Cannabis has operated a cannabis dispensary in the Las Vegas market since dispensaries first opened in Nevada in 2015 and has been recognized as one of the top marijuana retailers in the state. Its location within walking distance to the Las Vegas Strip and Downtown Las Vegas in combination with its delivery service to

residents allows it to efficiently serve both locals and tourists in the Las Vegas area. In February 2019 , it was named "Best Dispensary for Pot Pros" by Desert Companion Magazine.

In August 2017 , the company commenced wholesale offerings of cannabis in Nevada with the launch of its City Trees brand of cannabis concentrates and cannabis-infused products.

***OASIS CANNABIS – OPEN 24 HOURS – BEST MARIJUANA DEALS
IN LAS VEGAS ([HTTPS://OASISCANNABIS.COM/](https://oasiscannabis.com/))***

About City Trees

Founded in 2017, City Trees is a Nevada based cannabis cultivation, production and distribution company. Offering a wide variety of products with consistent results, City Trees is one the fastest growing wholesale companies in the industry. Its products are now available at 44 of the 60 licensed dispensaries in Nevada .

HOME ([HTTPS://CITYTREES.COM/](https://citytrees.com/))

Forward Looking Statements

This press release contains certain "forward-looking information" within the meaning of applicable Canadian securities legislation and "forward-looking statements" as that term is defined in the Private Securities Litigation Reform Act of 1995 (collectively, the "forward-looking statements"). These statements relate to anticipated future events, future results of operations or future financial performance, and anticipated growth. In some cases, you can identify forward-looking statements by terminology such as "may," "might," "will," "should," "intends," "expects," "plans," "goals," "projects," "anticipates," "believes," "estimates," "predicts," "potential," or "continue" or the negative of these terms or other comparable terminology. These forward-looking statements are only predictions, are uncertain and involve substantial known and unknown risks, uncertainties and other factors which may cause our actual results, levels of activity or performance to be materially different from any future results, levels of activity or performance expressed or implied by these forward-

looking statements. We cannot guarantee future results, levels of activity or performance and we cannot guaranty that the proposed transactions described in this press release will occur. You should not place undue reliance on these forward-looking statements, which speak only as of the date that they were made. These cautionary statements should be considered together with any written or oral forward-looking statements that we may issue in the future. Except as required by applicable law, we do not intend to update any of the forward-looking statements to conform these statements to reflect actual results, later events or circumstances or to reflect the occurrence of unanticipated events. See CLS Holdings USA filings with the SEC and on its SEDAR profile at www.sedar.com for additional details.

SOURCE CLS Holdings USA Inc

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([https://www.addtoany.com/share#url=https%3A%2F%2Fmarijuanastocks.com%2Fclsh-clsh-cn-announces-record-april-sales-results%2F&title=CLS%20Holdings%20USA%20%2C%20Inc.%20\(CLSH\)%20\(CLSH.CN\)%20announces%20record%20April%20sales%20results](https://www.addtoany.com/share#url=https%3A%2F%2Fmarijuanastocks.com%2Fclsh-clsh-cn-announces-record-april-sales-results%2F&title=CLS%20Holdings%20USA%20%2C%20Inc.%20(CLSH)%20(CLSH.CN)%20announces%20record%20April%20sales%20results))

(<https://marijuanastocks.com/author/admin/>)

J. Phillip (<https://marijuanastocks.com/author/admin/>)

<http://marijuanastocks.com/> (<http://marijuanastocks.com/>)

Coming from Miami FL, Jonathan Phillip or (J. Phillip) is a social media marketer and currently head of PR and social media management for MarijuanaStocks.com. When working with clients in various sectors Jonathan will use his expertise and knowledge to make sure the correct audience is viewing and engaging with your content product or service. The goal I want to reach with each client is making sure they feel that they have met there mark for each campaign that is set. In addition, I also want the client to feel comfortable and have a full understanding of the process that is taking place during the marketing campaign. Jonathan is a self-taught marketer and entrepreneur learning from the best and sharpening his skills with each project.

 (<https://www.facebook.com/Marijuana-Stocks-221880533936/>)

 (<https://plus.google.com/+MarijuanastocksChannel>)  (https://www.instagram.com/jacc_music/)

 (<https://twitter.com/MarijuanaStocks>)

EXHIBIT “E”

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5 Nevada Bar No. 8557

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25 *Integral Associates LLC d/b/a Essence*

26 *Cannabis Dispensaries, Essence Tropicana, LLC,*

27 *Essence Henderson, LLC, CPCM Holdings, LLC*

28 *d/b/a Thrive Cannabis Marketplace, Commerce*

Park Medical, LLC, Cheyenne Medical, LLC

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 SERENITY WELLNESS CENTER, LLC, a
21 Nevada limited liability company, TGIG, LLC,
22 a Nevada limited liability company, NULEAF
23 INCLINE DISPENSARY, LLC, a Nevada
24 limited liability company, NEVADA
25 HOLISTIC MEDICINE, LLC, a Nevada
26 limited liability company, TRYKE
27 COMPANIES SO NV, LLC, a Nevada limited
28 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

Case No.: A-19-786962-B

Dept. No.: XI

**AFFIDAVIT OF MITCHELL BRITTEN
IN SUPPORT OF INTERVENING
DEFENDANTS' JOINDER AND
SUPPLEMENTAL BRIEFING IN
SUPPORT OF THE STATE OF
NEVADA'S AND NEVADA ORGANIC
REMEDIES, LLC'S OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION; AND LONE MOUNTAIN
PARTNERS, LLC'S OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION OR FOR WRIT OF
MANDAMUS**

1 Nevada limited liability company, NEVADA
2 PURE, LLC, a Nevada limited liability
3 company, MEDIFARM, LLC, a Nevada
4 limited liability company, DOE PLAINTIFFS I
through X; and ROE ENTITY PLAINTIFFS I
through X,

Plaintiffs,

vs.

6 THE STATE OF NEVADA, DEPARTMENT
7 OF TAXATION,

Defendants.

8
9 INTEGRAL ASSOCIATES LLC d/b/a
ESSENCE CANNABIS DISPENSARIES, a
10 Nevada limited liability company; ESSENCE
TROPICANA, LLC, a Nevada limited liability
11 company; ESSENCE HENDERSON, LLC, a
Nevada limited liability company; CPCM
12 HOLDINGS, LLC d/b/a THRIVE CANNABIS
MARKETPLACE, COMMERCE PARK
13 MEDICAL, LLC, a Nevada limited liability
company; and CHEYENNE MEDICAL, LLC,
14 a Nevada limited liability company.

Defendants in Intervention.

16 STATE OF NEVADA)
17 COUNTY OF CLARK) ss:

18 I, MITCHELL BRITTEN, hereby declare as follows:

19 1. I am over the age of eighteen (18) and I have personal knowledge of all matters set
20 forth herein. If called to do so, I would competently and truthfully testify to all matters set forth
21 herein, except for those matters stated to be based upon information and belief.

22 2. I make this affidavit in support of Intervening Defendants' joinder and supplemental
23 briefing in support of the State of Nevada's and Nevada Organic Remedies, LLC's opposition to
24 motion for preliminary injunction; and Lone Mountain Partners, LLC's opposition to motion for
25 preliminary injunction or for writ of mandamus.

26 3. I am the Managing Partner and CEO of CPCM Holdings, LLC; the parent company of
27 Commerce Park Medical, LLC and Cheyenne Medical, LLC d/b/a Thrive Cannabis Marketplace
28 (collectively "Thrive" or "Defendants" or "Intervenors").

1 4. Thrive is a Defendant in Intervention in the above-captioned matter. As such, I have
2 knowledge of the facts contained herein and I am competent to testify thereto.

3 5. On December 5, 2018, Thrive, through Cheyenne Medical, LLC, received approval by
4 the State of Nevada Department of Taxation to operate a recreational marijuana license store within
5 the City of Las Vegas.

6 6. Thrive was awarded a total of six (6) licenses in December of 2018 in various
7 jurisdictions in Nevada.

8 7. Following the Department's approval of Thrive's recreational marijuana licenses, we
9 began working to open a location within the City of Las Vegas and working towards a final inspection
10 by the State of Nevada and the City of Las Vegas.

11 8. Under the Approved Regulations, if a marijuana establishment does not receive a final
12 inspection within twelve (12) months from the date the license was issued, the marijuana
13 establishment must surrender the license to the Department.

14 9. Based on the twelve (12) month window to obtain final inspection under R092-17, Sec.
15 87, we understood the urgency to get final approval by the local governments and we moved forward
16 with all the required steps to obtain a retail location, licensing approval, inspections, and overhead
17 necessary to begin operations.

18 10. After receiving our license, we spent several months and hundreds of thousands of
19 dollars to get to the point in our operations to obtain final approval from the State of Nevada and from
20 the City of Las Vegas business license to begin operations of our retail marijuana store at 3500 West
21 Sahara Ave., Las Vegas, Nevada 89117 ("Sahara Property").

22 11. The state granted approval of our final license after their inspections on March 13,
23 2019. See Sahara Property's license attached as **Exhibit "E"**. The license for the Sahara location is
24 contingent on the Sahara Property receiving a local business license before it starts operations.

25 12. We were scheduled on May 2, 2019 to have the final inspection at the Sahara Property
26 by the State of Nevada, but that assumed that we had successfully obtained the local business license
27 for the Sahara Property. The approval of our local business license was on the consent agenda for the
28 May 1, 2019 Las Vegas City Council meeting.

1 13. On May 1, 2019, I attended the Las Vegas City Council meeting where Thrive's
2 business license for the Sahara Property was set on the agenda for final approval. This was the last
3 step necessary for Thrive to obtain final approval to being operations.

4 14. However, during the City Council meeting, Plaintiffs' attorney appeared and requested
5 that the City Council delay approval for Thrive's business license due to the pending preliminary
6 injunction hearing set for May 24, 2019.

7 15. The City Council postponed Thrive's licensing hearing for two weeks and set the
8 matter for the agenda on May 15, 2019.

9 16. This Court held the hearing on Plaintiffs' application for a TRO on May 13, 2019.

10 17. Following this ruling granting in part and denying in part Plaintiffs' application for a
11 TRO, Thrive has not opened to the Sahara Property to the public and commenced operations under its
12 conditional license for this location.

13 18. Consistent with this Court's TRO order, Thrive did receive its final business license
14 approval by the City of Las Vegas on May 15, 2019.

15 19. Thrive completed all of the necessary steps to obtain final approval by the City of Las
16 Vegas and to begin operations at its Sahara Property. It was required to pay a \$75,000 licensing fee
17 in order to be placed on the City Council Consent agenda for their May 1, 2019 approval. Thrive did,
18 in fact, pay this \$75,000 licensing fee.

19 20. We have hired and fully trained twenty-seven (27) hourly employees to work the 24
20 hour per day operation at the Sahara Property and we have numerous other salaried employees,
21 including book keepers, managers, compliance staff, inventory control, security, etc. who will work
22 around the clock on the Sahara Property operations.

23 21. Thrive's additional fixed costs for just the Sahara Property include City and State
24 licensing fees, as well as monthly overhead costs such as advertising/marketing expenses, wages for
25 hourly/salary employees, cost for security, and utilities and rent.

26 22. In support of the estimated tax revenue the State of Nevada would lose if there is a
27 delay allowing the license holders to begin operating under the new licenses, I used Thrive's estimated
28 monthly receipts that we expect from the Sahara Property as a basis for calculating the loss of revenue

1 for just one location and the estimated loss of tax revenue the State would receive from that location.

2 23. I have enclosed Thrive's March 13, 2019 Supplemental Registration to the Department
3 of Taxation that shows our estimated monthly receipts that we expect from the Sahara Property. *See*
4 March 13, 2019 Supplemental Registration to the Department of Taxation attached as **Exhibit "E"**.

5 24. We submitted the required Supplemental Registration form to the Department of
6 Taxation on March 13, 2019. This document was used by the Department of Tax to establish the
7 deposit required for this location.

8 25. I calculated the estimated monthly receipts for the Sahara Property to be \$1,590,000.
9 This estimate was based upon historical averages from another one of Thrive's marijuana operations
10 in the Las Vegas valley that have similar traffic counts. Moreover, the company expects nearly the
11 exact same sales numbers out of the Sahara Property based on its internal calculations and the Sahara
12 Properties' location.

13 26. Expanding upon these estimates, I calculated the Sales and Use Tax to the State of
14 Nevada to be \$131,175.00 per month or \$1,574,100.00 per year for this location. *See* calculation of
15 monthly and annually lost taxes and profits attached as **Exhibit "F"**.

16 27. I calculated the Retail Marijuana Tax to the State of Nevada to be \$156,150.77 per
17 month or \$1,873,809.24 per year for this location. *Id.*

18 28. I calculated the Wholesale Marijuana Tax to the State of Nevada to be \$82,902.00 per
19 month or \$994,869.00 per year for this location. *Id.*

20 29. This equates to a \$417,079.00 total monthly loss to the State of Nevada or
21 \$5,004,948.00 per year for just one license at the Sahara Property.

22 30. In support of the estimated lost profits that sixty (61) license holders would suffer if
23 Plaintiffs' injunction is granted, I used the estimated monthly receipts for the Sahara Property to
24 estimate the total loss profits for each new license.

25 31. Revenue for each store will differ depending on performance and location, however,
26 on average I estimate that each new license will lose \$878,992.45 per month in profits or
27 \$10,547,909.40 per year.

28 32. As a rule of thumb, I estimate that each new store equates to thirty (30) direct jobs and

1 eight (8) indirect jobs. Direct jobs would be employees for the dispensary and supporting business.
2 Indirect jobs would be employees of suppliers, cultivators, and distributors.

3 33. With sixty-one (61) potential stores opening in Nevada this year, my calculation is that
4 there would be two-thousand, three hundred and eighteen (2,318) lost jobs (direct and in-direct jobs)
5 if Plaintiffs' motion for preliminary injunction is granted, of which, a minimum of eighteen hundred
6 and thirty (1,830) (direct jobs) would be jobs likely filled by Nevada residents.

7 34. This calculation does not include the jobs that the taxes and fees the employees would
8 generate to the State of Nevada. As an example, the State of Nevada charges a \$75 fee for
9 occupational licensing for each employee and various costs for fingerprinting.

10 I certify that the above statements are true and accurate to the best of my knowledge and
11 belief.

12 DATED this 22nd day of May, 2019.

13
14 
15

MITCHELL BRITTEN

16 SUBSCRIBED and SWORN to before
17 me this 22 day of May, 2019.

18 
19 Notary Public for Said County and State



EXHIBIT “E”



STATE OF NEVADA RETAIL MARIJUANA STORE LICENSE
DEPARTMENT OF TAXATION

Issued Date: 12/01/2018
Expiration Date: 11/30/2019

License #: 30384137740970358778
Facility ID: RD264
Taxpayer ID: 1018791337-003
Correspondence ID: 1900012316314

CHEYENNE MEDICAL LLC
710 CORONADO CENTER DR STE 121
HENDERSON NV 89052

THIS LICENSE
IS VOID IF ALTERED
IS NOT ISSUED IN LIEU OF ANY LOCALLY REQUIRED
BUSINESS LICENSE, PERMIT OR REGISTRATION.
IS VALID UNLESS CANCELLED OR REVOKED.

AS DEFINED BY NRS CHAPTER 453D

Current License Location

CHEYENNE MEDICAL LLC
3500 W SAHARA AVE
LAS VEGAS NV 89117

MUST BE DISPLAYED IN PUBLIC VIEW AT LICENSE LOCATION

(Detach Here)

Attached is your **NEVADA Retail Marijuana Store License**.

A single number, the TID (Taxpayer Identification Number), identifies a taxpayer for MOST tax types. Please use your TID and LOC (Location Number) in correspondence or telephone calls to the Department.

As stated on the application or renewal, this license is valid from 12/01/2018 to 11/30/2019.

The Department of Taxation has forms, publications and information available via the internet at <https://tax.nv.gov>.

This license authorizes the holder to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana product from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers. The Retail Marijuana excise tax is 10% of the sales price of the marijuana to the end consumer.

Returns along with the appropriate tax are due the last day of the month following activity. A return must be filed whether or not a liability exists.

By accepting this license, I certify that I understand that I am required to comply with all State of Nevada laws, including, but not limited to NRS 453D and NAC 453D, and that noncompliance may result in penalties, suspension or revocation of this license and criminal prosecution.

This Nevada Retail Marijuana Store License has been issued pursuant to an application or renewal duly filed and payment of prescribed fees and bond if applicable. This License shall be considered valid unless canceled, suspended or revoked for good cause in accordance with NRS chapter 453D.

OFFICE LOCATION:

Nevada Department of Taxation
1550 College Pkwy
Suite 115
Carson City NV 89706
(775) 684-2000

AA 004382



STEVE SISOLAK
Governor
JAMES DEVOLLD
Chair, Nevada Tax Commission
MELANIE YOUNG
Executive Director

STATE OF NEVADA DEPARTMENT OF TAXATION

Web Site: <https://tax.nv.gov>
1550 College Parkway, Suite 115
Carson City, Nevada 89706-7937
Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

Stores licensed to sell marijuana in Nevada

The state is only permitted to release the names of open dispensaries. When a license is released, this file is updated.

Updated: April 1, 2019

Clark County

Name	Address	City	Medical/Rec.
1. Apothecary Shoppe	4240 W. Flamingo RD. #100	Las Vegas	M & R
2. Acres Cannabis	2320 Western Ave.	Las Vegas	Rec. only
3. Blackjack Collective	1860 Western Ave.	Las Vegas	M & R
4. Blüm LV	3650 S. Decatur Blvd.	Las Vegas	M & R
5. Blüm LV	1130 E. Desert Inn Rd.	Las Vegas	M & R
6. Exhale Nevada Dispensary	1921 Western Ave.	Las Vegas	M & R
7. CannaCopia	6332 S. Rainbow Blvd. # 105	Las Vegas	M & R
8. Canopi	1324 S. 3rd St.	Las Vegas	M & R
9. Canopi	2113 N. Las Vegas Blvd.	N. Las Vegas	M & R
10. Canopi	6540 Blue Diamond Rd.	Las Vegas	M & R
11. Cheyenne Medical	3500 West Sahara Ave	Las Vegas	Rec. Only
12. Deep Roots Harvest	195 Willis Carrier Canyon	Mesquite	M & R
13. Essence	5765 W. Tropicana Ave.	Las Vegas	M & R
14. Essence	2307 S. Las Vegas Blvd.	Las Vegas	M & R
15. Essence	4300 E. Sunset Road, Ste. A2, A3	Henderson	M & R
16. Inyo Fine Cannabis Dispensary	2520 S. Maryland Pkwy.	Las Vegas	M & R
17. Jardin Premium Cannabis	2900 E. Desert Inn Rd. 102	Las Vegas	M & R
18. Jenny's Dispensary	5530 N. Decatur Blvd # 115	N. Las Vegas	M & R
19. Jenny's Dispensary	10420 S. Eastern Ave., Suite 100	Henderson	M & R
20. Las Vegas Releaf	2242 Paradise Rd.	Las Vegas	M & R
21. Medizin/Planet 13	4850 W. Sunset Rd. # 130	Las Vegas	M & R
22. MedMen	5303 Paradise Rd.	Las Vegas	M & R
23. MMJ America	4660 S. Decatur Blvd.	Las Vegas	M & R
24. Nevada Medical Marijuana	1975 S. Casino Dr.	Laughlin	M & R
25. Nevada Medical Marijuana	3195 St. Rose Pkwy. Suite 212	Henderson	M & R
26. Nevada Wellness Center	3200 S. Valley View Blvd.	Las Vegas	M & R
27. New Amsterdam Naturals	823 S. 3rd St.	Las Vegas	M & R
28. NuLeaf	430 E. Twain Ave.	Las Vegas	M & R
29. Oasis Cannabis	1800 Industrial Rd # 180	Las Vegas	M & R
30. Piso's	4110 S. Maryland Pkwy.	Las Vegas	M & R
31. Reef Dispensaries	3400 Western Ave.	Las Vegas	M & R
32. Reef Dispensaries	1366 W. Cheyenne Ave. # 110-111	N. Las Vegas	M & R
33. Sahara Wellness	420 E. Sahara Ave.	Las Vegas	M & R
34. Shango Las Vegas	4380 Boulder Hwy.	Las Vegas	M & R
35. ShowGrow	4850 S. Fort Apache Rd. Suite 100	Las Vegas	M & R

Open Dispensaries 4-1-2019

36. Silver Sage Wellness	4626 W. Charleston Blvd.	Las Vegas	M & R
37. Euphoria Wellness	7780 S. Jones Blvd.	Las Vegas	M & R
38. The Apothecarium	7885 W. Sahara Ave. #111-112	Las Vegas	M & R
39. Exhale Nevada Dispensary	4310 W. Flamingo Rd.	Las Vegas	M & R
40. The Dispensary	5347 S. Decatur Blvd.	Las Vegas	M & R
41. The Dispensary	50 N. Gibson Rd.	Henderson	M & R
42. The Grove	4647 Swenson St.	Las Vegas	M & R
43. The Source	6877 W. Sahara	Las Vegas	M & R
44. The Source	9480 S. Eastern Ave. 185 & 190	Henderson	M & R
45. Thrive Cannabis Marketplace	2755 W. Cheyenne Ave.	N. Las Vegas	M & R
46. Thrive Cannabis Marketplace	1112 S. Commerce St.	Las Vegas	M & R
47. Top Notch The Health Center	5630 Stephanie St.	Las Vegas	M & R
48. Cultivate Dispensary	3615 Spring Mountain Rd.	Las Vegas	M & R
49. ZenLeaf	9120 W. Post Rd. # 103	Las Vegas	M & R

Washoe County

50. Blüm Reno	1085 S Virginia St.	Reno	M & R
51. Greenleaf Wellness	1730 Glendale Ave.	Sparks	M & R
52. Kanna	5398 Sun Valley Blvd.	Sun Valley	M & R
53. Mynt Cannabis Dispensary	132 E. 2nd St.	Reno	M & R
54. Nuleaf	877 Tahoe Blvd.	Incline Village	M & R
55. Reef Dispensaries	195 E. Glendale Suite 3	Sparks	M & R
56. Reef Dispensaries	5105 Sun Valley Blvd., B	Sun Valley	M & R
57. Rise Dispensaries	9650 Pyramid Way	Sparks	M & R
58. Sierra Wellness	1605 East 2 nd St. #103	Reno	M & R
59. Silver State Relief	175 E. Greg St.	Sparks	M & R
60. The Dispensary NV	100 West Plumb Lane	Reno	M & R
61. Washoe Dispensary	275 Highway 395 South	Washoe Valley	M & R
62. Lemmon Aide	340 Lemmon Dr.	Reno	M & R

Carson City

63. Rise Dispensaries	135 Clearview Dr.	Carson City	M & R
64. Sierra Wellness	2765 US Hwy. 50, Suite A	Carson City	M & R

Churchill County

65. Green Cross Farmacy	510 W. Williams Ave.	Fallon	Medical only
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Nye County

66. The Grove	1541 E. Basin Ave.	Pahrump	M & R
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Report: **RECREATIONAL MARIJUANA LICENSE**
Report Id: **RCRRR785**
Filename::
Run By: **PRDREP**
Report Date: **03/13/2019**

5/9/2019

Thrive Cannabis Marketplace Mail - Fwd: Cheyenne Medical LLC - NBR



Mitchell Britten <mitch@thrivecannavada.com>

Fwd: Cheyenne Medical LLC - NBR

1 message

Fri May 9, 2019 at 5:02 PM

Melanie Lopez <melanie@connorpic.com>
To: Mitchell Britten <mitch@thrivecannavada.com>



Melanie Lopez

Licensing Regulatory Compliance Team

710 Coronado Center Dr.

Henderson, NV 89052

E: melanie@connorpic.com www.connorpic.com

2500 Anthem Village Drive, Henderson, NV 89052

----- Forwarded message -----

From: Melanie Lopez <melanie@connorpic.com>
Date: Wed, Mar 13, 2019 at 2:57 PM
Subject: Cheyenne Medical LLC - NBR
To: Allison Walker <awalker@lark.state.nv.us>
Cc: Amanda Connor <amanda@connorpic.com>, Rebecca Post <rebecca@connorpic.com>

Ms. Walker

Please see the attached NBR and Supplemental Registration that we have made the necessary changes to. We will deliver the check for \$1500 to the local Department of Taxation and supply you with a receipt of same as soon as possible.

