

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

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

Respondents.

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

Supreme Court Case Electronically Filed  
Apr 22 2020 01:52 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No.: A-19-787004-B  
Consolidated with:

A-785818  
A-786357  
A-786962  
A-787035  
A-787540  
A-787726  
A-801416

Dept. No.: XI

1 liability company, HERBAL CHOICE, INC.,  
2 a Nevada corporation; JUST QUALITY,  
3 LLC, a Nevada limited liability company;  
4 LIBRA WELLNESS CENTER, LLC, a  
5 Nevada limited liability company;  
6 ROMBOUGH REAL ESTATE, INC. dba  
7 MOTHER HERB, a Nevada corporation;  
8 NEVCANN, LLC, a Nevada limited liability  
9 company, RED EARTH, LLC, a Nevada  
10 limited liability company; THC NEVADA,  
11 LLC, a Nevada limited liability company;  
12 ZION GARDENS, LLC, a Nevada limited  
13 liability company; and MMOF VEGAS  
14 RETAIL, INC., a Nevada corporation,

Respondent/Cross-Appellants,

v.

12 STATE OF NEVADA, DEPARTMENT OF  
13 TAXATION, a Nevada administrative  
14 agency,

Respondent.

17 **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR**  
18 **RESPONDENTS/CROSS APPELLANTS GREEN THERAPEUTICS LLC**

19 Vernon Nelson, Esq. of the Law Office of Vernon Nelson, PLLC ("LOVN"), hereby moves  
20 this Court, pursuant to NRAP 46(e)(3), SCR 46, and NRPC 1.16, to withdraw as counsel of record for  
21 Respondents/Cross Appellants Green Therapeutics LLC ("GT").

22 On April 6, 2020, LOVN filed its Motion to Withdraw as Counsel of Record for Plaintiff  
23 Green Therapeutics, LLC. *See Exhibit A* (the "Motion to Withdraw"). The Motion to Withdraw,  
24 requests that LOVN be permitted to withdraw due to GT's failure to fulfill its obligations to LOVN.  
25 Similarly, given the pending Motion to Withdraw in the district court, LOVN, moves this court to  
26 withdraw as counsel of record for the Withdrawing Respondents.  
27

1 NRAP 46(e)(3) provides that “[a] withdrawal of counsel may be effected only by filing a  
2 motion in the court. The withdrawing attorney shall serve a copy of the motion on the attorney’s client  
3 and any adverse party. The motion shall clearly state the reasons for the attorney’s withdrawal  
4 consistent with SCR 46 and RPC 1.16.” SCR 46(2) further provides that “The attorney in an action or  
5 special proceeding may be changed at any time before judgment or final determination as follows:  
6 Upon the order of the court or judge thereof on the application of the attorney or the client.” Finally,  
7 NRPC 1.16(b) states that an attorney may be allowed to withdraw from representing a client if: “(1)  
8 [w]ithdrawal can be accomplished without material adverse effect on the interests of the client; . . . (5)  
9 [t]he client fails to substantially fulfill an obligation to the lawyer regarding the lawyer’s services and  
10 has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6)  
11 [t]he representation will result in an unreasonable financial burden on the lawyer . . . ; or (7) [o]ther  
12 good cause for withdrawal exists.”  
13  
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15 In this case, final judgment and final determination have not yet been entered in the underlying  
16 district court case. This appeal involves the validity of the issuance of a preliminary injunction (an  
17 interlocutory order), and therefore, the district court proceedings are moving forward in this matter  
18 with the preliminary injunction in effect. Further, LOVN has also filed a Motion to Withdraw in the  
19 continued proceedings below. *Ex. A*. Thus, withdrawal is appropriate under SCR 46(2).  
20

21 Additionally, as explained in the Motion to Withdraw, NRPC 1.16(b) allows for withdrawal of  
22 counsel at this stage in the proceedings. As explained in the motion pending in district court: GT has  
23 (1) failed to fulfill its obligations to LOVN; (2) have been given an adequate warning that if they did  
24 not pay their past due legal bills that counsel would withdraw as counsel of record; (3) have failed to  
25 fulfill their obligations to LOVN, despite this warning. GT’s failure to fulfill its obligations to LOVN  
26 will cause counsel to incur an unreasonable burden, and it will be forced to continue to provide legal  
27 services in this complex matter, with no prospect of being compensated.  
28

1 Moreover, no facts exist that indicate that GT will suffer any adverse effect by counsel's  
2 withdrawal as counsel of record. There are multiple pending dispositive motions and LOVN has filed  
3 on behalf GT: (1) joinders to all relevant motions for summary judgment filed by similarly situated  
4 plaintiffs; and (2) joinders to all relevant oppositions to motions for summary judgment filed by  
5 similarly situated plaintiff. Further, given the delay in the trial date, there is ample time before trial  
6 for GT to retain new counsel. These facts are supported by the Declaration of Vernon Nelson attached  
7 as Exhibit "B" to this motion. Based on the foregoing, LOVN respectfully requests that this Court  
8 grant this motion to withdraw as counsel for GT in this matter.  
9

10 DATED this 22st day of April, 2020.

11 THE LAW OFFICE OF VERNON NELSON

12 By: /s/ Vernon A. Nelson, Jr., Esq.  
13 VERNON NELSON, ESQ.  
14 Nevada Bar No.: 6434  
15 6787 W. Tropicana Avenue, Ste. 103  
16 Las Vegas, NV 89103  
17 *Attorney for Green Therapeutics, LLC*  
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