Melanie A. Lopez

Executive

Regulatory Compliance Team

Connor & Connor Pllc.

710 Coronado Center Dr. Suite 121

Henderson, NV 89052

(702) 750-6194 / (702) 749-5991 (fax)

melanie@connorpic.com



Cheyenne Medical NBR 3-2019.pdf
212K

Please print clearly — Use black or blue ink only
Please mark applicable type(s) (See Instructions)

THE

Dept. of Taxation Representative accepting application:

☒ Sales/Use Permit ☐ Consumer Use Tax Permit ☐ Certificate of Authority ☐ Live Entertainment Tax

1.	DBA (as shown on the Nevada Business Registration Form): Cheyenne Medical, LLC	3.	List STATE of incorporation or formation if applicable: Nevada
2.	Business telephone number: 702-776-4144		
FEES AND SECURITY DEPOSIT			
4.	Estimated total monthly receipts: \$1,590,000.00	6.	Estimated total Nevada monthly TAXABLE receipts: \$1,320,000.00
7.	Reporting cycle (check choice of reporting) Sales Tax Accounts with over \$10,000 a month in TAXABLE sales must report monthly.		
	Sales/Use Tax <input checked="" type="checkbox"/> Use Tax <input type="checkbox"/> Live Entertainment Tax <input type="checkbox"/>	Monthly <input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Annual <input type="checkbox"/>	
8.	Security (See Instructions) <input checked="" type="checkbox"/> Cash \$ 0 <input type="checkbox"/> Surety # _____		
9.	Sales Tax Fee (See Instructions):	10.	Total Nevada Business Locations: 1
OTHER INFORMATION			
Name of spouse/relative		Address of spouse/relative	
Name of other contact		Address of other contact	
Accountant/Bookkeeper		Phone number of accountant/bookkeeper	
Darrel Johnson		1112 S. Commerce Las Vegas, NV 89102 702-403-0153	
Other employment (if applicable):			
Company name: N/A		Company name: N/A	
Name of bank/financial institution - location / account number:			
Business account: _____			
Personal account: _____			
FOR DEPARTMENT USE ONLY			
ST/UT No.: _____		MBT No.: _____	
Combine Accts: <input type="checkbox"/> Yes <input type="checkbox"/> No		Previous Acct: _____ Previous Acct Cancelled: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: _____			
<input type="checkbox"/> Cash		<input type="checkbox"/> Check	
ABA #: _____		Bank: _____	
		Branch: _____	

***For an introduction to the Department and general information, see our Taxpayer Information Packet Online at www.tax.ny.gov ***

To email, save this form to your computer and email the attachment to nevadacoll@tax.state.nv.us with the subject of 'Nevada Business Registration'

SUPPLEMENTAL APPLICATION

EXHIBIT “F”

	Monthly	Annually
State of Nevada		
Sales and Use Tax	\$ 131,175.00	\$ 1,574,100.00
Retail Marijuana Tax	\$ 156,150.77	\$ 1,873,809.24
Wholesale Marijuana Tax	\$ 82,908.00	\$ 994,896.00
City of Las Vegas		
3% Gross Revenue Tax	\$ 46,845.23	\$ 562,142.76
Government Loss	\$ 417,079.00	\$ 5,004,948.00
Lost Company Profit (per location)	\$ 878,992.45	\$ 10,547,909.40
Total Loss from Each License	\$ 1,296,071.45	\$ 15,552,857.40
Number of Licenses	61	61
Total Loss	\$ 79,060,358.45	\$ 948,724,301.40

EXHIBIT “F”

5/9/2019

Thrive Cannabis Marketplace Mail - Fwd: Cheyenne Medical LLC - NBR



Mitchell Britten <mitch@thrivecannavada.com>

Fwd: Cheyenne Medical LLC - NBR

1 message

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Melanie Lopez <melanie@connorpic.com>
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Licensing Regulatory Compliance Team
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Henderson, NV 89052
E: melanie@connorpic.com www.connorpic.com
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(702) 750-6194 / (702) 749-5991 (fax)
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Cheyenne Medical NBR 3-2019.pdf
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Please mark applicable type(s) (See Instructions)

THE

Dept. of Taxation Representative accepting application:

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4.	Estimated total monthly receipts: \$1,590,000.00	6.	Estimated total Nevada monthly TAXABLE receipts: \$1,320,000.00
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Darrel Johnson		1112 S. Commerce Las Vegas, NV 89102 702-403-0153	
Other employment (if applicable):			
Company name: N/A		Company name: N/A	
Name of bank/financial institution - location / account number:			
Business account: _____			
Personal account: _____			
FOR DEPARTMENT USE ONLY			
ST/UT No.: _____		MBT No.: _____	
Combine Accts: <input type="checkbox"/> Yes <input type="checkbox"/> No		Previous Acct: _____ Previous Acct Cancelled: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: _____			
<input type="checkbox"/> Cash		<input type="checkbox"/> Check	
ABA #: _____		Bank: _____	
		Branch: _____	

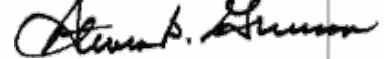
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SUPPLEMENTAL APPLICATION

EXHIBIT “G”

	Monthly	Annually
State of Nevada		
Sales and Use Tax	\$ 131,175.00	\$ 1,574,100.00
Retail Marijuana Tax	\$ 156,150.77	\$ 1,873,809.24
Wholesale Marijuana Tax	\$ 82,908.00	\$ 994,896.00
City of Las Vegas		
3% Gross Revenue Tax	\$ 46,845.23	\$ 562,142.76
Government Loss	\$ 417,079.00	\$ 5,004,948.00
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Number of Licenses	61	61
Total Loss	\$ 79,060,358.45	\$ 948,724,301.40



RPLY

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Fax: (702) 778-9709
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

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, DOE PLAINTIFFS I through X; and
ROE ENTITY PLAINTIFFS I through X,

Plaintiffs,

vs.

THE STATE OF NEVADA, DEPARTMENT
OF TAXATION,

Defendant.

CASE NO.: A-19-786962-B
DEPT. NO.: 11

**PLAINTIFFS' OMNIBUS REPLY IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: May 24, 2019

Hearing Time: 9:00 a.m.

1 COME NOW the Plaintiffs, Serenity Wellness Center, LLC, TGIG, LLC, Nuleaf Incline
2 Dispensary, LLC, Holistic Medicine, LLC, Tryke Companies SO NV, LLC, Tryke Companies
3 Reno, LLC, Paradise Wellness Center, LLC, GBS Nevada Partners, LLC, FIDELIS
4 HOLDINGS, LLC, GRAVITAS NEVADA, LLC, NEVADA PURE, LLC, and MEDIFARM,
5 LLC, (collectively "Plaintiffs") by and through counsel their counsel of record, Dominic P.
6 Gentile, Vincent Savarese III, Michael V. Cristalli, and Ross Miller of the law firm of Gentile
7 Cristalli Miller Armeni Savarese, hereby file Plaintiffs' Omnibus Reply to the Oppositions of
8 Defendant State of Nevada, Department of Taxation and Defendant-Intervenor Nevada Organic
9 Remedies, LLC to Plaintiffs' Motion for Preliminary Injunction.¹

10 This Reply is made and based on all pleadings and papers on file herein, the following
11 Memorandum of Points and Authorities, any exhibits appended hereto, any evidence adduced at
12 the scheduled evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction, and any oral
13 argument this Court may thereupon entertain.

14 Dated this 22 day of May, 2019.

15 GENTILE CRISTALLI
16 MILLER ARMENI SAVARESE

17 DOMINIC P. GENTILE
18 Nevada Bar No. 1923
19 VINCENT SAVARESE III
20 Nevada Bar No. 2467
21 MICHAEL V. CRISTALLI
22 Nevada Bar No. 6266
23 ROSS MILLER
24 Nevada Bar No. 8190
25 410 S. Rampart Blvd., Suite 420
26 Las Vegas, Nevada 89145
27 Tel: (702) 880-0000
28 *Attorneys for Plaintiffs*

¹ Although they are also the subject of Joinders filed by other Defendant-Intervenors in this case, these two substantive Oppositions are the only ones which have been filed with the Court.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **1.**
3 **INTRODUCTION**

4 Defendant State of Nevada, Department of Taxation (“the Department” or “DOT”) and
5 Defendant-Intervenor Nevada Organic Remedies, LLC (“NOR”) have filed substantive
6 Oppositions to Plaintiffs’ Motion for Preliminary Injunction in this matter which are also the
7 subject of Joinders filed by other Defendant-Intervenors in this case. This Omnibus Reply is
8 respectfully submitted with respect to both of those Oppositions.

9 **2.**
10 **ARGUMENT**

11 **I.**
12 **PLAINTIFFS MEET THE REQUISITE STANDARD OF PROOF FOR THE**
13 **IMPOSITION OF PRELIMINARY INJUNCTIVE RELIEF.**

14 **A.**
15 **In Granting The Temporary Restraining Order Of Record, This Court Has**
16 **Already Found That Plaintiffs Will Likely Succeed On The Merits In This**
17 **Case; And Therefore, That Absent Interim Injunctive Relief, There Exists A**
18 **Reasonable Probability That Plaintiffs Will Suffer Irreparable Harm For**
19 **Which An Award Of Compensatory Damages Is An Inadequate Remedy.**

20 As a threshold matter, on May 13, 2019, this Court granted a Temporary Restraining Order
21 in this matter precluding Defendant Intervenor CPCM Holdings from commencing operation of a
22 retail recreational Marijuana dispensary within the City of Las Vegas (“the City”), despite the
23 conditional license granted to CPCM Holdings by the Department, and even if granted a local
24 business license to do so by the City. And in so doing, this Court has already made a finding that
25 Plaintiffs are likely to succeed on the merits in this litigation and that absent the imposition of
26 interim injunctive relief, there exists a reasonable probability that Plaintiffs will suffer
27 irreparable harm for which an award of compensatory damages is an inadequate remedy.

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B.
Contrary To The Assertion Of NOR, There Need Not Be “Overwhelming Evidence” That Plaintiffs Are Likely To Succeed On The Merits And Would Suffer Interim Irreparable Harm.

NOR asserts that Plaintiffs’ request for preliminary injunctive relief should be denied “unless there is *overwhelming* evidence that Plaintiffs are likely to succeed on the merits” NOR Opp. 1:17-19 (emphasis added). NOR cites no authority for this overstatement of the actual legal standard of proof. And none exists. Indeed, as the Department expressly acknowledges, under controlling Nevada Supreme Court authority, “the applicant must show (1) *a likelihood* of success on the merits [without reference to any such onerous evidentiary burden]; and (2) a *reasonable probability* that [absent interim injunctive relief, the moving party] . . . will [be] cause[d] irreparable harm for which compensatory damage is an inadequate remedy.” DOT Opp. 8:20-24 (emphasis added). And NOR concedes as much elsewhere in its Opposition. NOR Opp. 4:8-23.

II.
PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS.

A.
Plaintiffs Seek An Order Requiring That The Department Properly Re-Evaluate All Applications For Licensure In Accordance With The Requirements And Legislative Intent Of The Enabling Statute Pursuant To The Principle Of Judicial Review; And Therefore, The Instant Challenge Is Not Barred By The Political Question Doctrine.

Contrary to NOR’s contention, Plaintiffs are not seeking a complicated, impractical and improper order. NOR Opp. 5:24—6:18. They seek only that the Court order enforce the provisions and legislative intent of the enabling statute: NRS Chapter 453D, and order the Department to properly re-evaluate the licenses applications submitted in September 2018 in accordance therewith. This is an appropriate judicial function pursuant to a straight-forward application of the principle of judicial review, which does not violate the political question

1 doctrine as NOR asserts. NOR Opp. 7:9—8:15. For contrary to NOR’s contention, Plaintiff’s do
2 not ask the Court to invade the province of the legislative branch by making value judgments and
3 policy choices. Rather, they ask the Court to adjudicate the compliance of the Regulation and its
4 administration by the Department with the provisions of the enabling statute and applicable state
5 and federal constitutional guarantees.

6
7 **B.**

8 **In Its Promulgation And Administration Of The Regulation The Department**
9 **Exceeded The Scope Of Discretion Delegated By The Enabling Statute.**

10 As both the Department and NOR acknowledge, administrative action is not entitled to
11 judicial deference where it conflicts with the provisions or legislative intent of an enabling
12 statute. DOT Opp. 10:16-18; NOR Opp. 13:11-15.

13 **(1.)**

14 **The Department Did Not Rank Applications In Accordance**
15 **With The Enabling Statute.**

16 As NOR expressly acknowledges, “the Department[] [was] obligat[ed] to *rank* all
17 applications within each jurisdiction from first to last *in compliance with NRS [Chapter] 453D*
18 *[governing the regulation and taxation of recreational marijuana].*” NOR Opp. 3:25-26
19 (emphasis added). Indeed, NRS 453D.200(1) mandates that the regulations adopted by the
20 Department “*shall*” consist *only* of those which “*carry out the provisions of this chapter* [i.e.
21 NRS [Chapter] 453D] (emphasis added).”

22 That subsection further mandates that such regulations “*shall*” also “include” a number of
23 enumerated provisions pertaining to:

24 “ (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate
25 a marijuana establishment;

26 (b) *Qualifications for licensure* that are directly and demonstrably related to the operation
27 of a marijuana establishment;

28 (c) Requirements for the security of marijuana establishments;

(d) Requirements to prevent the sale or diversion of marijuana and marijuana products to
persons under 21 years of age;

- 1 (e) Requirements for the packaging of marijuana and marijuana products, including
requirements for child-resistant packaging;
- 2 (f) Requirements for the testing and labeling of marijuana and marijuana products sold by
marijuana establishments including a numerical indication of potency based on the ratio of THC
3 to the weight of a product intended for oral consumption;
- 4 (g) Requirements for record keeping by marijuana establishments;
- 5 (h) Reasonable restrictions on signage, marketing, display, and advertising;
- 6 (i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;
- 7 (j) Procedures and requirements to enable the transfer of a license for a marijuana
establishment to another qualified person and to enable a licensee to move the location of its
establishment to another suitable location;
- 8 (k) Procedures and requirements to enable a dual licensee to operate medical marijuana
establishments and marijuana establishments at the same location;
- 9 (l) Procedures to establish the fair market value at wholesale of marijuana; and
- 10 (m) Civil penalties for the failure to comply with any regulation adopted pursuant to this
section or for any violation of the provisions of NRS 453D.300."

11 (Emphasis added.)

12 As set forth *supra*, only subsection (1)(b) of NRS 453D.200 *prescribes* and *delimits* what
13 the "**qualifications for licensure**" "*shall*" be. It does not merely set forth what, *inter alia*, such
14 "qualifications" must "include." Thus, it is the *category* of "qualifications for licensure" that
15 NRS 453D.200(1) must "**include**" (emphasis added). However, with respect to those
16 qualifications *themselves*, it is *beyond cavil* that NRS 453D.200(1)(b) textually delimits them
17 only to those "that are **directly and demonstrably related to the operation of a marijuana**
18 **establishment**" (emphasis added).

19 Thus, with due respect, Plaintiffs submit that it is patently apparent that the Department's
20 assertion that "[the] phrase 'shall include' [as used in NRS 453D.200(1)(b) set forth *supra*] is **a**
21 **term of illustration, not limitation** . . . [and] simply means that the Department must—**in**
22 **addition to other criteria**—consider qualifications related to to the operation of a marijuana
23 establishment," is *deliberately obtuse* and therefore *downright disingenuous*.. DOT Opp. 2:16-
24 20, 12:9-18 (emphasis added). This interpretation of NRS 453D.200(1)(b) entirely unreasonable
25 and irreconcilably "conflict[s] with the plain language of the statute . . . [and the] legislative
26 intent [it obviously and textually reflects]." And accordingly, it is entitled to no judicial
27
28

1 deference whatsoever. *Nuleaf CV Dispensary, LLC v. State De't of Health & Human Services,*
2 *Div of Publ. & Behavioral Health*, 134 Nev. Adv. Op. 17, 414 P.3d 305, 311 (2018).

3 Thus, the additional qualifications for licensure imposed by the Department pursuant to
4 NAC 453D.272(1)(a)-(i) exceed the clear delimitation of such qualifications as prescribed by the
5 enabling statute and any reasonable hypothesis of administrative discretion delegated by the
6 Legislature upon the DOT. For, although as NOR suggests, there may be “no obvious reason
7 why these criteria would be improper,” (NOR Opp. 16:2-3), expert testimony will establish that
8 such additional qualifications are *not* “**directly and demonstrably related to the operation of a**
9 **marijuana establishment**” as mandated by NRS 453D.200(1)(b), and that the ranking of
10 applications must be undertaken in accordance with that mandate as well (emphasis added).²

11
12 Indeed, and for the same reason, NOR indulges in indefensible understatement when it
13 suggests that the Department need only show, in the purported exercise of its delegated
14 discretion, that the additional criteria it purported to impose upon licensure qualification are
15 “related” to the operation of a marijuana establishment. NOR Opp. 15:28—16:2, 17:5-7. For as
16 demonstrated *supra*, the Department is not entitled to any such deference in this case, and the
17 enabling statute mandates that qualifications for licensure must be—not merely “related to”—but
18 must be “**directly and demonstrably** related to the operation of a marijuana establishment.” NRS
19 453D.200(1)(b) (emphasis added).
20

21
22 And NOR’s attempted recourse by analogy to the “criteria of merit” in determining
23 whether to issue registration certificates for medical marijuana establishments listed in NRS
24 453A.328, asserting that they are “virtually identical” to the additional licensure qualifications
25

26 ² NOR misspeaks when it states that “the Plaintiffs are asking the Court to impose its own judgment and override the
27 *Nevada Legislature’s* determination that these criteria are relevant to the operation of a marijuana establishment.”
28 NOR Opp. 16:15-17 (emphasis added). For it is the Department, and not the Legislature, which has purported to
impose these criteria for license qualification, over and above the delimited qualifications prescribed by the
Legislature in 453D.200(1)(b).

1 imposed by the Department in NAC453D.272(1) at issue in this case is likewise unavailing,
2 because, in contradistinction to NRS Chapter 453D (governing the regulation of retail
3 *recreational* marijuana establishments), and NRS 453D.200(1)(b) in particular, NRS Chapter
4 453A (governing the regulation of *medical* marijuana establishments) contains no provision
5 similarly delimiting qualifications for licensure to those which are “directly and demonstrably
6 related to the operation of a marijuana establishment”—a distinction of undeniable, textual
7 significance.
8

9 And if NOR’s assertion that the Department’s commandeering of undisclosed, opaque
10 and undelegated discretion to apply “any other criteria the Department determines to be relevant”
11 in the determination of licensing qualification is of no moment, then how could a meaningful and
12 complete application ever be effectively prepared or arbitrary and capricious disposition ever be
13 exposed?
14

15 (2.)
16 **The Department Failed To Conduct Background Checks On**
17 **Each Prospective Owner As Required By The Enabling**
18 **Statute.**

19 NRS 453D.200(6) requires that a background check be conducted by the DOT with
20 respect to each and every prospective owner of any retail recreational dispensary. This would
21 require that such a check be conducted even with respect to stockholders of publicly-traded
22 companies. That was not done in this case. And the DOT does not deny it. And whereas this is
23 perhaps the single most important requirement of Chapter 453 D in terms of keeping criminal
24 elements of the legal marijuana industry, this glaring failure cannot be discounted by the Court.

25 (3.)
26 **The Department Violated Plaintiffs’ Due Process Rights.**

27 The United States Constitution does not create property or liberty rights. That must be
28 done by an independent source such as state law. But where such rights do attach, the Fourteenth

1 Amendment forbids their deprivation by state action in an arbitrary or capricious fashion.

2 Here, all timely applicants obtained a “statutory entitlement” constituting a “property
3 interest” in the licenses in question and a corresponding “liberty interest” in their right to pursue
4 a lawful occupation as recreational marijuana retailers because under Chapter 453D the
5 Legislature mandated that the DOT “shall” issue them to prevailing applicants under the
6 impartial, numerically-scored and competitive bidding process prescribed and otherwise in
7 accordance with its provisions. And therefore, to the extent that that procedure or any provision
8 of that Chapter was undermined by the Regulation in any manner that Plaintiffs have identified,
9 it was never properly determined whether or not they were entitled to the award of licensing and
10 due process was thereby violated.
11

12 C.

13 **Plaintiffs Have Been Granted An Opportunity To Show Actual Impropriety**
14 **In The Application Of The Statutory And Regulatory Provisions In Question**
15 **At An Evidentiary Hearing; And Therefore, The Assertion That Plaintiffs**
16 **Have Not Done So On The Pleadings Alone Is Premature.**

17 NOR complains that Plaintiffs have not “presented any evidence” of *actual* arbitrary and
18 capricious application of the statutory and regulatory provisions in question. However, the Court
19 has granted an upcoming evidentiary hearing in this matter scheduled to begin on May 24, 2019
20 in order to provide Plaintiffs with an opportunity to present such evidence. And accordingly,
21 NOR’s complaint that Plaintiffs have not yet done so in advance of that hearing is plainly
22 premature.

23 III.

24 **ABSENT THE IMPOSITION OF INTERIM INJUNCTIVE RELIEF, THERE EXISTS A**
25 **REASONABLE PROBABILITY THAT PLAINTIFFS WILL SUFFER IRREPARABLE**
26 **HARM FOR WHICH AN AWARD OF COMPENSATORY DAMAGES IS AN**
27 **INADEQUATE REMEDY.**

28 NOR contends that Plaintiffs have not shown that they were qualified to receive the retail
recreational dispensary licenses at issue in this case. NOR Opp. 2:1-3.

However, NOR elsewhere belies this assertion by expressly acknowledging that “Plaintiffs themselves benefitted from virtually the same regulations when they applied for and *received* [medical] marijuana licenses in 2014.” NOR Opp. 9:3-5 (emphasis added). *See also id.* at 11:23-24 (“Each of the Plaintiffs had already received a medical marijuana license . . . in 2014”).

IV.
PLAINTIFFS ARE NOT ESTOPPED FROM BRINGING THE INSTANT CHALLENGE.

NOR asserts that Plaintiffs are estopped from bring the instant challenge because they of the regulatory provisions in question prior to submitting their applications for license pursuant thereto. NOR Opp. 1:24-27, 8:23—10:2. However, this contention conspicuously ignores the obvious fact that Plaintiffs could not have contemporaneously apprehended that those regulatory provisions would thereafter have been improperly applied by the Department as they contend in this case, resulting in the improper denial of their applications—a proposition that had not yet become a case or controversy ripe for adjudication.

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3.
CONCLUSION

Based on the foregoing, it is respectfully requested Plaintiffs' Motion be granted in its entirety.

Dated this 22 day of May, 2019.

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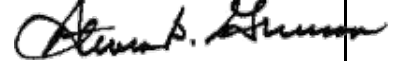
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MMOF Vegas Retail, Inc.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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; RED EARTH LLC, a Nevada
limited liability company; THC NEVADA
LLC, a Nevada limited liability company; and
ZION GARDENS LLC, a Nevada limited
liability company,

Plaintiffs,

v.

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

CASE NO.: A-19-787004-B

DEPT NO.: XI

**PLAINTIFFS' REPLY IN SUPPORT
OF JOINDER TO MOTION FOR
PRELIMINARY INJUNCTION AND
MOTION FOR PRELIMINARY
INJUNCTION OR FOR WRIT OF
MANDAMUS**

Defendants.

AND ALL RELATED MATTERS

Plaintiffs ETW MANAGEMENT GROUP LLC (“ETW”), GLOBAL HARMONY LLC (“Global Harmony”), GREEN LEAF FARMS HOLDINGS LLC (“GLFH”), GREEN THERAPEUTICS LLC (“GT”), HERBAL CHOICE INC. (“Herbal Choice”), JUST QUALITY, LLC (“Just Quality”), LIBRA WELLNESS CENTER, LLC (“Libra”), ROMBOUGH REAL ESTATE INC. dba MOTHER HERB (“Mother Herb”), NEVCANN LLC (“NEVCANN”), RED EARTH LLC (“Red Earth”), THC NEVADA LLC (“THCNV”), ZION GARDENS LLC (“Zion”), and MMOF Vegas Retail, Inc. (“MMOF”) (collectively, the “Plaintiffs”), by and through their undersigned counsel of record, Adam K. Bult, Esq., Maximilien D. Fetaz, Esq., and Travis F. Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and Adam R. Fulton, Esq., of the law firm of Jennings & Fulton, Ltd., hereby submit their Reply in Support of Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus (the “Reply”). This Reply is made and based on the following Memorandum of Points and Authorities, the attached exhibit, the papers and pleadings on file herein, and any argument of counsel at the hearing on this Motion.

DATED this 22nd day of May, 2019.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Adam K. Bult

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MAXIMILIEN D. FETAZ, ESQ., Nevada Bar No. 12737
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Attorneys for Plaintiffs

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. PLAINTIFFS HAVE A RIGHT TO PROCEDURAL DUE PROCESS.**

3 The DOT argues, first, that Plaintiffs have no right to procedural due process here because
4 they lack a protectable property interest under the Nevada constitution. The DOT bases this
5 argument on the notion that it is permitted to score applications when required by NRS 453D and
6 that this scoring process is discretionary. It is undisputed that “[t]he protections of due process
7 attach only to deprivations of property or liberty interests.” *Burgess v. Storey Cty. Bd. of Com’rs*,
8 116 Nev. 121, 124, 992 P.2d 856, 858 (2000) (quoting *Tarkanian v. Nat’l Collegiate Athletic*
9 *Ass’n*, 103 Nev. 331, 337, 741 P.2d 1345, 1349 (1987)). “A protected property interest exists
10 when an individual has a **reasonable expectation of entitlement** derived from existing rules or
11 understandings that stem from an independent source such as state law.” *Id.* (internal quotations
12 and citations omitted) (emphasis added).

13 The law is clear that “‘a benefit is not a protected entitlement if government officials may
14 grant or deny it in their discretion’ and that a property interest arises only when conferral of the
15 benefit is truly mandatory.” *Nevada Rest. Services, Inc. v. Clark Cnty.*, 2:11-CV-00795-KJD,
16 2012 WL 4355549, at *3 (D. Nev. Sept. 21, 2012) (quoting *Town of Castle Rock v. Gonzales*, 545
17 U.S. 748, 756 (2005)). The expectation of entitlement is determined largely by the language of
18 the law governing the benefit. *Wedges/Ledges of Cal. v. City of Phoenix*, 24 F.3d 56, 62 (9th Cir.
19 1994). Thus, while absolute discretion in the licensing context abrogates any expectation of
20 entitlement, a certain amount of discretion can be expected and will not defeat a finding of a
21 protectable property interest, so long as the expectation is reasonable under the circumstances.

22 Indeed, “[s]ince licensing consists in the determination of factual issues and the
23 application of legal criteria to them—a judicial act—the fundamental requirements of due process
24 are applicable to it. Due process in administrative proceedings of a judicial nature has been said
25 generally to be conformity to fair practices of Anglo-Saxon jurisprudence, [] which is usually
26 equated with adequate notice and a fair hearing.” *Hornsby v. Allen*, 326 F.2d 605, 608 (5th Cir.
27 1964) (citations omitted).

28 . . .

Here, Nevada law requires that the DOT “shall approve a license application” if certain criteria are met. NRS 453D.210(5) (emphasis added). The certain criteria include:

- A. The Applicant has submitted an application and the required fee;
- B. The physical address of the proposed marijuana establishment is owned by the Applicant or is approved by the property owner;
- C. The physical address of the proposed marijuana establishment is not within certain community facilities;
- D. The proposed marijuana establishment is for retail marijuana and there are not more than a certain number of licenses already issued in that county based on the county’s population;
- E. The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and
- F. The owners, officers, or board members have not been convicted of a felony or been part of a prior marijuana establishment that has had its registration certificate or license revoked.

NRS 453D.210(5)(a)-(f). If the above criteria are met, the DOT has no discretion as to whether to approve the license application.

If the criteria of NRS 453D.210(5) are met, the only way the DOT may not approve an application is if “competing applications are submitted for a proposed retail marijuana store within a single county.” NRS 453D.210(6). However, the Legislature did not see fit to grant the DOT unfettered discretion in determining which of competing applications should be approved. Instead, it required that the DOT “shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.” *Id.* (emphasis added). The Legislature also did not permit the DOT to adopt *any* scoring method, but required it to adopt one that is both *impartial* and akin to *competitive*

1 *bidding. Id.* In other words, the conditions imposed upon the DOT in reviewing and approving
2 applications as noted above clearly demonstrate the legislative intent to reign in the DOT's
3 discretion.

4 Accordingly, the lack of discretion in awarding the licenses at issue is clear from the face
5 of NRS 453D, as a whole. Because there is little discretion granted to the DOT, Plaintiffs have a
6 protectable property interest in the applied-for licenses. As a result, the lack of any review
7 mechanisms in NRS 453D (or any other source of law) violates Plaintiffs' right to procedural due
8 process.

9 **II. RETAIL MARIJUANA LICENSES ARE NOT PRIVILEGED LICENSES**

10 The State's Oppositions also intimate that retail marijuana licenses are effectively
11 privileged licenses. This argument is made to circumvent a finding of a protectable property
12 interest and to infuse an element of discretion where none exists. The DOT here makes the false
13 equivalency between retail marijuana licenses and other privileged licenses, such as gaming,
14 presumably because marijuana was formerly illegal in this State and remains illegal at the federal
15 level.

16 However, the Legislature has not seen fit to declare retail marijuana licenses privileged in
17 nature. As noted above, property rights are generally derived from sources of state law. NRS
18 453D.020(3) expressly declares that "[t]he People of the State of Nevada proclaim that marijuana
19 should be regulated in a manner similar to alcohol." And, notably absent from the statutory
20 scheme set forth in NRS 453D is any indication that retail marijuana licensing is intended to be
21 privileged. Taken together with the express declaration of intent of the People of this State, it is
22 clear that retail marijuana licenses are *not* privileged.

23 This stands in stark contrast to other privileged license, such as gaming. The Legislature
24 expressly declared that "[n]o applicant for a [gaming] license...has any right to a license or the
25 granting of the approval sought. Any license issued...is a *revocable privilege*, and no holder
26 acquires any vested right therein or thereunder." NRS 463.0129(2) (emphasis added). Based upon
27 this declaration, Nevada courts have long held that "gaming is a privilege conferred by the state
28 and does not carry with it the rights inherent in useful trades and occupations." *State ex rel.*

1 *Grimes v. Board*, 53 Nev. 364, 1 P.2d 570 (1931). But, because NRS 453D does not contain any
2 such declarative policy, it is disingenuous (and legally incorrect) to characterize retail marijuana
3 licenses as privileged or discretionary. Because they are not, procedural due process protections
4 attach to Plaintiffs' applications here.

5 **III. THE DOT ARBITRARILY SCORED PLAINTIFFS' APPLICATIONS RELATED**
6 **TO FACTORS REQUIRING MANDATORY POINT AWARDS**

7 In addition to the constitutionally deficient nature of NRS 453D and the regulations
8 adopted by the Department, the Department also misapplied and failed to follow its own grading
9 guidelines in scoring applications. Numerous of the merit criteria utilized by the Department had
10 mandatory point values that were to be awarded if certain factors were met:

- 11 1) Diversity of an applicant's owners, officers, and/or board members;
- 12 2) The total value of liquid and illiquid assets of an applicant;
- 13 3) Whether an applicant has at least \$250,000.00 in liquid assets;
- 14 4) The amount of taxes paid to various political subdivisions and agencies of
15 the State of Nevada; and
- 16 5) Evidence of other beneficial contributions made to the State of Nevada and
17 its political subdivisions.

18 The recent disclosure of Plaintiffs' Applications has made clear that the Department's
19 scoring in these areas was at best inconsistent and at worst blatantly incorrect.

20 **A. The Department incorrectly calculated diversity scores.**

21 With respect to diversity, the Department's guidelines required certain point values to be
22 awarded depending upon the percentage of an applicant's owners, officers, or board members that
23 are non-Caucasian, female, and non-Anglo/European American.¹ The points to be awarded were:²
24
25
26

27 ¹ See Application Scoring Tool - Organizational Structure (Identified), attached hereto as **Exhibit**
28 **A**, at 5.

² *Id.*

Percentage Diversity	Points Awarded
0%	0
0-10%	2
11-20%	4
21-30%	6
31-40%	8
41-50%	10
51-60%	12
61-70%	14
71-80%	16
81-90%	18
91-100%	20

However, numerous Plaintiffs did not receive points to which they were entitled by the Department's own guidelines, as follows:

Applicant	Diversity Percentage	Points Given	Correct Points
ETW	50% (1 Hispanic, 2 female out of 6)	8	10
Green Leaf	68.4% (2 Jewish, 8 female, 2 Asian, 1 African American out of 19)	12	14
MMOF	66.6% (1 Jewish, 1 female out of 3)	0	14
Red Earth	80% (1 Hispanic, 1 Asian, 2 female out of 5)	14	16
THC	47% (5 female, 1 African American, 1 Persian, 1 Jewish out of 17)	8	10

MMOF's incorrect diversity score as noted above is a prime example of the Department's arbitrary and incorrect assignment of points for diversity. MMOF's ownership/board membership is comprised of 1 Jewish man and 1 female. Both of these fall within the scoring guideline's qualifier of "non-Caucasian, female [or] non-anglo/European American." Incredibly, MMOF was given a diversity score of **zero**. Such a score clearly does not comply with the Department's own scoring guidelines. Similarly, the other incorrect scoring noted above shows that the Department failed to follow its own established procedures and rules for grading retail marijuana license applications. This constitutes arbitrary and capricious action. *See Dutchess Bus. Servs., Inc. v.*

Nev. State Bd. of Pharmacy, 124 Nev. 701, 711, 191 P.3d 1159, 1166 (2008) (“Administrative bodies must follow their established procedural guidelines...”).

B. The Department arbitrarily calculated points for Plaintiffs’ financials.

In addition to the diversity scoring mishaps outlined above, the Department also arbitrarily and incorrectly failed to award points for various financial factors. As noted above, applicants were awarded a certain number of points for the amount of liquid and illiquid assets they could show, as follows:³

Amount	Points Awarded
Less than \$250,000	1
\$250,000-\$500,000	3
\$500,001-\$1.5 million	5
\$1.51 million ⁴ - \$2.5 million	7
\$2.51 million - \$3.5 million	8
More than \$3.51 million	10

However, the required number of points was not always awarded. For example, Libra was able to demonstrate a \$10 million loan approval and a \$2 million investment commitment – but was given a score of **zero** for the financial statement criterion. At minimum, the \$10 million loan approval certainly qualified as documentation from “Savings and Loan Associations,” as listed in the Department’s own guidelines.⁵ Thus, Libra should have been given the full ten points for its financial resources, but was not.

The misapplication of the Department’s own guidelines was pervasive and impacted other areas related to financials. With respect to the criterion for the amount of taxes paid, it appears that the Department gave point credit to some applicants for real property taxes but not to others.

³ See Application Scoring Tool - Financial Resources (Identified) for Financial Plan and Resources, attached hereto as **Exhibit B**, at 1.

⁴ It is worth noting that there is a gap in the guidelines. For example, it is unknown what number of points should have been awarded if an applicant was able to demonstrate \$1,500,001-\$1,509,999. The same issue exists for the \$2.5-\$2.51 million and \$3.5-\$3.51 million benchmarks.

⁵ See *id.*, at 3.

1 In other circumstances, the Department gave point credit for real property taxes paid in
2 connection with the criterion related to evidence of other beneficial contributions made to the
3 State of Nevada and its political subdivisions. There is no explanation for this arbitrary treatment
4 of applications and the mixing and matching of points awarded related to certain governmental
5 fees and taxes paid.⁶

6 **IV. CONCLUSION**

7 For the foregoing reasons, and those detailed in the Motions, the Motions must be granted
8 and an injunction must be issued.

9 DATED this 22nd day of May, 2019.

10 BROWNSTEIN HYATT FARBER SCHRECK, LLP

11 /s/ Adam K. Bult

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

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17 *Attorneys for Plaintiffs*

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26 ⁶ This arbitrary treatment also extended to the non-identified portions of Plaintiffs' applications.
27 For example, recent testimony of Deputy Director Jorge Pupo before the Legislature on May 21,
28 2019 suggests that there were further inconsistencies related to whether an actual leased or owned
space was required for a license to be issued and it remains unknown how this inconsistency
factored into the scores received by Plaintiffs in their non-identified portions.

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 **PLAINTIFFS' REPLY IN SUPPORT OF JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS** to be submitted electronically for filing and/or service with the Eighth Judicial District Court's Electronic Filing System on the 22nd day of May, 2019, to the following:

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Exhibit A

APPLICATION EVALUATION – Evaluator’s Guidelines – ORGANIZATIONAL STRUCTURE (IDENTIFIED)

Applications shall be consistently evaluated and scored in accordance with NRS 453D and LCB File No. R092-17.

TOTAL POSSIBLE POINTS = 60 Points

The following is intended to assist evaluators in scoring responses to the request for applications for marijuana establishments. Applying these guidelines using your experience and expertise to the scoring process will ensure that your scoring is consistent and unbiased, which is critical when deciding the points assigned to each individual criteria.

The point range is detailed under each criteria section and points should be assigned based on the evaluators assessment of the response falling into categories of "excellent," "average," or "inadequate."

	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
Merit Criteria Per NRS and R092-17 R092-17 Sec. 80 (a) Whether the owners, officers or board members have experience operating another kind of business that has given them experience which is applicable to the operation of a marijuana establishment R092-17 Sec. 80 (b) The diversity of the owners, officers or board members of the proposed marijuana establishment R092-17 Sec. 80 (c) The educational achievements of the owners, officers or board members of the proposed marijuana establishment R092-17 Sec. 80 (g) Whether the owners, officers or board members of the proposed marijuana establishment have direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success	<p>An organizational chart showing all owners, officers and board members, and key personnel of the marijuana establishment, including percentages of ownership for each individual and a short description of the proposed organizational structure.</p> <p>The organizational chart clearly demonstrates the following:</p> <ul style="list-style-type: none"> -Defines the roles and responsibilities that will make up the company's functioning and shows how everything fits together as a whole. -Demonstrates groupings of functions to ensure they are overseen and performed by a member of the organization -Position job descriptions demonstrate the scope, function and limits of their roles, and for what tasks and outcomes they will be held responsible for -Organizational structure shows efficiency between roles <p>An excellent response would include all the following elements: The organizational chart and position descriptions demonstrate all or most of the above expectations, are reasonable, and the rationale for the structure appears reasonable and logical. For each key personnel, their experience, roles and duties are included.</p>				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

<p>R092-17 Sec. 80 (h) The experience of key personnel that the applicant intends to employ in operating the type of marijuana establishment for which the applicant seeks a license; and</p>	<p>An average response would include the following: The organizational chart and position descriptions demonstrate few of the above expectations and needed positions appear to be missing.</p>		
	<p>An inadequate response would include the following: The organizational chart and position descriptions do not demonstrate the above expectations and needed positions appear to be missing.</p>		
	<p>Range 0 - 15 points</p>		
<p>Merit Criteria Per NRS and R092-17</p>	<p>Evaluation Elements</p> <p>A narrative description not to exceed 750 words, and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:</p> <p>Any previous experience at operating other businesses or non-profit organizations.</p> <p>An excellent response would include the following: Owners, officers and board members can each demonstrate business experience running other businesses or non-profits. Each individual has the knowledge and experience relevant to the roles and responsibilities outlined.</p> <p>A average response would include the following: Some owners, officers and board members can demonstrate business experience running other businesses or non-profits. Some individual has some knowledge and experience relevant to the roles and responsibilities outlined.</p> <p>A inadequate response would include the following: Owners, officers and board members demonstrates little to no prior business experience.</p>	<p>Individual Scores</p>	<p>Comments</p>
	<p>Range 0 - 10 points</p>		

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
	A narrative description not to exceed 750 words; and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following: The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed marijuana establishment An excellent response would include the following: The resumes demonstrate college degrees or higher. An average response would include the following: The resumes demonstrate some college degrees or higher. An inadequate response would include the following: The resumes do not demonstrate college degrees or higher. Some course work in related fields may be indicated.				
Range 0 - 5 points					

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score if applicable	Comments
	<p>A narrative description not to exceed 750 words; and a resume, including educational achievements, for each owner, officer and board member, demonstrating the following:</p> <p>Any demonstrated knowledge or expertise with respect to direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate successful compassionate use of marijuana to treat conditions</p> <p>An excellent response would include the following: Extensive knowledge of the marijuana industry is demonstrated, and prior experience running marijuana establishments is indicated.</p> <p>An average response would include the following: Some knowledge of the marijuana industry is demonstrated, but no prior experience running marijuana establishments is indicated.</p> <p>An inadequate response would include the following: Little to no knowledge of the marijuana industry is demonstrated.</p>				
	Range 0 - 10 points				

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Scores	Comments	Revised Score If applicable	Comments
	<p>Diversity on the basis of race, ethnicity or gender of the persons proposed to be owners, officers or board members.</p> <p>Diversity demographic information from the owner, officer and board member information forms. Diversity factors include race, gender and ethnicity. Points awarded for % of principals which are non-caucasian, female and non-anglo/European American. Must provide proof, may check in portal.</p> <p>0% = 0 points 0-10% = 2 point 11-20% = 4 points 21-30% = 6 points 31-40% = 8 points 41-50% = 10 points 51-60% = 12 point 61-70% = 14 points 71-80% = 16 points 81-90% = 18 points 91-100% = 20 points</p>				
	Range 0-20 points				

Time Tracking for Evaluation Process
Evaluator Name
Start Time:
End Time:
Total Time to be charged to applicant:

Instructions to Evaluators:

- 1) Evaluators enter start time for evaluation
- 2) Evaluator individually scores criteria
- 3) Evaluators completes evaluation and enters end time

EVALUATOR NAME _____

ORGANIZATIONAL STRUCTURE (IDENTIFIED)

ME ID# _____

5) Time calculated is time which will be charged to the applicant

Exhibit B

EVALUATOR NAME _____

FINANCIAL RESOURCES (IDENTIFIED)

ME ID# _____

APPLICATION EVALUATION – Evaluator's Guidelines – FINANCIAL RESOURCES (IDENTIFIED)

Applications shall be consistently evaluated and scored in accordance with NRS 459D and LCB File No. R092-17.

TOTAL POSSIBLE POINTS = 40 Points

The following is intended to assist evaluators in scoring responses to the request for applications for marijuana establishments. Applying these guidelines using your experience and expertise to the scoring process will ensure that your scoring is consistent and unbiased, which is critical when deciding the points assigned to each individual criteria.

The point range is detailed under each criteria section and points should be assigned based on the evaluators assessment of the response falling into categories of "excellent," "average," or "inadequate."

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
R092-17 Sec. 88 (d) The financial plan and resources of the applicant, both liquid and illiquid	<p>Financial statements showing the resources of the applicant(s), both liquid and illiquid</p> <p>Documentation to be considered include:</p> <ul style="list-style-type: none"> -In-state and Out-of-State documentation from: -State or Federal Banks -Savings Banks -Savings and Loan Associations -Holding Companies -Real Estate Holdings -Large assets, including cars, boats, etc. -Liquid Assets, including: -Stocks -Bonds -Personal belongings, including: -Jewelry -Furniture, etc. -Balance sheets with liabilities <p>Total Assets ≤ \$250,000 = 1 points Total Assets - \$250,000 - \$500,000 = 3 points Total Assets = \$500,001 - \$1.5 M = 5 points Total Assets = \$1.51 M - \$2.5 M = 7 points Total Assets = \$2.51 M - \$3.5 M = 8 points Total Assets ≥ \$3.51M = 10 points</p>				
	<p>0 - 10 points</p> <p>* May or may not include \$250,000 in liquid assets required</p>				

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
	Proof that the applicant has adequate money to cover all expenses and costs of the start up and the first year of operations.				
	An excellent response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board member and other sources, to confirm that there are sufficient funds to easily cover all expenses if sales do not meet the revenue projections. And demonstrate expenses and revenue appearing to be more than adequate to cover major categories of expenses for a start up operation; a small contingency may or may not be contemplated; some regulatory requirements are missing, list of line items included, unconditional use commitment included (1-2).				
	An average response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board member and other sources, to show that there are adequate funds to cover the first year of operations and demonstrate expenses and revenue appearing to be reasonable and cover major categories of expenses for a start up operation; a small contingency may or may not be contemplated; some regulatory requirements are missing				
	An inadequate response would demonstrate comparison of the operating budget to the funds guaranteed, including confirmation of committed funds from all owners, officers, board members and other sources insufficient to cover the first year of operations. An inadequate response would demonstrate expenses and revenue are somewhat defined; start up expenses are un-reasonable; no contingency fund; most regulatory requirements are missing				
	Range 0 - 20 points				

Merit Criteria Per NRS and R092-17	Evaluation Elements	Individual Score	Comments	Revised Score if applicable	Comments
	Liquid assets and the source of those assets Documentation from a financial institution of this state or another state or District of Columbia the applicant has at least \$250k in liquid assets, and the source of those assets. < \$250,000 = 0 points > \$250,000 = 10 points				
Range 0 - 10 points					

Time Tracking for Evaluation Process

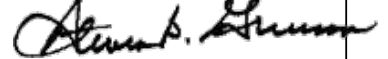
Evaluator Name

Start Time:

End Time:

Total Time to be charged to applicant:

- Instructions to Evaluators:
- 1) Evaluators enter start time for evaluation
 - 2) Evaluator individually scores criteria
 - 3) Evaluators completes evaluation and enters end time
 - 5) Time calculated is time which will be charged to the applicant



JOPP

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Case No. : A-19-786962-B
Dept. No.: XI

**INTERVENING DEFENDANTS'
JOINDER AND SUPPLEMENTAL
BRIEFING IN SUPPORT OF THE STATE
OF NEVADA'S AND NEVADA
ORGANIC REMEDIES, LLC'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION; AND
LONE MOUNTAIN PARTNERS, LLC'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION OR FOR
WRIT OF MANDAMUS**

Hearing Date: May 24, 2019
Hearing Time: 9:00 a.m.

1 company, GRAVITAS NEVADA, LLC, a
2 Nevada limited liability company, NEVADA
3 PURE, LLC, a Nevada limited liability
4 company, MEDIFARM, LLC, a Nevada limited
5 liability company, DOE PLAINTIFFS I through
6 X; and ROE ENTITY PLAINTIFFS I through
7 X,

8 Plaintiffs,

9 vs.

10 THE STATE OF NEVADA, DEPARTMENT
11 OF TAXATION.

12 Defendants.

13 INTEGRAL ASSOCIATES LLC d/b/a
14 ESSENCE CANNABIS DISPENSARIES, a
15 Nevada limited liability company; ESSENCE
16 TROPICANA, LLC, a Nevada limited liability
17 company; ESSENCE HENDERSON, LLC, a
18 Nevada limited liability company; CPCM
19 HOLDINGS, LLC d/b/a THRIVE CANNABIS
20 MARKETPLACE, COMMERCE PARK
21 MEDICAL, LLC, a Nevada limited liability
22 company; and CHEYENNE MEDICAL, LLC,
23 a Nevada limited liability company.

24 Defendants in Intervention.

25 AND ALL RELATED ACTIONS

26 Intervening Defendants INTEGRAL ASSOCIATES LLC d/b/a ESSENCE CANNABIS
27 DISPENSARIES, ESSENCE TROPICANA, LLC, ESSENCE HENDERSON, LLC, CPCM
28 HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, COMMERCE PARK
MEDICAL, LLC, and CHEYENNE MEDICAL, LLC (collectively “Defendants”), by and through
their attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES and HYMANSON &
HYMANSON, hereby files this joinder and supplemental brief in support of THE STATE OF NEVADA
and NEVADA ORGANIC REMEDIES, LLC oppositions to Plaintiffs’, SERENITY WELLNESS
CENTER, LLC, TGIG, LLC, NULEAF INCLINE DISPENSARY, LLC, NEVADA HOLISTIC
MEDICINE, LLC, TRYKE COMPANIES SO NV, LLC, TRYKE COMPANIES RENO, LLC,

1 PARADISE WELLNESS CENTER, LLC, GBS NEVADA PARTNERS, LLC, FIDELIS
2 HOLDINGS, LLC, GRAVITAS NEVADA, LLC, NEVADA PURE, LLC, AND MEDIFARM, LLC
3 (collectively the “Serenity Wellness Plaintiffs”), motion for preliminary injunction; and LONE
4 MOUNTAIN PARTNERS, LLC’s opposition to Plaintiffs’, MM DEVELOPMENT COMPANY
5 INC. and LIVFREE WELLNESS LLC (collectively the “MM Development Plaintiffs”), motion for
6 preliminary injunction or for writ of mandamus.

7 This joinder and supplemental brief is made and based upon the following memorandum of
8 points and authorities, the pleadings, the exhibits attached hereto, and papers on file herein, and any
9 oral argument at the time of the hearing.

10 DATED this 23rd day of May, 2019.

11 Respectfully submitted,

12 **MAIER GUTIERREZ & ASSOCIATES**

13 */s/ Joseph Gutierrez*

14 _____
JOSEPH A. GUTIERREZ, ESQ.

15 Nevada Bar No. 9046

JASON R. MAIER, ESQ.

16 Nevada Bar No. 8557

Attorneys for Defendants in Intervention

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Serenity Wellness Plaintiffs and the MM Development Plaintiffs (collectively
4 “Plaintiffs”)¹ initiated their lawsuits against the State of Nevada, Department of Taxation (the
5 “Department”), alleging that the Department’s application process and issuance of conditional licenses
6 to operate recreational marijuana retail stores was implemented improperly. Plaintiffs challenge the
7 Department’s entire process of evaluating and ranking applicants, and seek to have this Court render
8 the entire application process void.

9 On March 19, 2019, the Serenity Wellness Plaintiffs filed a motion for preliminary injunction
10 (the “Serenity Wellness Motion”), requesting this Court to stop the licensing process, grant Plaintiffs
11 licenses, and restore the status quo.² Thereafter, on May 6, 2019, the MM Development Plaintiffs
12 filed a motion for preliminary injunction or for writ of mandamus (the “MM Development Motion”).
13 The MM Development Motion asks this Court to order the Department to re-score their applications
14 and place them in front of existing license holders.

15 Plaintiffs, however, have not provided any supporting argument as to how they would be
16 warranted any relief, much less injunctive relief. Injunctive relief is an “extraordinary and drastic
17 remedy.” *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008). A plaintiff seeking a preliminary injunction
18 carries the burden of showing: (1) a likelihood of success on the merits; (2) a likelihood of irreparable
19 harm; (3) that the balance of equities tips in its favor; and (4) that the injunction is in the public interest.
20 *Winter v. Nat’l Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiffs are unable to meet this
21 burden.

22 On May 9, 2019, the Department and Defendant Intervenor Nevada Organic Remedies, LLC
23 (“NOR”) filed separate oppositions to the Serenity Wellness Motion. Lone Mountain Partners, LLC
24 (“Lone Mountain Partners”) filed its opposition to the MM Development Motion on May 20, 2019.

25 _____
26 ¹ For purposes of this joinder and supplement, Plaintiffs shall mean the Serenity Wellness Plaintiffs,
27 MM Development Plaintiffs, and any and all Plaintiffs to join in their motions. Plaintiffs, by way of
28 joinders, have indicated that their positions are consistent with each other.

² Notably, the Serenity Wellness Plaintiffs’ requested relief is extremely inconsistent.

Defendants hereby join in the arguments set forth by the Department, NOR and Lone Mountain Partners and provide the following supplemental brief in support of their positions.

II. STATEMENT OF FACTS

A. DEFENDANT INTERVENORS ESSENCE AND THRIVE

By way of background, Defendants Integral Associates, LLC, Essence Tropicana, LLC (“Essence Tropicana”) and Essence Henderson, LLC (“Essence Henderson”) (collectively “Essence”) are owned by Armen Yemenidjian, Brian Greenspun, Wendy Berger, Jennifer Dooley, Anthony Georgiadis, Benjamin Kolver, Wes Moore, Glen Senk, and Alejandro Yemenidjian. *See* State of Nevada, Department of Taxation release of ownership information and scoring for each applicant as part of Senate Bill 32 at p. 76-77.

Essence was granted a total of eight (8) licenses issued by the Department on December 5, 2018, and were ranked as follows:

Business Name	Jurisdiction	Score	Ranking	Status
Essence Henderson	Carson City	227.17	1	Approved
Essence Henderson	North Las Vegas	227.17	1	Approved
Essence Henderson	Sparks	227.17	1	Approved
Essence Henderson	Unincorporated Clark County	227.17	2	Approved
Essence Tropicana	Henderson	227.84	1	Approved
Essence Tropicana	Las Vegas	227.84	1	Approved
Essence Tropicana	Reno	227.84	1	Approved
Essence Tropicana	Unincorporated Clark County	227.84	1	Approved

See State of Nevada, Department of Taxation release of 2018 retail store applications scores and rankings as part of Senate Bill 32 attached as **Exhibit “A”**.

Defendants CPCM Holdings, LLC Commerce Park Medical, LLC (“Commerce Park Medical”) and Cheyenne Medical, LLC (“Cheyenne Medical”) (collectively “Thrive”) are owned by Mitchell Britten, David Brown, Edward Findlay, Thomas Halbach, Nickolas Mamula, Jr., Julie Murray, and Phillip Peckman. *See* State of Nevada, Department of Taxation release of ownership information and scoring for each applicant as part of Senate Bill 32 at p. 14-15.

Thrive was granted a total of six (6) licenses on December 5, 2018, and were ranked as follows:

Business Name	Jurisdiction	Score	Ranking	Status
Cheyenne Medical	Elko County	216.5	1	Approved
Cheyenne Medical	Henderson	216.5	4	Approved
Cheyenne Medical	Reno	216.5	4	Approved
Cheyenne Medical	Las Vegas	216.5	5	Approved
Cheyenne Medical	Unincorporated Clark County	216.5	6	Approved
Commerce Park Medical	Nye County	212.16	3	Not Approved
Commerce Park Medical	North Las Vegas	212.33	7	Not Approved
Commerce Park Medical	Reno	212.16	7	Not Approved
Commerce Park Medical	Unincorporated Clark County	212.16	9	Approved

See Ex. “A”.

B. SENATE BILL 32

Prior to the issuance of the licenses on December 5, 2018, Plaintiffs never claimed that the regulations, statutes, or application process for obtaining a retail marijuana license were improper or flawed. In fact, Plaintiffs were in support of the regulations and application process. It was not until after Plaintiffs were denied licenses that they objected to the process and fabricated claims against the Department. A bulk of their allegations stemmed from the lack of transparency in the application process following the issuance of the licenses. *See* MM Development Motion at p. 9-11. This lack of transparency, however, is now moot following the release of information in Senate Bill 32 (“SB 32”).

On May 10, 2019, SB 32 was signed into law permitting the release of certain marijuana establishment information. *See* Fact Sheet regarding Marijuana Licensing Transparency attached as **Exhibit “B”**. Prior to SB 32, marijuana establishment information was protected by confidentiality statutes similar to all taxpayers. *Id.* Yet, in an effort to improve transparency in marijuana licensing and the industry, SB 32 was passed. *Id.* Immediately upon the signing of SB 32, the Department made available the information permitted by the bill. *Id.* The information released includes the following:

- Names of current owners of marijuana establishments;
- Information regarding the evaluators of the license applications;
- The use of state contractors for license application evaluation;
- The tools contractors used to evaluate applications;
- Methods contractors employed to evaluate applications;

- Companies that applied for licenses;
- Names of owners, officers and board members that applied;
- Who was awarded licenses and who was not; and
- Applicant scores.

See Nevada Marijuana License Application Information attached as **Exhibit “C”** (located at https://tax.nv.gov/FAQs/Marijuana_License_Application_Information_-_NEW/).

The Department further provided responses that directly addressed Plaintiffs unfounded allegations asserted throughout this litigation. By way of example, the use of Manpower has been highly contested matter by Plaintiffs. See the MM Development Motion at 7-8, 19-23. Notwithstanding, contractors were used during the first round of medical marijuana registration certificate applications in 2014 when the licensing and regulatory agency was the Division of Public and Behavioral Health. Coincidentally, when Plaintiffs were successful in obtaining licenses in 2014, they did not dispute the use of Manpower. The Department, additionally, addressed the Manpower’s qualifications, which demonstrated that each candidate exceeded the qualifications. *Id.*

Moreover, the Department has already addressed the fact that diversity was considered in the application process. *Id.* The Department cited to page 5 of the application scoring tool, which clearly lays out the points allocated for diversity demographic information from the owner, officer, and board member information forms. *Id.* Despite this disclosure by the Department, a large portion of MM Development’s Motion is spent erroneously arguing that diversity was not considered. See MM Development Motion at 5-7, 11-12.

Provided that the transparency arguments are now moot, it appears that even if this transparency was available from the beginning, which legally the Department could not do, the losers were going to bring a lawsuit. Plaintiffs are ultimately unwilling to admit that they just did not deserve a higher score.³ As expressed by the Department, the competition for these licenses was intense. “Applicants were aware of the competitive award process,” and “[t]here is no provision in Nevada law

³ Notably, the MM Development Motion does not even make a legal argument but instead simply argues positions that have been refuted, and smears any name that it can.

1 to award licenses to low-scoring applicants.” *See* Ex. “C” at p. 3.

2 **III. LEGAL ARGUMENT**

3 **A. PLAINTIFFS’ ARGUMENT REGARDING THE ISSUANCE OF MULTIPLE LICENSES IN CLARK**
4 **COUNTY TO THE SAME COMPANY IS VOID OF MERIT**

5 Plaintiffs argue that the Department violated the anti-monopolistic provisions of the statute by
6 awarding too many licenses to the same company in Clark County. *See* Serenity Wellness Motion at
7 p. 29; *see also* MM Development Motion at p. 26. Plaintiffs directly reference Essence in their
8 Motions, so this will be addressed in this brief. *Id.* Plaintiffs’ argument, however, is just plain wrong.
9 Plaintiffs selectively cite to portions of the applicable statutes and completely ignore the remaining
10 language.⁴

11 First, NAC 453D.272(5) and Section 80(5)(b) of Tax Regulation R092-17 are clear and
12 unambiguous. The statute provides as follows:

13 To prevent monopolistic practices, the Department will ensure, in a county whose
14 population is 100,000 or more, that the Department does not issue, to any person, group
15 of persons, or entity, ***the greater of:***
16 (a) One license to operate a retail marijuana store; ***or***
(b) More than 10 percent of the licenses for retail marijuana stores ***allocable in the***
county.

17 *See* NAC 453D.272(5) and Section 80(5)(b) of Tax Regulation R092-17 (emphasis added).

18 Notwithstanding, in their “anti-monopoly” argument, Plaintiffs focus entirely on NAC
19 453D.272(5) subpart (a) and ignore subsection (b), which sets forth the 10% requirement for allocable
20 licenses. The statute undisputedly makes clear that the Department can apply the “greater of”
21 subsection (a) or (b).

22 Next, in addressing the number of licenses “*allocable in the county*”, NRS 453D.210(5)(d)
23 states, “The proposed marijuana establishment is a proposed retail marijuana store and there are ***not***
24 more than:

25
26
27 ⁴ The Serenity Wellness Motion cites to the provisions out of context, whereas the MM Development
28 Motion just makes an umbrella argument that the anti-monopolistic provisions of the statute were
violated.

- 1 (1) Eighty licenses already issued in a county with a population greater than 700,000;
2 (2) Twenty licenses already issued in a county with a population that is less than 700,000 but
3 more than 100,000.

4 *See* NRS 453D.210(5)(d)(1)-(2) (emphasis added).⁵

5 Plaintiffs concede that Clark County has a population of greater than 700,000 people. As such,
6 subsection (1) of NRS 453D.210(5)(d) applies. Pursuant to NRS 453D.210(5)(d), there is a maximum
7 number of eight (8) licenses that can be awarded to one company in Clark County (10% of 80 = 8).

8 With Essence being awarded five (5) new retail licenses in Clark County and two (2) in
9 Washoe County, it now holds eight (8) total licenses in Clark County and two (2) in Washoe County.
10 ***This amounts to 10% of the total licenses allocable in Clark County and 10% of the total licenses***
11 ***allocable Washoe County.***⁶ Realizing their mistake, Plaintiffs backtrack and concede that “the
12 Department issued licenses in Washoe and Carson City consistent with the Regulation.” *See* Serenity
13 Wellness Motion at p. 29.

14 Instead of dropping the argument in its entirety, Plaintiffs continue to make anti-monopoly
15 provision arguments by claiming that the cap on licenses issued in Clark County is 7.9 licenses
16 because there were only seventy-nine (79) licenses issued in Clark County. Any hint of due diligence
17 would have proven this assertion incorrect, as the Department has now proven. The Department has
18 stated that it did allocate eighty (80) licenses in Clark County. *See* State of Nevada’s opposition brief
19 to preliminary injunction motion at p.18. The Department stated that during the one for one
20 application period there were forty-seven (47) retail store licenses issued in Clark County in May of
21 2017 and two (2) more in 2018. The Department then awarded thirty-one (31) licenses in Clark
22

23
24

⁵ Besides the regulations above, there are no other rules or limitations regarding the number of licenses
25 that can be issued in a given round of awarding licenses.

26 ⁶ Plaintiffs take issue with Essence and Thrive submitting multiple applications in the same
27 jurisdiction. However, Plaintiffs NuVeda, Compassionate Team of Las Vegas, LLC, Fidelis
28 Holdings, LLC, and Tryke each submitted multiple losing applications in either Clark County, Carson
City, Nye County, and/or City of Las Vegas. *See* Ex. “A”.

1 County in December of 2018, bringing the total to eighty (80).⁷ Therefore, Essence, with eight (8)
2 licenses in Clark County holds exactly 10% of the allocable licenses in Clark County, and its total
3 licenses do not violate NAC 453D.272(5).

4 Plaintiffs cite to the report of Dr. Amei, who they retained to analyze the number of licenses
5 issued under the statutes. Dr. Amei concluded that the Department issued licenses in Washoe County
6 and Carson City consistent with the Regulation. *See* Serenity Wellness Motion at p. 29. However,
7 Dr. Amei opined that the Department violated anti-monopoly provision by granting Essence more
8 than is permitted in Clark County. This faulty analysis was refuted by the Department when it stated
9 that it issued eighty (80) licenses in Clark County. As a purported economist “expert”, Dr. Amei has
10 no business interpreting Nevada statutes and giving her opinion on what the Department should have
11 done. Defendants will be moving to strike Dr. Amei and any other potential expert that Plaintiffs’
12 disclose that attempts to serve in this capacity.

13 Finally, Plaintiffs’ argument on this issue has no relevance to what they need to prove for the
14 issuance of the extraordinary injunctive relief they are seeking. Plaintiffs’ flawed interpretation of the
15 anti-monopoly provisions of the law do not support any of their claims for relief and should be
16 disregarded entirely.

17 **B. PLAINTIFFS FAIL TO SHOW THAT THEY ARE ENTITLED TO INJUNCTIVE RELIEF**

18 Injunctive relief is an “extraordinary and drastic remedy” that is never awarded as of right.
19 *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008). A plaintiff seeking a preliminary injunction carries the
20 burden of showing: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm; (3)
21 that the balance of equities tips in its favor; and (4) that the injunction is in the public interest. *Winter*
22 *v. Nat’l Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008). The court “must balance the competing
23 claims of injury and must consider the effect on each party of the granting or withholding of the
24 requested relief.” *Id.* at 24.

25
26
27 ⁷ It should be noted that the monopoly provision applies to Clark County as a whole and not to each
28 jurisdiction within Clark County. Further, there is no rule or regulation limiting the percentage of
new licenses issued in 2018 that one entity can obtain.

1 The Department, Lone Mountain Partners, and NOR have thoroughly addressed Plaintiffs'
2 inability to prove that they are entitled to injunctive relief in this matter. As such, Defendants will not
3 rehash the entirety of their arguments, but provide the supporting arguments herein.

4 *i. Plaintiffs Cannot Show a Likelihood of Success on the Merits of Their Claims*

5 As Plaintiffs' claims are legally and factual deficient, they will not be able to show a likelihood
6 of success on the merits. Plaintiffs' claims hinge on that argument that the Department's application
7 process lacked transparency, as provided above. Notwithstanding, since the passage of SB 32, and
8 the Department's immediate release of all information permitted, these arguments are moot.

9 Moreover, as the Government has argued and will most likely continue to argue Plaintiffs'
10 claims are barred by Governmental discretionary function immunity. *See* NRS 41.032(2). No action
11 can be brought against the State, a state agency or its officers or employees "based upon the exercise
12 or performance or the failure to exercise or perform a discretionary function or duty on the part of the
13 State or any of its agencies . . . or of any officer, employee . . . , whether or not the discretion involved
14 is abused." NRS 41.032(2); *see also Glover-Armont* at *5.

15 Here, the Department was afforded and performed discretion in the numerical scoring,
16 including assigning numerical values to each portion of the application and subsequently assigning
17 numerical values to each application reviewed by the Department. As such, Plaintiffs' claims are
18 unlikely to prevail based on the doctrine of discretionary function immunity.

19 Next, a writ of mandamus is not available due to the political question doctrine. Essentially
20 the core of Plaintiffs' complaints and preliminary injunction motions are asking the Court to rewrite
21 existing regulations and statutes. However, such action is a clear violation of the doctrine of separation
22 of powers and the political question doctrine.

23 Plaintiffs' state law due process claims fails because they do not have a recognized property
24 interest in a licenses that they were never awarded. A constitutional due process violation occurs
25 under the Nevada (and United States) Constitution when a person is deprived of life, liberty, or
26 property without due process of law. *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home*
27 *Mortgage*, 388 P.3d 970, 972 (2017). To determine if a due process claim exists, the court must first
28 determine if there is a liberty or property interest which has been interfered with by the State, and then

1 whether the procedures attendant upon that deprivation were constitutionally sufficient. *Malfitano v.*
2 *County of Storey by and Through Storey County Board of County Commissioners*, 396 P. 3d 815, 819
3 (2017). “To have a property interest in a benefit, a person ***clearly must have more than an abstract***
4 ***need or desire for it***. He must have more than a unilateral expectation of it. He must, instead, have a
5 legitimate claim of entitlement to it.” *Id.* at 819-8-20 citing to *Bd. Of Regents of State Colleges v.*
6 *Roth*, 408 U.S. 564, 577, 92 S.Ct. 2701, (1972) (emphasis added). Based on the clear ruling of the
7 U.S. Supreme Court Plaintiffs do not have a protected property interest in a license that they did not
8 qualify for and therefore never received.

9 Moreover, Plaintiffs do not have a substantive due process claim. “Substantive due process is
10 ordinarily reserved for those rights that are fundamental.” *Brittain v. Hansen*, 451 F.3d 982, 990 (9th
11 Cir. 2006). Plaintiffs are unable to show that the Department deprived them of any fundamental right.
12 No one has a right to a privilege license. *See generally, Doe v. State ex. Rel. Legislature of 77th*
13 *Session*, 406 P.3d 482, 485 (2017). (“[D]eclining to expand the concept of substantive due process to
14 encompass a new fundamental right to use medical marijuana recommended by a physician.”)
15 Accordingly, there is fundamental right to a conditional license to operate a retail marijuana
16 establishment in Nevada, and therefore, Plaintiffs’ substantive due process claim must fail.

17 Next, Plaintiffs are barred by the doctrines of estoppel and waiver because they are challenging
18 rules and regulations that were in place for months prior to applications being submitted. Plaintiffs
19 themselves benefitted from virtually the same regulations when they applied for and received licenses
20 in 2014. Plaintiffs followed the rules and regulations and submitted applications to the Department
21 for this round of licenses and did not complain about the rules and regulations at any time prior to
22 decisions being made by the Department. Only now that Plaintiffs failed in the application process
23 are they arguing that the regulations are improper.

24 Plaintiffs’ arguments are akin to someone failing the Nevada Bar Exam and then filing a
25 lawsuit in district court to challenge the State Bar of Nevada about the exam testing/scoring process
26 and rules they knew to be in place prior to the exam. To add insult to injury in this analogy, the failing
27 Bar Exam applicant then seeks injunctive relief to prevent the State Bar of Nevada from issuing Bar
28 Licenses to the people who rightfully passed the Bar Exam simply because they want to challenge the

1 entire testing process. This rational is absurd and is no different than the course of action taken by the
2 Plaintiffs in this case who failed to score high enough to be awarded recreational marijuana licenses.

3 Finally, the relief being sought by Plaintiffs is too overbroad in order to narrowly tailor an
4 injunction. There is no “reasonable probability” that real injury will occur before an injunction will
5 be issued because Plaintiffs are arguing over a license that they never had. As such, there is nothing
6 to enjoin. *See Berryman v. Int’l Bhd. of Elec. Workers*, 82 Nev. 277, 280, 416 P.2d 387, 388-89
7 (1966). “It is axiomatic that a court cannot provide a remedy unless it has found a wrong.” *State*
8 *Farm Mut. Auto. Ins. Co. v. Jafbros Inc.*, 109 Nev. 926, 928 (1993). “The existence of a right violated
9 is a prerequisite to the granting of an injunction ... an injunction will not issue to restrain an act which
10 does not give rise to a cause of action.” *Id.*

11 *ii. Plaintiffs Cannot Show Irreparable Harm*

12 The Serenity Wellness Plaintiffs’ entire argument on irreparable harm is contained on 1½
13 pages of argument starting on page 44 of their brief. *See* the Serenity Wellness Motion at p. 44.
14 Surprisingly, this is more of an argument than the MM Development Plaintiffs’ attempt to make, as
15 they fail to provide any irreparable harm argument. Plaintiffs’ claim the Department’s refusal to issue
16 them conditional licenses interfered with their business interests and caused them irreparable harm.

17 Plaintiffs claim that the Department has “unreasonably interfered with Plaintiffs’ business
18 interests” simply because the Plaintiffs’ failed to score high enough to obtain a marijuana license is
19 not irreparable harm. Again, the case law discussed above is clear that there is no property interest
20 when a party fails to obtain a license. Plaintiffs do not have a property interest in a marijuana license
21 that they failed to obtain through the application process that they agreed to.

22 Restoring the “status quo” does not mean that Plaintiffs should be awarded licenses that they
23 failed to score high enough to obtain.⁸ In fact, restoring the status quo simply means that Plaintiffs
24

25 ⁸ The Nevada Supreme Court has emphasized that a preliminary injunction may be issued to preserve
26 the status quo. *See Pickett v. Comanche Const., Inc.*, 108 Nev. 422, 426, 836 P.2d 42, 44 (1992).
27 Thus, “[a] preliminary injunction is not a preliminary adjudication on the merits, but a device for
28 preserving the status quo and preventing the irreparable loss of rights before judgment.” *Textile*
Unlimited, Inc. v. A. BMH and Company, Inc., 240 F.3d 781, 786 (9th Cir. 2001).

1 should maintain their status as losers of the 2018 application process, and those entities that were
2 awarded additional licenses in 2018 should maintain their new licenses. Plaintiffs were not issued
3 licenses when the results were given in December of 2018, and now they cannot be irreparably harmed
4 by failing to receive a license they were never awarded.

5 Defendants on the other hand, based on the case law cited by the Serenity Wellness Plaintiffs
6 (*State, Dep't of Bus. & Indus., Fin. Institutions Div. v. Nevada Ass'n Servs., Inc.* 128 Nev. 362, 370,
7 294 P.3d 1223, 1228 (2012)), would be irreparably harmed if this injunction is issued. The Serenity
8 Wellness Plaintiffs cite to *Nevada Ass'n Servs* on page 45 of their Motion:

9 We have determined that "acts committed without just cause which unreasonably
10 interfere with a business or destroy its credit or profits, may do ***an irreparable injury***."
11 *Sobol v. Capital Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986); *see also*
12 *Com. v. Yameen*, 401 Mass. 331, 516 N.E.2d 1149, 1151 (1987) ("A licensee whose
license has been revoked or suspended immediately suffers ***the irreparable penalty*** of
loss of [license] for which there is no practical compensation."

13 *Id.* (emphasis added).

14 Based on this case law, which the Serenity Wellness Plaintiffs somehow claim supports their
15 request for injunctive relief, it is clear that it will be the Defendants who will actually be irreparably
16 harmed by the granting of Plaintiffs' motions for a preliminary injunction. Plaintiffs are not licensees
17 who have licenses that have been revoked or suspended.

18 Additionally, any further delay in obtaining final approval stands to harm Defendants and other
19 licensees, as they are each required to obtain a final inspection on a licensed marijuana establishment
20 within twelve (12) months of the licenses being granted. Under the Approved Regulations, licensees
21 have twelve (12) months from the date the licenses were awarded to receive a final inspection from
22 local governments for a marijuana establishment. R092-17, Sec. 87. If a marijuana establishment
23 does not receive a final inspection within twelve (12) months, the marijuana establishment must
24 surrender the license to the Department.⁹ Any delay in this final step could result in the loss of the
25

26
27 ⁹ The Department, however, may extend the period specified in this subsection if the Department, in
28 its discretion, determines that extenuating circumstances prevented the marijuana establishment from
receiving a final inspection within the period specified in this subsection. R092-17, Sec. 87.

1 licensees' awarded licenses. If Defendants and other licensees do not open within this timeframe, they
2 may lose their licenses entirely.

3 Plaintiffs claim of irreparable harm stems from their applications for **additional** marijuana
4 licenses to operate retail marijuana dispensaries. Plaintiffs are not being denied the right to continue
5 operating their current marijuana dispensaries or sell medical marijuana under their prior licenses.
6 This begs the question of how does the denial of additional licenses to Plaintiffs that they never had
7 (licenses that would allow Plaintiffs to open more marijuana dispensaries) constitute irreparable harm?
8 The Department **is not shutting down Plaintiffs' existing marijuana dispensaries**. Plaintiffs simply
9 just did not get granted new ones due to scoring lower than other applicants. When establishing
10 irreparable harm, the Nevada Supreme Court has held that "harm is irreparable if it cannot adequately
11 be remedied by compensatory damages." *Hamm v. Arrowcreek Homeowners' Ass'n*, 124 Nev. 28,
12 183 P.2d 895, 901 (2008). Plaintiffs are not claiming that the Department has taken some action to
13 remove one of their existing licenses and shut down one of their business operations. Plaintiffs are
14 still operational and making plenty of money under their existing licenses.

15 Indeed, CLS Holdings USA, Inc. ("CLS" Holdings) announced record sales in April of this
16 year. *See* May 14, 2019 article entitled CLS Holdings USA, Inc.¹⁰ announces record April sale results
17 released by marijuanastocks.com attached as **Exhibit "D"**; *see also* article from
18 profitconfidential.com regarding Planet 13 Holdings Inc. According to the press release, CLS
19 Holdings made over \$1 million dollars of revenue in March of 2019. *Id.* Further, MM Development
20 (Planet 13 Holdings, Inc.) is quoted as operating the largest cannabis dispensary in America and having
21 a central location just off the Las Vegas Strip. *Id.* A recent article about Planet 13 Holdings, Inc.,
22 states that its 2018 fourth quarter revenue increased by 145% and full-year 2018 revenue increased by
23 136%. *Id.*

24 As such, unlike *Nevada Ass'n Services, Inc.*, where the Court affirmed the district court's
25 finding that NAS would be unable to conduct any business during the timeframe at issue and
26

27
28 ¹⁰ CLS Holdings fully owns and operates Oasis Cannabis and the City Trees brand. Oasis Cannabis
is the dba of Serenity Wellness, who is the lead plaintiff in this case.

1 determined that the inability to conduct business would cause irreparable harm, Plaintiffs never had
2 their prior licenses revoked so the analysis is inapposite. *Nevada Ass’n Servs., Inc.* 128 Nev. At 370.
3 P.3d 1223, 1228 (2012)). Thus, Plaintiffs’ argument that they will suffer irreparable harm is void of
4 merit.

5 *iii. The Requested Injunctive Relief, if Granted, Would Cause Hardship to the*
6 *Public Interest and the Defendants*

7 In considering preliminary injunctions, courts weigh the potential hardships to the relative
8 parties and others, and the public interest. *See Univ. & Cmty. Coll. Sys. of Nevada v. Nevadans for*
9 *Sound Gov’t*, 120 Nev. 712, 721 (2004).

10 The Serenity Wellness Plaintiffs spend all of three sentences of their 49 page brief in
11 addressing this prong of the preliminary injunction analysis, whereas the MM Development Motion
12 is silent on the matter. *See* the Serenity Wellness Motion at p. 49. Plaintiffs claim the Department
13 will not suffer any “cognizable prejudice” if their injunctive relief is granted. Plaintiffs fail to address
14 the harm to the public, the loss revenue to the tax payers, and the harm to Defendants. This factor
15 weighs in favor of the public, Intervening Defendants, and the other license winners.

16 Plaintiffs request for a mandatory injunction is against the public’s interest. Plaintiffs are not
17 seeking to prevent an impending harm, or even maintain the status quo, but instead are looking to
18 have this Court circumvent the legislative process to award Plaintiffs’ licenses that they did not qualify
19 for. A preliminary injunction is treated as a mandatory injunction if the relief sought orders a
20 responsible party to take action. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Thus,
21 Plaintiffs mischaracterizes the relief they are seeking as a *preliminary* injunction, but what Plaintiffs
22 are actually seeking is rather a *mandatory* injunction.

23 The Ninth Circuit has clearly stated that “a mandatory injunction goes well beyond simply
24 maintaining the status quo *pendente lite* and is particularly disfavored.” *Garcia v. Google, Inc.*, 786
25 F.3d 733, 740 (9th Cir. 2015). Thus, Plaintiffs must meet an ***even higher burden of proof*** and level
26 of scrutiny to prove that a mandatory injunction is the appropriate remedy. In other words, he must
27 establish that “the law and facts *clearly favor* their position, not simply that he is *likely* to succeed.”
28 *Id.* (emphasis original).

1 An injunction is not in the public's best interest. The public voted in favor of the legislation
2 at issue in this case and any order preventing that process from going forward would harm the public,
3 especially in delaying the substantial tax revenue created by the businesses awarded licenses.
4 Moreover, the State of Nevada has already and will continue to derive significant tax revenue for
5 education and other important state interests from Nevada's recreational marijuana dispensaries. The
6 longer Intervening Defendants and the other license winners are prevented from getting their
7 dispensaries up and running, the less tax revenue the state of Nevada will receive for important
8 functions such as education.

9 Finally, Plaintiffs argue that public policy supports the conclusion that the purpose of an
10 impartial bidding process is to guard against "favoritism, improvidence, and corruption." Plaintiffs,
11 however, fail to set forth any allegations of "favoritism or corruption" in the licensing process, much
12 less attempt to meet their burden of proof with any shred of evidence to support such a preposterous
13 claim. Stated simply, Plaintiffs are sore losers who did not put the time, effort, resources into building
14 a company who should be qualified for this exclusive license. Instead of learning from their failures,
15 Plaintiffs are attempting to blame everyone else, challenge the process after the fact, and even hint at
16 the ridiculous claim that the process was somehow the result of "favoritism or corruption." Plaintiffs
17 have had over six (6) months to find a hint of evidence to support this claim and have failed to do so.

18 **C. PLAINTIFFS WOULD NEED TO POST A SUBSTANTIAL BOND TO COMPENSATE FOR THE**
19 **DAMAGE THEY WOULD CAUSE THROUGH THE REQUESTED INJUNCTIVE RELIEF**

20 NRCP 65 requires "the giving of security by the applicant in such sum as the court deems
21 proper, for the payment of such costs and damages as may be incurred or suffered by any party who
22 is found to have been wrongfully enjoined or restrained." NRCP 65(c).

23 Despite the fact that a bond is required for the issuance of any injunction, Plaintiffs fail to
24 mention the bond requirement in their motions. However, if this Court gets to the bond analysis,
25 nothing short of a substantial bond in excess of \$948,724,301.40 would be required to support the
26 extraordinary relief Plaintiffs are requesting. This number should not come as a surprise to Plaintiffs,
27 as they have represented time over time that the *"market has established that cannabis licenses are*
28 *worth tens of million, even hundreds of millions of dollars"*. See the Serenity Wellness Motion at p.

9 (emphasis added).

In support of the bond requirement, Thrive has submitted the affidavit of Mitchell Britten, CEO and Managing Partner of CPCMC Holdings, LLC attached as **Exhibit “E”**. Mr. Britten has submitted evidence of the estimated lost profits for that the sixty (61) license holders and the estimated lost tax revenue the State of Nevada would lose if there is a delay allowing the license holders to begin operating under the new licenses.

In calculating the estimated lost tax revenue and lost profits, Mr. Britten used historical tax data from Thrive’s locations and the Supplemental Registration to the Department of Taxation (“Supplemental Tax Registration”) that shows the estimated monthly receipts Thrive expected from just one of its new locations in the City of Las Vegas. See March 13, 2019 Supplemental Tax Registration to the Department of Taxation attached as **Exhibit “F”**. Thrive submitted this required Supplemental Tax Registration to the Department of Taxation on March 13, 2019, which calculated the estimated monthly receipts it expected from its Sahara Property operations to be **\$1,590,000**. *Id.* This estimate was sent to the Department of Taxation two months ago and was based upon historical data from another one of Thrive’s marijuana operations in the Las Vegas valley.

Mr. Britton’s estimate of the lost taxes and profits is as follows:

State of Nevada	Monthly	Annually
Sales and Use Tax	\$ 131,175.00	\$ 1,574,100.00
Retail Marijuana Tax	\$ 156,150.77	\$ 1,873,809.24
Wholesale Marijuana Tax	\$ 82,908.00	\$ 994,896.00
City of Las Vegas		
3% Gross Revenue Tax	\$ 46,845.23	\$ 562,142.76
Government Loss	\$ 417,079.00	\$ 5,004,948.00
Lost Company Profit (per location)	\$ 878,992.45	\$ 10,547,909.40
Total Loss from Each License	\$ 1,296,071.45	\$ 15,552,857.40
Number of Licenses	61	61
Total Loss	\$ 79,060,358.45	\$ 948,724,301.40

See Mitchell Britten’s calculation of monthly and annually lost taxes and profits attached as **Exhibit**

1 “G”.

2 This monetary loss does not include the jobs that will be lost and the additional taxes and fees
3 those jobs would generate to the State of Nevada. Based on Mr. Britten’s experience in running
4 marijuana dispensaries in Nevada, he estimates that each dispensary equates to thirty (30) direct jobs
5 and eight (8) indirect jobs, equaling a total of thirty-eight (38) jobs per store. With sixty-one (61)
6 potential stores opening in Nevada this year, Mr. Britten calculates there would be two-thousand, three
7 hundred and eighteen (2,318) lost jobs if Plaintiffs motion for preliminary injunction is granted, of
8 which, a minimum of eighteen hundred and thirty (1,830) would be jobs filled by Nevada residents.¹¹
9 See Ex. “D”.

10 Plaintiffs’ injunction will be detrimental to the State of Nevada, and counteract everything the
11 marijuana industry has tried to accomplish, such as more taxes for our school system. This is why a
12 bond would have to secure the costs and damages that will be incurred if this injunction is granted.

13 Accordingly, if this Court gets to an analysis on the bond requirement for the issuance of a
14 preliminary injunction, a bond in the amount of \$79 million per month or \$948 million per year is
15 necessary to cure the harm in lost tax revenue to the State of Nevada and lost profits to the companies
16 who were awarded the sixty-one (61) licenses.¹²

17 ///

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19 ///

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26 ¹¹ As discussed in the affidavit of Mr. Britten, Thrive is ready to begin operations at its Sahara Property
27 once the TRO is lifted. Thrive has already hired, trained, and is currently paying twenty seven (27)
full-time employees for the Sahara Property who are ready to begin working at that location.

28 ¹² Intervening Defendants request leave to allow them and/or each license winner the opportunity to
supplement this element of the analysis if the Court wants more evidence on this issue.

1 **IV. CONCLUSION**

2 Based on the foregoing, Defendants Essence and Thrive respectfully request this Court deny
3 Plaintiffs' preliminary injunction motions in their entirety. Plaintiffs have incurred no irreparable
4 harm, their case will not succeed on the merits, and the balance of hardships tips sharply in favor of
5 the public and the license winners.

6 Dated this 23rd day of May, 2019.

7 Respectfully submitted,

8 **MAIER GUTIERREZ & ASSOCIATES**

9 /s/ Joseph A. Gutierrez

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CERTIFICATE OF SERVICE

Pursuant to Administrative Order 14-2, a copy of the **INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS** was electronically filed on the 23rd day of May, 2019 and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List and by depositing a true and correct copy of the same, enclosed in a sealed envelope upon which first class postage was fully prepaid, in the U.S. Mail at Las Vegas, Nevada, addressed as follows (*Note: All Parties Not Registered Pursuant to Administrative Order 14-2 Have Been Served By Mail.*):

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/s/ Brandon Lopipero

An Employee of MAIER GUTIERREZ & ASSOCIATES

EXHIBIT “A”

2018 Retail Marijuna Store Application Scores and Rankings

Revised 4 pm 5/14/2019

CARSON CITY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
3	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	No
4	TRNVP098, LLC	GRASSROOTS	196.49	No
5	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
6	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
7	BIONEVA INNOVATIONS OF CARSON CITY, LLC	BIONEVA INNOVATIONS	188.00	No
8	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
9	D LUX, LLC	D LUX	150.49	No
10	CN LICENSECO I, INC	CANA NEVADA	139.01	No
11	CARSON CITY AGENCY SOLUTIONS, LLC	CARSON CITY AGENCY SOLUTIONS	128.67	No

CHURCHILL COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO APPLICATIONS RECEIVED				

CLARK COUNTY- HENDERSON				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
5	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	Yes
6	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
7	QUALCAN, LLC	QUALCAN	209.66	No
8	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
9	WSCC, INC	SIERRA WELL	201.50	No
10	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.83	No
11	TRNVP098, LLC	GRASSROOTS	196.49	No
12	HARVEST of NEVADA, LLC	HARVEST	195.01	No
13	RED EARTH, LLC	RED EARTH	194.67	No
14	GRAVITAS NEVADA, LTD	THE APOTHECARIUM	194.66	No
15	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
16	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
17	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
18	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	No
19	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
20	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
21	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
22	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
23	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
24	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
25	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
26	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
27	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
28	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
29	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
30	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
31	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	148.51	No
32	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
33	NYE FARM TECH, LTD	URBN LEAF	133.34	No
34	GREENLEAF WELLNESS, INC	GREENLEAF WELLNESS	114.83	No
35	GREENWAY HEALTH COMMUNITY, LLC	GREENWAY HEALTH COMMUNITY	87.33	No

CLARK COUNTY- LAS VEGAS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
5	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
6	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
7	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	212.33	Yes
8	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
9	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.67	Yes
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	Yes
11	QUALCAN, LLC	QUALCAN	207.33	No
12	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
13	3AP, INC	NATURE'S CHEMISTRY	202.83	No
14	WSCC, INC	SIERRA WELL	200.83	No
15	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
16	LAS VEGAS WELLNESS & COMPASSION CENTER	PEGASUS NV	199.83	No
17	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.83	No
18	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
19	TGIG, LLC	THE GROVE	196.67	No
20	TRNVP098, LLC	GRASSROOTS	196.49	No
21	TRNVP098, LLC	GRASSROOTS	196.49	No
22	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
23	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	196.00	No
24	HARVEST of NEVADA, LLC	HARVEST	195.01	No
25	RED EARTH, LLC	RED EARTH	194.67	No
26	STRIVE WELLNESS OF NEVADA, LLC	STRIVE	194.00	No
27	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
28	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
29	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
30	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
31	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
32	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
33	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
34	AGUA STREET, LLC	CURALEAF	188.00	No
35	GREEN THERAPEUTICS, LLC	PROVISIONS	187.67	No
36	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	184.84	No
37	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
38	GTI NEVADA, LLC	RISE	184.33	No
39	GTI NEVADA, LLC	RISE	184.33	No
40	GTI NEVADA, LLC	RISE	184.33	No
41	TRYKE COMPANIES RENO, LLC	REEF	182.00	No
42	SILVER SAGE WELLNESS, LLC	+ VIBES	181.99	No
43	CW NEVADA, LLC	CANOPI	181.67	No
44	TRYKE COMPANIES RENO, LLC	REEF	181.33	No
45	MATRIX NV, LLC	MATRIX NV	180.67	No
46	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
47	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
48	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
49	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	179.83	No
50	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
51	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
52	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
53	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
54	MEDI FARM IV, LLC	BLUM	173.50	No
55	NEVADA HOLISTIC MEDICINE, LLC	NHM	172.50	No
56	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
57	LUFF ENTERPRISES NV, INC	SWEET CANNABIS	171.33	No
58	THC NEVADA, LLC	CANNA VIBE	170.99	No
59	THE HARVEST FOUNDATION, LLC	THE HARVEST FOUNDATION	170.50	No
60	MALANA LV, LLC	MALANA LV	168.66	No
61	WEST COST DEVELOPMENT NEVADA, LLC	SWEET GOLDY	168.17	No
62	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
63	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
64	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
65	NEVADA PURE, LLC	SHANGO LAS VEGAS	164.83	No
66	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
67	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
68	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
69	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
70	GREENPOINT NEVADA, INC	CHALICE FARMS	160.84	No
71	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
72	NEVADA WELLNESS CENTER, LLC	NWC	156.51	No
73	ALTERNATIVE MEDICINE ASSOCIATION, LLC	ALTERNATIVE WELLNESS	154.67	No
74	YMY VENTURES, LLC	STEM	154.16	No
75	SOLACE ENTERPRISES	THALLO	153.67	No
76	MMOF VEGAS RETAIL, INC	MEDMEN	152.67	No
77	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
78	YMY VENTURES, LLC	STEM	152.16	No
79	NEVCANN, LLC	NEVCANN	150.67	No
80	NEVCANN, LLC	NEVCANN	150.67	No
81	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	150.51	No
82	WENDOVERA, LLC	WENDOVERA	145.66	No
83	FOREVER GREEN, LLC	FOREVER GREEN	144.01	No
84	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
85	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
86	PARADISE WELLNESS CENTER, LLC	LAS VEGAS RELEAF	142.99	No
87	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	141.83	No
88	CN LICENSECO I, INC	CANA NEVADA	139.01	No
89	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
90	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
91	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
92	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
93	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
94	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
95	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
96	NYE FARM TECH, LTD	URBN LEAF	133.34	No
97	NYE FARM TECH, LTD	URBN LEAF	133.34	No
98	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
99	GB SCIENCES NEVADA, LL	GB SCIENCES	125.00	No
100	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
101	GREENLEAF WELLNESS, INC	GREENLEAF WELLNESS	115.16	No
102	RG HIGHLAND	TWEEDLEAF	113.00	No
103	NLV WELLNESS, LLC	ETHCX	109.67	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
CLARK COUNTY- MESQUITE				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO ALLOCATION				

CLARK COUNTY- NORTH LAS VEGAS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
5	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
6	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
7	COMMERCE PARK MEDICAL, LLC	THRIVE	212.33	No
8	CLEAR RIVER, LLC	KABUNKY	209.83	No
9	QUALCAN, LLC	QUALCAN	209.00	No
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
11	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
12	3AP, INC	NATURE'S CHEMISTRY	202.83	No
13	WSCC, INC	SIERRA WELL	201.50	No
14	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
15	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	198.50	No
16	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
17	TGIG, LLC	THE GROVE	196.67	No
18	TRNVP098, LLC	GRASSROOTS	196.49	No
19	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
20	HARVEST of NEVADA, LLC	HARVEST	195.68	No
21	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	195.67	No
22	RED EARTH, LLC	RED EARTH	194.67	No
23	ZION GARDENS, LLC	ZION GARDENS	194.17	No
24	GREENSCAPE PRODUCTIONS, LLC	HERBAL WELLNESS CENTER	192.83	No
25	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
26	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
27	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.54	No
28	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.33	No
29	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
30	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
31	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
32	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
33	GREEN THERAPEUTICS, LLC	PROVISIONS	188.67	No
34	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
35	AGUA STREET, LLC	CURALEAF	185.50	No
36	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	185.17	No
37	GTI NEVADA, LLC	RISE	184.33	No
38	MATRIX NV, LLC	MATRIX NV	181.00	No
39	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
40	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
41	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
42	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
43	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
44	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
45	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
46	THC NEVADA, LLC	CANNA VIBE	170.99	No
47	MALANA LV, LLC	MALANA LV	169.00	No
48	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
49	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
50	EUPHORIA WELLNESS, LLC	EUPHORIA WELLNESS	165.16	No
51	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
52	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
53	GREENPOINT NEVADA, INC	CHALICE FARMS	161.84	No
54	NEVADA WELLNESS CENTER, LLC	NWC	156.51	No
55	SOLACE ENTERPRISES	THALLO	153.67	No
56	PHYSIS ONE, LLC	LV FORTRESS	153.00	No
57	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
58	NEVCANN, LLC	NEVCANN	150.67	No
59	HEALTHCARE OPTIONS for PATIENTS ENTERPRISES, LLC	SHANG0	150.33	No
60	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
61	WENDOVERA, LLC	WENDOVERA	145.66	No
62	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
63	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
64	FOREVER GREEN, LLC	FOREVER GREEN	141.34	No
65	CN LICENSECO I, INC	CANA NEVADA	139.01	No
66	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
67	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	137.51	No
68	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
69	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
70	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
71	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
72	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
73	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No
74	NLV WELLNESS, LLC	ETHCX	109.67	No
75	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No
76	THOMPSON FARM ONE, LLC	GREEN ZONE	49.66	No

CLARK COUNTY- UNINCORPORATED CLARK COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
3	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
4	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
5	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
6	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
7	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	214.66	Yes
8	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
9	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	Yes
10	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
11	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.50	No
12	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
13	QUALCAN, LLC	QUALCAN	207.66	No
14	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	205.67	No
15	3AP, INC	NATURE'S CHEMISTRY	202.83	No
16	WSCC, INC	SIERRA WELL	200.83	No
17	LAS VEGAS WELLNESS & COMPASSION CENTER	PEGASUS NV	200.16	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
18	ACRES MEDICAL, LLC	ACRES DISPENSARY	198.67	No
19	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
20	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.17	No
21	TGIG, LLC	THE GROVE	196.67	No
22	TRNVP098, LLC	GRASSROOTS	196.49	No
23	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
24	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	195.67	No
25	HARVEST of NEVADA, LLC	HARVEST	195.01	No
26	RED EARTH, LLC	RED EARTH	195.00	No
27	GRAVITAS NV	THE APOTHECARIUM	194.66	No
28	ZION GARDENS, LLC	ZION GARDENS	194.17	No
29	GREENSCAPE PRODUCTIONS, LLC	HERBAL WELLNESS CENTER	192.83	No
30	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
31	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
32	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
33	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
34	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
35	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
36	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
37	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
38	FIDELIS HOLDINGS, LLC	PISOS	189.33	No
39	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
40	LVMC C&P, LLC	CANNA COPIA	188.50	No
41	GREEN THERAPEUTICS, LLC	PROVISIONS	187.67	No
42	AGUA STREET, LLC	CURALEAF	187.17	No
43	AGUA STREET, LLC	CURALEAF	186.50	No
44	CWNEVADA, LLC	CANOPI	184.34	No
45	TRYKE COMPANIES RENO, LLC	REEF	181.33	No
46	MATRIX NV, LLC	MATRIX NV	180.33	No
47	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
48	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
49	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	179.50	No
50	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
51	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
52	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
53	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
54	MEDI FARM IV, LLC	BLUM	173.50	No
55	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
56	LUFF ENTERPRISES NV, INC	SWEET CANNABIS	171.33	No
57	WEST COST DEVELOPMENT NEVADA, LLC	SWEET GOLDY	168.17	No
58	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
59	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
60	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
61	NEVADA PURE, LLC	SHANGO LAS VEGAS	165.83	No
62	EUPHORIA WELLNESS, LLC	EUPHORIA WELLNESS	165.16	No
63	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
64	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
65	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
66	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
67	GREENPOINT NEVADA, INC	CHALICE FARMS	160.84	No
68	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
69	NEVADA WELLNESS CENTER, LLC	NWC	155.18	No
70	YMY VENTURES, LLC	STEM	153.83	No
71	MMOF VEGAS RETAIL, INC	MEDMEN	152.67	No
72	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
73	NEVCANN, LLC	NEVCANN	150.67	No
74	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
75	WENDOVERA, LLC	WENDOVERA	145.66	No
76	NCMM, LLC	NCMM	144.16	No
77	NCMM, LLC	NCMM	144.16	No
78	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
79	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
80	CN LICENSEC O I, INC	CANA NEVADA	139.01	No
81	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
82	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
83	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	135.84	No
84	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
85	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
86	NYE FARM TECH, LTD	URBN LEAF	133.34	No
87	GFIVE DISPENSARY, LLC	G5	128.83	No
88	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
89	GB SCIENCES NEVADA, LL	GB SCIENCES	125.00	No
90	KINDIBLES, LLC	AREA 51	117.50	No
91	KINDIBLES, LLC	AREA 51	117.50	No
92	KINDIBLES, LLC	AREA 51	117.50	No
93	KINDIBLES, LLC	AREA 51	117.50	No
94	NLV WELLNESS, LLC	ETHCX	109.67	No
95	GREENWAY MEDICAL, LLC	GREENWAY MEDICAL	101.00	No
96	MILLER FARMS, LLC	LUCID	88.66	No
97	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

DOUGLAS COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	Yes
3	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	184.84	No
4	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	148.51	No
5	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
6	WENDOVERA, LLC	WENDOVERA	145.66	No
7	NCMM, LLC	NCMM	144.16	No

ELKO COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
2	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.53	No
3	QUALCAN, LLC	QUALCAN	209.66	No
4	HARVEST of NEVADA, LLC	HARVEST	195.01	No
5	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
6	WENDOVERA, LLC	WENDOVERA	145.66	No
7	H&K GROWERS, CORP	H&K GROWERS	125.83	No
8	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
ESMERALDA COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	185.17	Yes
3	BLUE COYOTE RANCH, LLC	BLUE COYOTE RANCH	100.83	No
EUREKA COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	EUREKA NEWGEN FARMS, LLC	EUREKA NEWGEN FARMS	97.67	Yes
HUMBOLDT COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	Yes
3	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
4	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
5	MILLER FARMS, LLC	LUCID	88.66	No
LANDER COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes
3	HARVEST of NEVADA, LLC	HARVEST	195.01	No
4	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
5	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
LINCOLN COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
LYON COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
3	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No
4	5SEAT INVESTMENTS, LLC	KANNA	162.00	No
5	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	143.17	No
6	FOREVER GREEN, LLC	FOREVER GREEN	141.01	No
7	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
8	MILLER FARMS, LLC	LUCID	88.66	No
9	INTERNATIONAL SERVICES AND REBUILDING, INC	VOODOO WELLNESS	56.00	No

MINERAL COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes

NYE COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
2	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
3	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	No
4	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
5	TGIG, LLC	THE GROVE	196.67	No
6	TRNVP098, LLC	GRASSROOTS	196.49	No
7	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
8	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
9	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.50	No
10	GREEN LIFE PRODUCTIONS, LLC	GREEN LIFE PRODUCTIONS	180.68	No
11	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
12	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
13	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
14	5SEAT INVESTMENTS, LLC	KANNA	161.67	No
15	NYE FARM TECH, LTD	URBN LEAF	133.34	No
16	NLV WELLNESS, LLC	ETHCX	109.67	No
17	MILLER FARMS, LLC	LUCID	88.66	No
18	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

PERSHING COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes

STOREY COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	Yes

WHITE PINE COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes
3	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
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WASHOE COUNTY- RENO				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
5	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
6	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.66	Yes
7	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	No
8	QUALCAN, LLC	QUALCAN	209.66	No
9	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.33	No
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
11	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
12	WSCC, INC	SIERRA WELL	201.50	No
13	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
14	TGIG, LLC	THE GROVE	196.67	No
15	TRNVP098, LLC	GRASSROOTS	196.49	No
16	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
17	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
18	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
19	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.50	No
20	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
21	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	No
22	BIONEVA INNOVATIONS OF CARSON CITY, LLC	BIONEVA INNOVATIONS	187.67	No
23	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No
24	GTI NEVADA, LLC	RISE	184.33	No
25	HIGH SIERRA CULTIVATION, LLC	HIGH SIERRA	183.33	No
26	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
27	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
28	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.50	No
29	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
30	WAVESER OF NEVADA, LLC	JENNY'S DISPENSARY	175.67	No
31	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
32	THC NEVADA, LLC	CANNA VIBE	170.99	No
33	HELIOS NV, LLC	HYDROVIZE	167.17	No
34	MMNV2 HOLDINGS I, LLC	MEDMEN	166.83	No
35	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
36	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
37	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
38	GREENPOINT NEVADA, INC	CHALICE FARMS	159.84	No
39	NEVADA WELLNESS CENTER, LLC	NWC	155.18	No
40	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
41	NEVCANN, LLC	NEVCANN	150.67	No
42	D LUX, LLC	D LUX	149.83	No
43	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	141.83	No
44	CN LICENSECO I, INC	CANA NEVADA	139.01	No
45	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
46	H&K GROWERS, CORP	H&K GROWERS	126.50	No
47	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
48	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
49	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No
50	NEVADA BOTANICAL SCIENCE, INC	VIGOR DISPENSARIES	115.34	No
51	NV GREEN, INC	NV GREEN	105.84	No
52	MILLER FARMS, LLC	LUCID	88.66	No
53	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

WASHOE COUNTY- SPARKS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	No
3	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	No
4	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
5	TGIG, LLC	THE GROVE	196.67	No
6	TRNVP098, LLC	GRASSROOTS	196.49	No
7	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	192.01	No
8	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
9	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
10	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
11	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
12	GREENPOINT NEVADA, INC	CHALICE FARMS	161.17	No
13	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.33	No
14	D LUX, LLC	D LUX	149.83	No
15	CN LICENSECO I, INC	CANA NEVADA	139.01	No
16	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No

WASHOE COUNTY- UNINCORPORATED WASHOE				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO ALLOCATION				

EXHIBIT “B”



STEVE SISOLAK
Governor
JAMES DEVOLLD
Chair, Nevada Tax Commission
MELANIE YOUNG
Executive Director

STATE OF NEVADA DEPARTMENT OF TAXATION

Web Site: <https://tax.nv.gov>
1550 College Parkway, Suite 115
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LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

FACT SHEET MARIJUANA LICENSING TRANSPARENCY

Marijuana establishment information was previously protected by confidentiality statutes similar to all taxpayers. Senate Bill 32 permits the release of certain marijuana establishment information. Immediately upon signing of SB 32, the Department of Taxation has made available on the web:

Web Site: https://tax.nv.gov/FAQs/Marijuana_License_Application_Information_-_NEW/

Records Released: 10,400*

Applicant Names: 8,900*

Pages Released: 800*

September – December Retail Store Application Period

From September 7-20th the Department accepted applications for Retail Marijuana Stores. Below are facts related to this specific application period.

Number of applications received:	462
Number of applicants:	127
Number of conditional licenses awarded:	61
Awardees with diversity in ownership, officers or board members:	59%
Awardees that didn't previously have a dispensary:	53%

License Application Evaluator Qualifications:

Contractor A: Fire Inspector, 20 years
Contractor B: Real Estate Development/Accounting - 23 years
Contractor C: Gov. Environmental Health Specialist, 30 Years
Contractor D: MBA, Project Manager - 18 years
Contractor E: Government Accounting & IT - 30 Years
Contractor F: Government Operations & Fiscal Manager - 30 years
Administrative Assistant II (1 assistant for each team)

For questions, write to: Marijuana@Tax.State.Nv.US

*Approximate number of documents, names and pages released.

AA 004462

EXHIBIT “C”

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NEVADA MARIJUANA LICENSE APPLICATION INFORMATION

Unprecedented Release of Marijuana Licensing Information

In an ongoing effort to improve transparency in marijuana licensing and the industry, Governor Steve Sisolak and Executive Director of Taxation, Melanie Young are pleased to announce the passage of [Senate Bill 32](#), permitting the release of details regarding who applied for licenses, who received licenses, their ranking, score and the process of issuing marijuana license.

"This new policy is an important step in a multi-pronged approach to greater transparency in marijuana licensing under my administration. As our legal marijuana industry has evolved and flourished, it's more important than ever that the industry and the public enjoy the benefits of a completely open and transparent process from licensing to operation so that our marijuana industry can become the gold standard in the nation."

- Governor Steve Sisolak.

"Until now, information about marijuana applicants and licensees has been strictly confidential. This is the result of merging two statutory and regulatory structures that deal with highly sensitive information: medical marijuana, which necessarily protects patients and providers, and taxation, which protects the financial and proprietary information of Nevada's businesses"

-Executive Director of Taxation Melanie Young

Documents released on this site include:

- Names of current owners of marijuana establishments
- Information regarding the evaluators of the license applications.
- The use of state contractors for license application evaluation.
- The tools contractors used to evaluate applications.
- Methods contractors employed to evaluate applications.
- Companies that applied for licenses.
- Names of owners, officers and board members that applied
- Who was awarded licenses and who was not
- Applicant scores.

Open Letter from Executive Director Young

The Department of Taxation staff is tasked with the fair and efficient collection of approximately 7 billion dollars annually. Marijuana licensing and regulation is a small, but significant Department function. Since 2015, the State has successfully evaluated thousands of license applications and successfully issued more than 900 licenses to operate marijuana establishments. Recently, intense competition for retail licenses has led to applicants challenging the process the state has implemented to issue licenses.

Questions have been raised regarding the use of contractors to evaluate license applications. This process has been in place since 2015 for marijuana licensing and use of contractors is a common practice to accomplish temporary tasks efficiently for the

Media Contact

Kyril "Ky" Plaskon
Education Information Officer
774-684-3487
kolaskon@tax.state.nv.us

Current Licensees as of May 1, 2019

[Owners, Officers and Board Members](#)
[↓](#)
[Company Names & Scores by Application Period Date](#)
[↓](#)
[January 2, 2018](#)
[May 15, 2017](#)
[November 20, 2017](#)
[November 27, 2017](#)
[June 13, 2018](#)
[June 14, 2018](#)
[September 7, 2018 \(Updated\)](#)
[October 30, 2018](#)
[Jan. 31 - Feb. 15, 2019](#)
[Applicant Names by Application Period](#)
[↓](#)
[Application Periods Summary](#)
[↓](#)
[May 15 - 31, 2017](#)
[Nov. 20 - Dec. 4, 2017](#)
[Nov. 27 - 29, 2017](#)
[Jan. 2 - 16, 2017](#)
[June 13 - 26, 2018](#)
[June 14 - 27, 2018](#)
[Sept. 7 - 20, 2018](#)
[Oct. 30 - Nov 13, 2018](#)
[Jan. 31 - Feb. 15, 2019](#)
[September 2018 Application Period Documents](#)
[↓](#)
[Notice of Intent to Accept Applications](#)
[↓](#)
[Retail Marijuana Store Application](#)

state. All state agencies are approved by the Department of Administration to use temporary hiring agencies including Manpower. The Marijuana Enforcement Division does not have full-time staff dedicated to application evaluation and the Division could not be expected to pull nearly a quarter of its staff from regular duties regulating the industry to evaluate applications for three months.

In June 2018, the Department was approved by the Interim Finance Committee to use Manpower as a vehicle for hiring qualified temporary employees to evaluate license applications. The state hired a small number of highly-qualified individuals with decades of expertise. This method translated to more consistency and efficiency in the marijuana licensing process to meet legally-mandated deadlines. Training involved weeks pouring over thousands of documents and intense one-on-one and group evaluation activities to prepare contractors for scoring applications.

There are many questions about the scoring tools. This is the result of Nevadans' foresight anticipating extreme demand for marijuana licenses. Nevada has a merit-based award system laid out by Nevada Revised Statutes and Nevada Administrative Code. The law requires that applicants be evaluated based on financial, building and owner information. Applications are scored and ranked accordingly. There are no provisions in the law to issue licenses to low-scoring applicants. This structure has led to a strong marijuana industry in Nevada.

Now, under the leadership of Governor Sisolak, taxpayer confidentiality rules in Senate Bill 32 (SB32) have been amended. That means the public can see who is operating marijuana establishments in Nevada and who applied for licenses. We hope that you will participate in this new era of transparency in Nevada's marijuana industry by taking the time to review information on this site.

If you have questions, please send them to: Marijuana@tax.state.nv.us

Sincerely,
Melanie Young
Executive Director
Nevada Department of Taxation

September 2018 Application Period Facts

Nevada has a unique competitive and rigorous scoring process for licenses that is outlined by law, requiring analysis of financials, business plans and qualifications of the applicants. By law, the highest scoring applicants are awarded a conditional license.

Retail Dispensary Licenses Available:	64
Application period:	10 days
Evaluation & scoring period:	90 days
Number of applications received:	462
Number of applicants:	127
Number of jurisdictions:	17
Number of applicants awarded licenses:	17
Number of conditional licenses awarded:	61
Awardees with diversity in ownership, officers or board members	59%
Awardees that didn't previously have a dispensary	53%

Sept. 2018 Application Evaluator Qualifications

The Department of Taxation was approved to identify, hire and train highly qualified temporary contractors to evaluate and score applications. The contractors were housed at the Carson City Department of Taxation Office under the supervision of Marijuana Enforcement Division staff. The contractors' qualifications are outlined below.

- Contractor A: Fire Inspector, 20 years
- Contractor B: Real Estate Development/Accounting - 23 years
- Contractor C: Gov. Environmental Health Specialist, 30 Years
- Contractor D: MBA, Project Manager - 18 years

[Remaining Store Allocations by Jurisdiction &](#)

[Application Scoring Tool - Organizational Structure &](#)

[Application Scoring Tool - Care, Quality & Safekeeping &](#)

[Application Scoring Tool - Adequacy of Size of Building &](#)

[Application Scoring Tool - Likely Impact on Community &](#)

[Application Scoring Tool - Financial Resources &](#)

[Scoring Tool - Taxes & Financial Contributions &](#)

[Ranks & Scores of Applicants by Jurisdiction \(Updated\) &](#)

[Entity Application Key: Entity ID & Company Name &](#)

[Detailed Scores by Category Sheet - Non-Identified &](#)

[Detailed Scores by Category - Identified &](#)

[Carson City Limit Advisory &](#)

[City of Henderson Limit Advisory &](#)

[City of Reno Limit Advisory &](#)

[Consent to Release Applicant Name &](#)

[Score Review Procedure &](#)

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[ListServ Notifications: over 3,000 subscribers](#)

- Contractor E: Government Accounting & IT - 30 Years
- Contractor F: Government Operations & Fiscal Manager - 30 years
- Administrative Assistant II (1 assistant for each team)

Sept. 2018 Application Period Transparency

Was diversity considered in the application process?

Yes. On the right-hand column of this screen, see page 5 of the "Application Scoring Tool - Organizational Structure."

Why did 17 applicants win all of the 61 licenses?

Because of intense competition for licenses, Nevada law & regulations require a competitive scoring process for licenses. Applicants were scored on 6 categories outlined in the law including: Financial Resources; Organizational Structure; Impact on the Community; Building Plans, Size and Adequacy; Care, Quality and Safekeeping of marijuana; and Taxes and Financial Contributions. The applicants with the highest score in those areas are awarded licenses by law. Applicants were aware of the competitive award process. 127 Marijuana license applicants submitted an average of 3 applications each totaling 462 applications. There is no provision in Nevada law to award licenses to low-scoring applicants.

Why were temporary contractors used to evaluate applications?

State agencies use qualified contractors on a daily basis to efficiently complete temporary tasks. Contractors are approved for use by the Nevada System of Higher Education, the Court System, The Legislative Counsel Bureau and all Political Subdivisions within the State. That includes the Department of Taxation. Similar to all other contract work in other state departments, the Marijuana Enforcement Division Identified, hired and trained highly-qualified contract employees to score applications and administrative assistants to provide support.

How were the application reviewers "highly qualified"?

The Department sought contract employees with specific skills and experience that directly related to the substance of what they would be evaluating in the applications. The application evaluators met the State of Nevada job specifications for Accountants; Fire & Life Safety Inspector; Marijuana Program Inspector; Personnel Officer and Administrative Assistants. The minimum qualifications of each evaluator are listed above, including information demonstrating that candidates exceeded the qualifications.

Why didn't the Department use its own employees?

The Marijuana Enforcement Division of the Department of Taxation does not have budgeted full-time positions dedicated to license application evaluation. Staff is dedicated to other statutory and regulation-mandated duties such as auditing, inspecting, and investigating establishments; reviewing advertising and packaging submissions; reviewing and processing ownership transfers; collecting taxes; and processing agent card applications and renewals. Given the volume of applications and workload the Department anticipated for this round of licensing, the Division could not divert staff away from their existing duties to focus on application review. Additionally, by using contract employees to review and score applications, the Department could ensure an objective and independent process carried out by reviewers with no pre-existing relationships to, or insider knowledge, of the applicants.

Why did the Department use Manpower?

The State of Nevada has an existing contract with Manpower to hire employees to fulfill temporary needs. After Taxation staff identified and interviewed the candidates of choice, those candidates registered through Manpower, allowing the Department to hire them under the existing contract.

Has the state done this before?

Yes. During the first round of medical marijuana registration certificate applications in 2014, the Division of Public and Behavioral Health—which was the licensing and regulatory body at the time—used an employment agency contract to hire employees for reviewing applications.

Did the Department have to get any kind of approval to use contract employees?

Yes. In June of 2018, the Department appeared before the Legislative Interim Finance Committee (IFC) to seek funding approval to hire the contract employees for reviewing and scoring the applications. IFC granted that approval.

What kind of training did the Department provide to the application reviewers?

Over a two-week period, the application reviewers were trained by numerous staff from the Department of Taxation, Marijuana Enforcement Division, including the Program Manager, Program Supervisor, Education and Information Officer, Chief Compliance Officer, Program Officers, Auditors, Investigators, Inspectors and Administrative Assistants. The application reviewers were trained on the history of marijuana in the state, marijuana laws and regulations, the contents of the application, and tools for reviewing and scoring.

To familiarize the evaluators with the contents of applications and the process for reviewing and scoring them, evaluators reviewed and scored 10 applications from previous application periods. The applications contained hundreds of pages each. This created a mock application period for reviewing and scoring. The mock applications consisted of applications that should have resulted in low, medium, and high scores. Evaluators worked with Marijuana Enforcement Division staff to score the mock applications. By the end of the training, they were familiar with a range of application qualities, their

contents, criteria, how to apply evaluation tools (score sheets) and were able to process applications independently in a timely manner.

What was the process the evaluators used to review and score applications?

Evaluators were split into two teams. One team reviewed and scored "non-identified" sections of applications (they did not know the identity of the applicants). The other team reviewed and scored the "identified" sections of the applications (the content of the section included the identity of the applicants by necessity).

The independence of each evaluator was a key component to maintaining the integrity of the process. Each reviewer independently reviewed each application thoroughly and came to an independent scoring conclusion.

During the evaluation period, the reviewers were placed in three offices: one office for the three-person Identified-Team reviewers, another office for the three-person Non-Identified Team reviewers, and a third office for the Administrative Assistants (one assistant for each team). The Identified and Non-Identified reviewers were not permitted to discuss any application details with the other team to maintain separation and confidentiality for an independent evaluation process.

Team members individually reviewed applications, assigned scores to each criteria section, and then held a team meeting between the three reviewers on that team to see how closely their scores aligned. If scores differed in any criteria section of the application by three or more points, they were required to re-review the section and discuss until they arrived at a scoring consensus. Following the three-person evaluation team meeting, the reviewers' scores for each criteria section of the application were averaged to score that section.

Scores for all criteria sections were then totaled across both the Identified and non-identified sections to arrive at a total score for the entire application.

What criteria did the reviewers look at, and what were the point values for the criteria?

The following are the criteria sections that were reviewed and scored. Each section also contained a further breakdown of weighted components that made up the total possible point value for the section. These criteria sections and point values—along with the citations of administrative code for the criteria—were provided in the application. All applicants were aware of the criteria and used the criteria to preparing their applications. 250 points were possible per applications. Virtually the same scoring tool was applied in 2014.

Non-identified criteria (125 points):

- Integrated plan for the care, quality, and safekeeping of marijuana from seed to sale - 40 points
- Plan to staff, educate, and manage the proposed marijuana establishment on a daily basis - 30 points
- Operating procedures for the electronic verification system and description of the marijuana inventory control system - 20 points
- Adequacy of the size of the proposed marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana - 20 points
- Proposal demonstrating the likely impact of the establishment in the community in which it will be located and the manner in which the establishment would meet the needs of the persons who are authorized to use marijuana - 15 points

Identified criteria (125 points):

- Proposed organizational structure and information concerning each owner, officer, and board member (including racial, ethnic, and gender diversity) - 60 points
- Evidence of the amount of taxes paid or other beneficial financial contributions made to the state or its political subdivisions - 25 points
- Financial plan and documentation - 30 points
- Documentation from a financial institution that demonstrates the applicant has at least \$250,000 in liquid assets and the source of those funds - 10 points

Who applied for marijuana licenses and why weren't their names public?

Until the passage of Senate Bill 32, information about marijuana applicants and licensees was strictly confidential. This is the result of merging two statutory and regulatory structures that deal with highly sensitive information: medical marijuana, which necessarily protects patients and providers, and taxation, which protects the financial and proprietary information of Nevada's businesses.

All taxpayers in Nevada are protected by confidentiality statutes. A taxpayer is defined by NRS 360.255 subsection 1: The records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged. Therefore the Department is unable to disclose the name of the business that paid the marijuana license application fee. The Department requested applicants to provide a waiver permitting the release of their names, however, of the 127 applicants, only 8 returned the waiver and consented to the release of their names. The Department, in conjunction with the Office of the Governor and Legislature has amended SB32 to allow for the release of marijuana business names.

Sept. 2018 Application Period Timeline

Date	Activity
June 2018	

	Legislative Interim Finance Committee approves funding to hire contract employees to review and score retail marijuana store applications.
July 5	Notice of Intent to Accept Applications posted to Department's website Application posted to Department's website, including criteria categories to be scored and their respective point values.
July - Aug.	Identify candidates for application evaluation positions, review resumes and conduct interviews.
Aug. 28	Contract score reviewers' employment and orientation begins.
Aug. 28 - Sep. 7	Evaluator training & preparation.
Sep. 7 - 20	10-day period during which applicants can submit applications.
Sep. - Nov.	Application review and scoring.
Nov.	Verifications conducted: Points of contact, Tax Identification Numbers, ownership, jurisdictional info, agent card background checks, Executive review of rankings.
Dec. 5, 2019	Team meets 90-day statutorily-required deadline, issuing 462 Conditional approvals and denials issued via USPS and email.
Jan. 9 - Mar. 5	Staff conducts score review meetings as outlined by NAC453D.

General Marijuana Licensing Questions

If you have questions or would like more information, please send an email to marijuana@tax.state.nv.us.

Request ADA document remediation for individuals using assistive technology devices

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	Modified Business Tax	Tax Evasion	Statutes & Regulations
	Forms	Marijuana Agent Portal	Video Training
	Live Entertainment Tax		
	Forms	Local Gov	Publications
	Excise Tax Forms	Appeals	
	Commerce Tax Forms	Appraiser Education	Boards/Meetings
		and Testing	Public Meetings
		Local Government	Nevada Tax
		Finance	Commission
		Net Proceeds of	State Board of
		Minerals	Equalization
		Locally Assessed	Mining Oversight and
		Property	Accountability
		Centrally Assessed	Commission
		Property	Committee on Local
			Government Finance
			Appraiser Certification
			Board

FAQ's

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EXHIBIT “D”

Welcome To Marijuana Stocks

Wed May 15 2019 12:23:40 GMT-0700 (Pacific Daylight Time)



(/)

FREE MARIJUANA STOCKS NEWSLETTER - CLICK HERE

CLS Holdings USA , Inc. (CLSH) (CLSH.CN) announces record April sales results

By J. Phillip (<https://marijuanastocks.com/author/admin/>) -
May 14, 2019

**CLS
Holdings
USA, Inc.
announces
record April
sales
results**



CLS Holdings USA ,
Inc. (CLSH.CN)
(CLSH.CN), the
"Company" or
"CLS", a diversified
cannabis company
operating as
Cannabis Life
Sciences, today
highlighted its
financial and
operational results
for the month of
April, 2019 with

(<https://marijuanastocks.com/wp-content/uploads/2014/09/NEWS2.jpg>) record revenue of \$1,141,574.50 USD . Results are compared to those of Alternative Solutions, LLC, the entity CLS acquired in June 2018 that operates Oasis and City Trees.

- CLS Holdings' Oasis dispensary saw record April 2019 revenue of \$652,500 , an increase of 56% from April 2018
- The dispensary serviced a record 15,040 customers in the month
- City Trees, the Company's branded product division, saw a revenue increase from \$236,456 in April 2018 to \$489,074 in April 2019 , a 52% increase.
- Gross margin increased from the 37% gross margin of Alternative Solutions in 2018 to 44% for the Company in 2019
- City Trees increased its customer base from 17 in April 2018 to 32 in April 2019 a 47% increase

As previously announced, the Oasis Cannabis Dispensary completed a renovation along with vibrant new signage in March 2019 and the results to date have been outstanding. Oasis is able to process many more daily orders with greater efficiency.

City Trees continues to gain market share and now services 78% of total dispensaries in Nevada .

The City of Las Vegas recently approved Social Use Venues aka Consumption Lounges, In anticipation of this approval, the Company leases 5000 square feet of space in front of its existing dispensary. The Company believes as a result of this that it is in a unique position to capitalize on another significant revenue stream.

"Many of the initiatives management has put in place since the beginning of 2019 are starting to show significant results. The team in Las Vegas is functioning at a high level and although we are less than halfway through May we continue to see improved results in all categories. The combined operating divisions are operating profitably, and we will continue to work hard improving results with a focus on providing exceptional customer service to all our highly valued customers." said Andrew Glashow , President and COO of the Company.

About CLS Holdings USA , Inc.

CLS Holdings USA , Inc. (CLSH) is a diversified cannabis company that acts as an integrated cannabis producer and retailer through its Oasis Cannabis subsidiaries in Nevada and plans to expand to other states.

CLS stands for "Cannabis Life Sciences," in recognition of the Company's patented proprietary method of extracting various cannabinoids from the marijuana plant and converting them into products with a higher level of quality and consistency. The Company's business model includes licensing operations, processing operations, processing facilities, sale of products, brand creation and consulting services.

<http://www.clsholdingsinc.com>

Twitter: @CLSHusa

About Oasis Cannabis

Oasis Cannabis has operated a cannabis dispensary in the Las Vegas market since dispensaries first opened in Nevada in 2015 and has been recognized as one of the top marijuana retailers in the state. Its location within walking distance to the Las Vegas Strip and Downtown Las Vegas in combination with its delivery service to

residents allows it to efficiently serve both locals and tourists in the Las Vegas area. In February 2019 , it was named "Best Dispensary for Pot Pros" by Desert Companion Magazine.

In August 2017 , the company commenced wholesale offerings of cannabis in Nevada with the launch of its City Trees brand of cannabis concentrates and cannabis-infused products.

***OASIS CANNABIS – OPEN 24 HOURS – BEST MARIJUANA DEALS
IN LAS VEGAS ([HTTPS://OASISCANNABIS.COM/](https://oasiscannabis.com/))***

About City Trees

Founded in 2017, City Trees is a Nevada based cannabis cultivation, production and distribution company. Offering a wide variety of products with consistent results, City Trees is one the fastest growing wholesale companies in the industry. Its products are now available at 44 of the 60 licensed dispensaries in Nevada .

HOME ([HTTPS://CITYTREES.COM/](https://citytrees.com/))

Forward Looking Statements

This press release contains certain "forward-looking information" within the meaning of applicable Canadian securities legislation and "forward-looking statements" as that term is defined in the Private Securities Litigation Reform Act of 1995 (collectively, the "forward-looking statements"). These statements relate to anticipated future events, future results of operations or future financial performance, and anticipated growth. In some cases, you can identify forward-looking statements by terminology such as "may," "might," "will," "should," "intends," "expects," "plans," "goals," "projects," "anticipates," "believes," "estimates," "predicts," "potential," or "continue" or the negative of these terms or other comparable terminology. These forward-looking statements are only predictions, are uncertain and involve substantial known and unknown risks, uncertainties and other factors which may cause our actual results, levels of activity or performance to be materially different from any future results, levels of activity or performance expressed or implied by these forward-

looking statements. We cannot guarantee future results, levels of activity or performance and we cannot guaranty that the proposed transactions described in this press release will occur. You should not place undue reliance on these forward-looking statements, which speak only as of the date that they were made. These cautionary statements should be considered together with any written or oral forward-looking statements that we may issue in the future. Except as required by applicable law, we do not intend to update any of the forward-looking statements to conform these statements to reflect actual results, later events or circumstances or to reflect the occurrence of unanticipated events. See CLS Holdings USA filings with the SEC and on its SEDAR profile at www.sedar.com for additional details.

SOURCE CLS Holdings USA Inc

([/#facebook](#)) ([/#twitter](#)) ([/#email](#))

([https://www.addtoany.com/share#url=https%3A%2F%2Fmarijuanastocks.com%2Fclsh-clsh-cn-announces-record-april-sales-results%2F&title=CLS%20Holdings%20USA%20%2C%20Inc.%20\(CLSH\)%20\(CLSH.CN\)%20announces%20record%20April%20sales%20results](https://www.addtoany.com/share#url=https%3A%2F%2Fmarijuanastocks.com%2Fclsh-clsh-cn-announces-record-april-sales-results%2F&title=CLS%20Holdings%20USA%20%2C%20Inc.%20(CLSH)%20(CLSH.CN)%20announces%20record%20April%20sales%20results))

(<https://marijuanastocks.com/author/admin/>)

J. Phillip (<https://marijuanastocks.com/author/admin/>)

<http://marijuanastocks.com/> (<http://marijuanastocks.com/>)

Coming from Miami FL, Jonathan Phillip or (J. Phillip) is a social media marketer and currently head of PR and social media management for MarijuanaStocks.com. When working with clients in various sectors Jonathan will use his expertise and knowledge to make sure the correct audience is viewing and engaging with your content product or service. The goal I want to reach with each client is making sure they feel that they have met there mark for each campaign that is set. In addition, I also want the client to feel comfortable and have a full understanding of the process that is taking place during the marketing campaign. Jonathan is a self-taught marketer and entrepreneur learning from the best and sharpening his skills with each project.

 (<https://www.facebook.com/Marijuana-Stocks-221880533936/>)

 (<https://plus.google.com/+MarijuanastocksChannel>)  (https://www.instagram.com/jacc_music/)

 (<https://twitter.com/MarijuanaStocks>)

EXHIBIT “E”

1 **AFFT**

2 JOSEPH A. GUTIERREZ, ESQ.

3 Nevada Bar No. 9046

4 JASON R. MAIER, ESQ.

5 Nevada Bar No. 8557

6 **MAIER GUTIERREZ & ASSOCIATES**

7 8816 Spanish Ridge Avenue

8 Las Vegas, Nevada 89148

9 Telephone: (702) 629-7900

10 Facsimile: (702) 629-7925

11 E-mail: jrm@mgalaw.com

12 jag@mgalaw.com

13 PHILIP M. HYMANSON, ESQ.

14 Nevada Bar No. 2253

15 HENRY JOSEPH HYMANSON, ESQ.

16 Nevada Bar No. 14381

17 **HYMANSON & HYMANSON**

18 8816 Spanish Ridge Avenue

19 Las Vegas, NV 89148

20 Telephone: (702) 629-3300

21 Facsimile: (702) 629-3332

22 Email: Phil@HymansonLawNV.com

23 Hank@HymansonLawNV.com

24 *Attorneys for Defendants in Intervention,*

25 *Integral Associates LLC d/b/a Essence*

26 *Cannabis Dispensaries, Essence Tropicana, LLC,*

27 *Essence Henderson, LLC, CPCM Holdings, LLC*

28 *d/b/a Thrive Cannabis Marketplace, Commerce*

Park Medical, LLC, Cheyenne Medical, LLC

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 SERENITY WELLNESS CENTER, LLC, a
21 Nevada limited liability company, TGIG, LLC,
22 a Nevada limited liability company, NULEAF
23 INCLINE DISPENSARY, LLC, a Nevada
24 limited liability company, NEVADA
25 HOLISTIC MEDICINE, LLC, a Nevada
26 limited liability company, TRYKE
27 COMPANIES SO NV, LLC, a Nevada limited
28 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

Case No.: A-19-786962-B

Dept. No.: XI

**AFFIDAVIT OF MITCHELL BRITTEN
IN SUPPORT OF INTERVENING
DEFENDANTS' JOINDER AND
SUPPLEMENTAL BRIEFING IN
SUPPORT OF THE STATE OF
NEVADA'S AND NEVADA ORGANIC
REMEDIES, LLC'S OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION; AND LONE MOUNTAIN
PARTNERS, LLC'S OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION OR FOR WRIT OF
MANDAMUS**

1 Nevada limited liability company, NEVADA
2 PURE, LLC, a Nevada limited liability
3 company, MEDIFARM, LLC, a Nevada
4 limited liability company, DOE PLAINTIFFS I
through X; and ROE ENTITY PLAINTIFFS I
through X,

Plaintiffs,

vs.

6 THE STATE OF NEVADA, DEPARTMENT
7 OF TAXATION,

Defendants.

8
9 INTEGRAL ASSOCIATES LLC d/b/a
ESSENCE CANNABIS DISPENSARIES, a
10 Nevada limited liability company; ESSENCE
TROPICANA, LLC, a Nevada limited liability
11 company; ESSENCE HENDERSON, LLC, a
Nevada limited liability company; CPCM
12 HOLDINGS, LLC d/b/a THRIVE CANNABIS
MARKETPLACE, COMMERCE PARK
13 MEDICAL, LLC, a Nevada limited liability
company; and CHEYENNE MEDICAL, LLC,
14 a Nevada limited liability company.

Defendants in Intervention.

16 STATE OF NEVADA)
17 COUNTY OF CLARK) ss:
)

18 I, MITCHELL BRITTEN, hereby declare as follows:

19 1. I am over the age of eighteen (18) and I have personal knowledge of all matters set
20 forth herein. If called to do so, I would competently and truthfully testify to all matters set forth
21 herein, except for those matters stated to be based upon information and belief.

22 2. I make this affidavit in support of Intervening Defendants' joinder and supplemental
23 briefing in support of the State of Nevada's and Nevada Organic Remedies, LLC's opposition to
24 motion for preliminary injunction; and Lone Mountain Partners, LLC's opposition to motion for
25 preliminary injunction or for writ of mandamus.

26 3. I am the Managing Partner and CEO of CPCM Holdings, LLC; the parent company of
27 Commerce Park Medical, LLC and Cheyenne Medical, LLC d/b/a Thrive Cannabis Marketplace
28 (collectively "Thrive" or "Defendants" or "Intervenors").

1 4. Thrive is a Defendant in Intervention in the above-captioned matter. As such, I have
2 knowledge of the facts contained herein and I am competent to testify thereto.

3 5. On December 5, 2018, Thrive, through Cheyenne Medical, LLC, received approval by
4 the State of Nevada Department of Taxation to operate a recreational marijuana license store within
5 the City of Las Vegas.

6 6. Thrive was awarded a total of six (6) licenses in December of 2018 in various
7 jurisdictions in Nevada.

8 7. Following the Department's approval of Thrive's recreational marijuana licenses, we
9 began working to open a location within the City of Las Vegas and working towards a final inspection
10 by the State of Nevada and the City of Las Vegas.

11 8. Under the Approved Regulations, if a marijuana establishment does not receive a final
12 inspection within twelve (12) months from the date the license was issued, the marijuana
13 establishment must surrender the license to the Department.

14 9. Based on the twelve (12) month window to obtain final inspection under R092-17, Sec.
15 87, we understood the urgency to get final approval by the local governments and we moved forward
16 with all the required steps to obtain a retail location, licensing approval, inspections, and overhead
17 necessary to begin operations.

18 10. After receiving our license, we spent several months and hundreds of thousands of
19 dollars to get to the point in our operations to obtain final approval from the State of Nevada and from
20 the City of Las Vegas business license to begin operations of our retail marijuana store at 3500 West
21 Sahara Ave., Las Vegas, Nevada 89117 ("Sahara Property").

22 11. The state granted approval of our final license after their inspections on March 13,
23 2019. See Sahara Property's license attached as **Exhibit "E"**. The license for the Sahara location is
24 contingent on the Sahara Property receiving a local business license before it starts operations.

25 12. We were scheduled on May 2, 2019 to have the final inspection at the Sahara Property
26 by the State of Nevada, but that assumed that we had successfully obtained the local business license
27 for the Sahara Property. The approval of our local business license was on the consent agenda for the
28 May 1, 2019 Las Vegas City Council meeting.

1 13. On May 1, 2019, I attended the Las Vegas City Council meeting where Thrive's
2 business license for the Sahara Property was set on the agenda for final approval. This was the last
3 step necessary for Thrive to obtain final approval to being operations.

4 14. However, during the City Council meeting, Plaintiffs' attorney appeared and requested
5 that the City Council delay approval for Thrive's business license due to the pending preliminary
6 injunction hearing set for May 24, 2019.

7 15. The City Council postponed Thrive's licensing hearing for two weeks and set the
8 matter for the agenda on May 15, 2019.

9 16. This Court held the hearing on Plaintiffs' application for a TRO on May 13, 2019.

10 17. Following this ruling granting in part and denying in part Plaintiffs' application for a
11 TRO, Thrive has not opened to the Sahara Property to the public and commenced operations under its
12 conditional license for this location.

13 18. Consistent with this Court's TRO order, Thrive did receive its final business license
14 approval by the City of Las Vegas on May 15, 2019.

15 19. Thrive completed all of the necessary steps to obtain final approval by the City of Las
16 Vegas and to begin operations at its Sahara Property. It was required to pay a \$75,000 licensing fee
17 in order to be placed on the City Council Consent agenda for their May 1, 2019 approval. Thrive did,
18 in fact, pay this \$75,000 licensing fee.

19 20. We have hired and fully trained twenty-seven (27) hourly employees to work the 24
20 hour per day operation at the Sahara Property and we have numerous other salaried employees,
21 including book keepers, managers, compliance staff, inventory control, security, etc. who will work
22 around the clock on the Sahara Property operations.

23 21. Thrive's additional fixed costs for just the Sahara Property include City and State
24 licensing fees, as well as monthly overhead costs such as advertising/marketing expenses, wages for
25 hourly/salary employees, cost for security, and utilities and rent.

26 22. In support of the estimated tax revenue the State of Nevada would lose if there is a
27 delay allowing the license holders to begin operating under the new licenses, I used Thrive's estimated
28 monthly receipts that we expect from the Sahara Property as a basis for calculating the loss of revenue

1 for just one location and the estimated loss of tax revenue the State would receive from that location.

2 23. I have enclosed Thrive's March 13, 2019 Supplemental Registration to the Department
3 of Taxation that shows our estimated monthly receipts that we expect from the Sahara Property. See
4 March 13, 2019 Supplemental Registration to the Department of Taxation attached as **Exhibit "E"**.

5 24. We submitted the required Supplemental Registration form to the Department of
6 Taxation on March 13, 2019. This document was used by the Department of Tax to establish the
7 deposit required for this location.

8 25. I calculated the estimated monthly receipts for the Sahara Property to be \$1,590,000.
9 This estimate was based upon historical averages from another one of Thrive's marijuana operations
10 in the Las Vegas valley that have similar traffic counts. Moreover, the company expects nearly the
11 exact same sales numbers out of the Sahara Property based on its internal calculations and the Sahara
12 Properties' location.

13 26. Expanding upon these estimates, I calculated the Sales and Use Tax to the State of
14 Nevada to be \$131,175.00 per month or \$1,574,100.00 per year for this location. See calculation of
15 monthly and annually lost taxes and profits attached as **Exhibit "F"**.

16 27. I calculated the Retail Marijuana Tax to the State of Nevada to be \$156,150.77 per
17 month or \$1,873,809.24 per year for this location. *Id.*

18 28. I calculated the Wholesale Marijuana Tax to the State of Nevada to be \$82,902.00 per
19 month or \$994,869.00 per year for this location. *Id.*

20 29. This equates to a \$417,079.00 total monthly loss to the State of Nevada or
21 \$5,004,948.00 per year for just one license at the Sahara Property.

22 30. In support of the estimated lost profits that sixty (61) license holders would suffer if
23 Plaintiffs' injunction is granted, I used the estimated monthly receipts for the Sahara Property to
24 estimate the total loss profits for each new license.

25 31. Revenue for each store will differ depending on performance and location, however,
26 on average I estimate that each new license will lose \$878,992.45 per month in profits or
27 \$10,547,909.40 per year.

28 32. As a rule of thumb, I estimate that each new store equates to thirty (30) direct jobs and

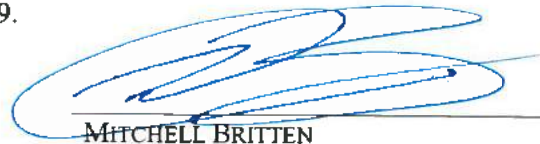
1 eight (8) indirect jobs. Direct jobs would be employees for the dispensary and supporting business.
2 Indirect jobs would be employees of suppliers, cultivators, and distributors.

3 33. With sixty-one (61) potential stores opening in Nevada this year, my calculation is that
4 there would be two-thousand, three hundred and eighteen (2,318) lost jobs (direct and in-direct jobs)
5 if Plaintiffs' motion for preliminary injunction is granted, of which, a minimum of eighteen hundred
6 and thirty (1,830) (direct jobs) would be jobs likely filled by Nevada residents.

7 34. This calculation does not include the jobs that the taxes and fees the employees would
8 generate to the State of Nevada. As an example, the State of Nevada charges a \$75 fee for
9 occupational licensing for each employee and various costs for fingerprinting.

10 I certify that the above statements are true and accurate to the best of my knowledge and
11 belief.

12 DATED this 22nd day of May, 2019.

13
14 
15

MITCHELL BRITTEN

16 SUBSCRIBED and SWORN to before
17 me this 22 day of May, 2019.

18 
19 Notary Public for Said County and State



EXHIBIT “E”



STATE OF NEVADA RETAIL MARIJUANA STORE LICENSE
DEPARTMENT OF TAXATION

Issued Date: 12/01/2018
Expiration Date: 11/30/2019

License #: 30384137740970358778
Facility ID: RD264
Taxpayer ID: 1018791337-003
Correspondence ID: 1900012316314

CHEYENNE MEDICAL LLC
710 CORONADO CENTER DR STE 121
HENDERSON NV 89052

THIS LICENSE:
IS VOID IF ALTERED.
IS NOT ISSUED IN LIEU OF ANY LOCALLY REQUIRED
BUSINESS LICENSE, PERMIT OR REGISTRATION.
IS VALID UNLESS CANCELLED OR REVOKED.

AS DEFINED BY NRS CHAPTER 453D

Current License Location

CHEYENNE MEDICAL LLC
3500 W SAHARA AVE
LAS VEGAS NV 89117

MUST BE DISPLAYED IN PUBLIC VIEW AT LICENSE LOCATION

(Detach Here)

Attached is your **NEVADA Retail Marijuana Store License**.

A single number, the TID (Taxpayer Identification Number), identifies a taxpayer for MOST tax types. Please use your TID and LOC (Location Number) in correspondence or telephone calls to the Department.

As stated on the application or renewal, this license is valid from 12/01/2018 to 11/30/2019.

The Department of Taxation has forms, publications and information available via the internet at <https://tax.nv.gov>.

This license authorizes the holder to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana product from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers. The Retail Marijuana excise tax is 10% of the sales price of the marijuana to the end consumer.

Returns along with the appropriate tax are due the last day of the month following activity. A return must be filed whether or not a liability exists.

By accepting this license, I certify that I understand that I am required to comply with all State of Nevada laws, including, but not limited to NRS 453D and NAC 453D, and that noncompliance may result in penalties, suspension or revocation of this license and criminal prosecution.

This Nevada Retail Marijuana Store License has been issued pursuant to an application or renewal duly filed and payment of prescribed fees and bond if applicable. This License shall be considered valid unless canceled, suspended or revoked for good cause in accordance with NRS chapter 453D.

OFFICE LOCATION:

Nevada Department of Taxation
1550 College Pkwy
Suite 115
Carson City NV 89706
(775) 684-2000

AA 004484



STEVE SISOLAK
Governor
JAMES DEVOLLD
Chair, Nevada Tax Commission
MELANIE YOUNG
Executive Director

STATE OF NEVADA DEPARTMENT OF TAXATION

Web Site: <https://tax.nv.gov>
1550 College Parkway, Suite 115
Carson City, Nevada 89706-7937
Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

Stores licensed to sell marijuana in Nevada

The state is only permitted to release the names of open dispensaries. When a license is released, this file is updated.

Updated: April 1, 2019

Clark County

Name	Address	City	Medical/Rec.
1. Apothecary Shoppe	4240 W. Flamingo RD. #100	Las Vegas	M & R
2. Acres Cannabis	2320 Western Ave.	Las Vegas	Rec. only
3. Blackjack Collective	1860 Western Ave.	Las Vegas	M & R
4. Blüm LV	3650 S. Decatur Blvd.	Las Vegas	M & R
5. Blüm LV	1130 E. Desert Inn Rd.	Las Vegas	M & R
6. Exhale Nevada Dispensary	1921 Western Ave.	Las Vegas	M & R
7. CannaCopia	6332 S. Rainbow Blvd. # 105	Las Vegas	M & R
8. Canopi	1324 S. 3rd St.	Las Vegas	M & R
9. Canopi	2113 N. Las Vegas Blvd.	N. Las Vegas	M & R
10. Canopi	6540 Blue Diamond Rd.	Las Vegas	M & R
11. Cheyenne Medical	3500 West Sahara Ave	Las Vegas	Rec. Only
12. Deep Roots Harvest	195 Willis Carrier Canyon	Mesquite	M & R
13. Essence	5765 W. Tropicana Ave.	Las Vegas	M & R
14. Essence	2307 S. Las Vegas Blvd.	Las Vegas	M & R
15. Essence	4300 E. Sunset Road, Ste. A2, A3	Henderson	M & R
16. Inyo Fine Cannabis Dispensary	2520 S. Maryland Pkwy.	Las Vegas	M & R
17. Jardin Premium Cannabis	2900 E. Desert Inn Rd. 102	Las Vegas	M & R
18. Jenny's Dispensary	5530 N. Decatur Blvd # 115	N. Las Vegas	M & R
19. Jenny's Dispensary	10420 S. Eastern Ave., Suite 100	Henderson	M & R
20. Las Vegas Releaf	2242 Paradise Rd.	Las Vegas	M & R
21. Medizin/Planet 13	4850 W. Sunset Rd. # 130	Las Vegas	M & R
22. MedMen	5303 Paradise Rd.	Las Vegas	M & R
23. MMJ America	4660 S. Decatur Blvd.	Las Vegas	M & R
24. Nevada Medical Marijuana	1975 S. Casino Dr.	Laughlin	M & R
25. Nevada Medical Marijuana	3195 St. Rose Pkwy. Suite 212	Henderson	M & R
26. Nevada Wellness Center	3200 S. Valley View Blvd.	Las Vegas	M & R
27. New Amsterdam Naturals	823 S. 3rd St.	Las Vegas	M & R
28. NuLeaf	430 E. Twain Ave.	Las Vegas	M & R
29. Oasis Cannabis	1800 Industrial Rd # 180	Las Vegas	M & R
30. Piso's	4110 S. Maryland Pkwy.	Las Vegas	M & R
31. Reef Dispensaries	3400 Western Ave.	Las Vegas	M & R
32. Reef Dispensaries	1366 W. Cheyenne Ave. # 110-111	N. Las Vegas	M & R
33. Sahara Wellness	420 E. Sahara Ave.	Las Vegas	M & R
34. Shango Las Vegas	4380 Boulder Hwy.	Las Vegas	M & R
35. ShowGrow	4850 S. Fort Apache Rd. Suite 100	Las Vegas	M & R

Open Dispensaries 4-1-2019

36. Silver Sage Wellness	4626 W. Charleston Blvd.	Las Vegas	M & R
37. Euphoria Wellness	7780 S. Jones Blvd.	Las Vegas	M & R
38. The Apothecarium	7885 W. Sahara Ave. #111-112	Las Vegas	M & R
39. Exhale Nevada Dispensary	4310 W. Flamingo Rd.	Las Vegas	M & R
40. The Dispensary	5347 S. Decatur Blvd.	Las Vegas	M & R
41. The Dispensary	50 N. Gibson Rd.	Henderson	M & R
42. The Grove	4647 Swenson St.	Las Vegas	M & R
43. The Source	6877 W. Sahara	Las Vegas	M & R
44. The Source	9480 S. Eastern Ave. 185 & 190	Henderson	M & R
45. Thrive Cannabis Marketplace	2755 W. Cheyenne Ave.	N. Las Vegas	M & R
46. Thrive Cannabis Marketplace	1112 S. Commerce St.	Las Vegas	M & R
47. Top Notch The Health Center	5630 Stephanie St.	Las Vegas	M & R
48. Cultivate Dispensary	3615 Spring Mountain Rd.	Las Vegas	M & R
49. ZenLeaf	9120 W. Post Rd. # 103	Las Vegas	M & R

Washoe County

50. Blüm Reno	1085 S Virginia St.	Reno	M & R
51. Greenleaf Wellness	1730 Glendale Ave.	Sparks	M & R
52. Kanna	5398 Sun Valley Blvd.	Sun Valley	M & R
53. Mynt Cannabis Dispensary	132 E. 2nd St.	Reno	M & R
54. Nuleaf	877 Tahoe Blvd.	Incline Village	M & R
55. Reef Dispensaries	195 E. Glendale Suite 3	Sparks	M & R
56. Reef Dispensaries	5105 Sun Valley Blvd., B	Sun Valley	M & R
57. Rise Dispensaries	9650 Pyramid Way	Sparks	M & R
58. Sierra Wellness	1605 East 2 nd St. #103	Reno	M & R
59. Silver State Relief	175 E. Greg St.	Sparks	M & R
60. The Dispensary NV	100 West Plumb Lane	Reno	M & R
61. Washoe Dispensary	275 Highway 395 South	Washoe Valley	M & R
62. Lemmon Aide	340 Lemmon Dr.	Reno	M & R

Carson City

63. Rise Dispensaries	135 Clearview Dr.	Carson City	M & R
64. Sierra Wellness	2765 US Hwy. 50, Suite A	Carson City	M & R

Churchill County

65. Green Cross Farmacy	510 W. Williams Ave.	Fallon	Medical only
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Nye County

66. The Grove	1541 E. Basin Ave.	Pahrump	M & R
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Report: **RECREATIONAL MARIJUANA LICENSE**
Report Id: **RCRRR785**
Filename::
Run By: **PRDREP**
Report Date: **03/13/2019**

5/9/2019

Thrive Cannabis Marketplace Mail - Fwd: Cheyenne Medical LLC - NBR



Mitchell Britten <mitch@thrivenevada.com>

Fwd: Cheyenne Medical LLC - NBR

1 message

Thu May 9, 2019 at 5:02 PM

Melanie Lopez <melanie@connorpic.com>
To: Mitchell Britten <mitch@thrivenevada.com>



Melanie Lopez
Licensing Paralegal - Regulatory Compliance Team
T: (702) 750-5139
P: (702) 749-5991
E: melanie@connorpic.com www.connorpic.com
2580 Anthem Village Drive, Henderson, NV 89052

----- Forwarded message -----

From: Melanie Lopez <melanie@connorpic.com>
Date: Wed, Mar 13, 2019 at 2:57 PM
Subject: Cheyenne Medical LLC - NBR
To: Allison Walker <awalker@tax.state.nv.us>
Cc: Amanda Connor <amanda@connorpic.com>, Rebecca Post <rebecca@connorpic.com>

Ms. Walker:

Please see the attached NBR and Supplemental Registration that we have made the necessary changes to. We will deliver the check for \$1500 to the local Department of Taxation and supply you with a receipt of same as soon as possible.

Melanie A. Lopez
Paralegal
Regulatory Compliance Team
Connor & Connor P.C.
710 Coronado Center Dr, Suite 121
Henderson, NV 89052
(702) 750-5139, (702) 749-5991 (fax)
melanie@connorpic.com

 **Cheyenne Medical NBR 3.2019.pdf**
212K

AA 004488

NEVADA DEPARTMENT OF TAXATION
SUPPLEMENTAL REGISTRATION

Please print clearly — Use black or blue ink only
 Please mark applicable type(s) (See Instructions)

For Department Use Only

TID:

Dept. of Taxation Representative accepting application:

☒ Sales/Use Permit ☐ Consumer Use Tax Permit ☐ Certificate of Authority ☐ Live Entertainment Tax

1.	DBA (as shown on the Nevada Business Registration Form): Cheyenne Medical, LLC	3.	List STATE of incorporation or formation if applicable: Nevada
2.	Business telephone number: 702-776-4144		
FEES AND SECURITY DEPOSIT			
4.	Estimated total monthly receipts: \$1,590,000.00	6.	Estimated total Nevada monthly TAXABLE receipts: \$1,320,000.00
7.	Reporting cycle (check choice of reporting) Sales Tax Accounts with over \$10,000 a month in TAXABLE sales must report monthly.		
	Monthly	Quarterly	Annual
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sales/Use Tax Use Tax Live Entertainment Tax		
8.	Security (See Instructions) <input checked="" type="checkbox"/> Cash \$ 0 <input type="checkbox"/> Surety # _____		
9.	Sales Tax Fee (See Instructions):	10.	Total Nevada Business Locations: 1
OTHER INFORMATION			
Name of spouse/relative		Address of spouse/relative	
Name of other contact		Address of other contact	
Accountant/bookkeeper Darrel Johnson		Address of accountant/bookkeeper 1112 S. Commerce Las Vegas, NV 89102	
		Phone number of accountant/bookkeeper 702-403-0153	
Other employment (if applicable):			
Company name: N/A		Company name: N/A	
Name of bank/financial institution — location / account number:			
Business account: _____			
Personal account: _____			
FOR DEPARTMENT USE ONLY			
ST/UT No.: _____		MBT No.: _____	
Combine Accts: <input type="checkbox"/> Yes <input type="checkbox"/> No		Previous Acct: _____ Previous Acct Cancelled: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: _____			
<input type="checkbox"/> Cash <input type="checkbox"/> Check		ABA #: _____ Bank: _____ Branch: _____	

****For an introduction to the Department and general information, see our Taxpayer Information Packet Online at www.tax.nv.gov ****

To email, save this form to your computer and email the attachment to nevadaolt@tax.state.nv.us with the subject of 'Nevada Business Registration'

SUPPLEMENTAL APPLICATION

EXHIBIT “F”

	Monthly	Annually
State of Nevada		
Sales and Use Tax	\$ 131,175.00	\$ 1,574,100.00
Retail Marijuana Tax	\$ 156,150.77	\$ 1,873,809.24
Wholesale Marijuana Tax	\$ 82,908.00	\$ 994,896.00
City of Las Vegas		
3% Gross Revenue Tax	\$ 46,845.23	\$ 562,142.76
Government Loss	\$ 417,079.00	\$ 5,004,948.00
Lost Company Profit (per location)	\$ 878,992.45	\$ 10,547,909.40
Total Loss from Each License	\$ 1,296,071.45	\$ 15,552,857.40
Number of Licenses	61	61
Total Loss	\$ 79,060,358.45	\$ 948,724,301.40

EXHIBIT “F”

5/9/2019

Thrive Cannabis Marketplace Mail - Fwd: Cheyenne Medical LLC - NBR



Mitchell Britten <mitch@thrivenevada.com>

Fwd: Cheyenne Medical LLC - NBR

1 message

Thu May 9, 2019 at 5:02 PM

Melanie Lopez <melanie@connorpic.com>
To: Mitchell Britten <mitch@thrivenevada.com>



Melanie Lopez

Licensing Paralegal - Regulatory Compliance Team

T: (702) 750-9139

F: (702) 749-5991

E: melanie@connorpic.com www.connorpic.com

2580 Anthem Village Drive, Henderson, NV 89052

----- Forwarded message -----

From: Melanie Lopez <melanie@connorpic.com>
Date: Wed, Mar 13, 2019 at 2:57 PM
Subject: Cheyenne Medical LLC - NBR
To: Allison Walker <awalker@tax.state.nv.us>
Cc: Amanda Connor <amanda@connorpic.com>, Rebecca Post <rebecca@connorpic.com>

Ms. Walker:

Please see the attached NBR and Supplemental Registration that we have made the necessary changes to. We will deliver the check for \$1500 to the local Department of Taxation and supply you with a receipt of same as soon as possible.

-

Melanie A. Lopez

Paralegal

Regulatory Compliance Team

Connor & Connor P.C.

710 Coronado Center Dr, Suite 121

Henderson, NV 89052

(702) 750-9139, (702) 749-5991 (fax)

melanie@connorpic.com



Cheyenne Medical NBR 3-2019.pdf
212K

AA 004493

NEVADA DEPARTMENT OF TAXATION
SUPPLEMENTAL REGISTRATION

Please print clearly — Use black or blue ink only
 Please mark applicable type(s) (See Instructions)

For Department Use Only

TID:

Dept. of Taxation Representative accepting application:

☒ Sales/Use Permit ☐ Consumer Use Tax Permit ☐ Certificate of Authority ☐ Live Entertainment Tax

1.	DBA (as shown on the Nevada Business Registration Form): Cheyenne Medical, LLC	3.	List STATE of incorporation or formation if applicable: Nevada
2.	Business telephone number: 702-776-4144		
FEES AND SECURITY DEPOSIT			
4.	Estimated total monthly receipts: \$1,590,000.00	6.	Estimated total Nevada monthly TAXABLE receipts: \$1,320,000.00
7.	Reporting cycle (check choice of reporting) Sales Tax Accounts with over \$10,000 a month in TAXABLE sales must report monthly.		
	Sales/Use Tax	Monthly	Quarterly
	Use Tax	<input type="checkbox"/>	<input type="checkbox"/>
	Live Entertainment Tax	<input type="checkbox"/>	Annual <input type="checkbox"/>
8.	Security (See Instructions) <input checked="" type="checkbox"/> Cash \$ 0 <input type="checkbox"/> Surety # _____		
9.	Sales Tax Fee (See Instructions):	10.	Total Nevada Business Locations: 1
OTHER INFORMATION			
Name of spouse/relative		Address of spouse/relative	
Name of other contact		Address of other contact	
Accountant/bookkeeper Darrel Johnson		Address of accountant/bookkeeper 1112 S. Commerce Las Vegas, NV 89102	
		Phone number of accountant/bookkeeper 702-403-0153	
Other employment (if applicable):			
Company name: N/A		Company name: N/A	
Name of bank/financial institution — location / account number:			
Business account: _____			
Personal account: _____			
FOR DEPARTMENT USE ONLY			
ST/UT No.: _____		MBT No.: _____	
Combine Accts: <input type="checkbox"/> Yes <input type="checkbox"/> No		Previous Acct: _____ Previous Acct Cancelled: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: _____			
<input type="checkbox"/> Cash <input type="checkbox"/> Check		ABA #: _____ Bank: _____ Branch: _____	

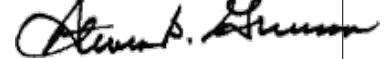
****For an introduction to the Department and general information, see our Taxpayer Information Packet Online at www.tax.nv.gov ****

To email, save this form to your computer and email the attachment to nevadaoft@tax.state.nv.us with the subject of 'Nevada Business Registration'

SUPPLEMENTAL APPLICATION

EXHIBIT “G”

	Monthly	Annually
State of Nevada		
Sales and Use Tax	\$ 131,175.00	\$ 1,574,100.00
Retail Marijuana Tax	\$ 156,150.77	\$ 1,873,809.24
Wholesale Marijuana Tax	\$ 82,908.00	\$ 994,896.00
City of Las Vegas		
3% Gross Revenue Tax	\$ 46,845.23	\$ 562,142.76
Government Loss	\$ 417,079.00	\$ 5,004,948.00
Lost Company Profit (per location)	\$ 878,992.45	\$ 10,547,909.40
Total Loss from Each License	\$ 1,296,071.45	\$ 15,552,857.40
Number of Licenses	61	61
Total Loss	\$ 79,060,358.45	\$ 948,724,301.40



1 **ANS**
2 Jared Kahn, Esq.
3 Nevada Bar # 12603
4 JK Legal & Consulting, LLC
5 9205 West Russell Rd., Suite 240
6 Las Vegas, NV 89148
7 P: (702) 708-2958
8 F: (866) 870-6758
9 jkahn@jk-legalconsulting.com

10 *Attorneys Helping Hands Wellness Center, Inc.*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 SERENITY WELLNESS CENTER, LLC)
14 a Nevada limited liability company; TGIG,)
15 LLC, a Nevada limited liability company;)
16 NULEAF INCLINE DISPENSARY, LLC,)
17 a Nevada limited liability company;)
18 NEVADA HOLISTIC MEDICINE, LLC, a)
19 Nevada limited liability company; TRYKE)
20 COMPANIES SO NV, LLC, a Nevada)
21 limited liability company; TRYKE)
22 COMPANIES RENO, LLC, a Nevada)
23 limited liability company; PARADISE)
24 WELLNESS CENTER, LLC, a Nevada)
25 limited liability company; GBS NEVADA)
26 PARTNERS, LLC, a Nevada limited)
27 liability company; GRAVITAS NEVADA,)
28 LLC, a Nevada limited liability company;)
NEVADA PURE, LLC, Nevada limited)
liability company; MEDIFARM, LLC, a)
Nevada limited liability company; DOE)
PLAINTIFFS I through X; and ROE)
ENTITY PLAINTIFFS I through X,)

Plaintiff,

vs.

THE STATE OF NEVADA,
DEPARTMENT OF TAXATION,

Defendants.

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

**DEFENDANT HELPING HANDS
WELLNESS CENTER, INC.'S
ANSWER TO COMPLAINT**

1 HELPING HANDS WELLNESS)
2 CENTER, INC., a Nevada corporation.)

3 Defendant in Intervention)
4 _____)

5
6
7 Defendant in Intervention Helping Hands Wellness Center, Inc., (“HHWC” or
8 “Defendant”), by and through their counsel Jared Kahn, Esq., hereby answers the Complaint
9 filed by Plaintiffs, as follows:

10 **PARTIES, JURISDICTION AND VENUE**

- 11 1. Defendant is without sufficient information to admit or deny the allegation of paragraphs
12 1 of the Complaint. In the event a response is required, Defendant denies the allegations
13 of the aforementioned paragraphs of the Complaint.
14
15 2. Defendant is without sufficient information to admit or deny the allegation of paragraphs
16 2 of the Complaint. In the event a response is required, Defendant denies the allegations
17 of the aforementioned paragraphs of the Complaint.
18
19 3. Defendant is without sufficient information to admit or deny the allegation of paragraphs
20 3 of the Complaint. In the event a response is required, Defendant denies the allegations
21 of the aforementioned paragraphs of the Complaint.
22
23 4. Defendant is without sufficient information to admit or deny the allegation of paragraphs
24 4 of the Complaint. In the event a response is required, Defendant denies the allegations
25 of the aforementioned paragraphs of the Complaint.
26
27 5. Defendant is without sufficient information to admit or deny the allegation of paragraphs
28 5 of the Complaint. In the event a response is required, Defendant denies the allegations
of the aforementioned paragraphs of the Complaint.

- 1 6. Defendant is without sufficient information to admit or deny the allegation of paragraphs
2 6 of the Complaint. In the event a response is required, Defendant denies the allegations
3 of the aforementioned paragraphs of the Complaint.
- 4 7. Defendant is without sufficient information to admit or deny the allegation of paragraphs
5 7 of the Complaint. In the event a response is required, Defendant denies the allegations
6 of the aforementioned paragraphs of the Complaint.
- 7 8. Defendant is without sufficient information to admit or deny the allegation of paragraphs
8 8 of the Complaint. In the event a response is required, Defendant denies the allegations
9 of the aforementioned paragraphs of the Complaint.
- 10 9. Defendant is without sufficient information to admit or deny the allegation of paragraphs
11 9 of the Complaint. In the event a response is required, Defendant denies the allegations
12 of the aforementioned paragraphs of the Complaint.
- 13 10. Defendant is without sufficient information to admit or deny the allegation of paragraphs
14 10 of the Complaint. In the event a response is required, Defendant denies the
15 allegations of the aforementioned paragraphs of the Complaint.
- 16 11. Defendant is without sufficient information to admit or deny the allegation of paragraphs
17 11 of the Complaint. In the event a response is required, Defendant denies the
18 allegations of the aforementioned paragraphs of the Complaint.
- 19 12. Defendant is without sufficient information to admit or deny the allegation of paragraphs
20 12 of the Complaint. In the event a response is required, Defendant denies the
21 allegations of the aforementioned paragraphs of the Complaint.
- 22 13. Defendant admits the allegations of paragraph 13 of the Complaint.
- 23 14. Defendant is without sufficient information to admit or deny the allegation of paragraphs
24 14 of the Complaint. In the event a response is required, Defendant denies the
25
26
27
28

allegations of the aforementioned paragraphs of the Complaint.

15. The allegations of paragraph 15 of the Complaint call for a legal conclusion to which a response is not required. In the event a response is required, Defendant denies the allegations of paragraph 15 of the Complaint.

GENERAL ALLEGATIONS

16. The allegations of paragraph 16 of the Complaint call for a legal conclusion or contain statements regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits to these allegations. To the extent the allegations do not accurately state the laws or regulations referenced therein, then Defendant denies those allegations.

17. The allegations of paragraph 17 of the Complaint call for a legal conclusion or contain statements regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits to these allegations. To the extent the allegations do not accurately state the laws or regulations referenced therein, then Defendant denies those allegations.

18. The allegations of paragraph 18 of the Complaint call for a legal conclusion or contain statements regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits to these allegations. To the extent the allegations do not accurately state the laws or regulations referenced therein, then Defendant denies those allegations.

19. The allegations of paragraph 19 of the Complaint call for a legal conclusion or contain statements regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits to these allegations. To the extent the allegations do not accurately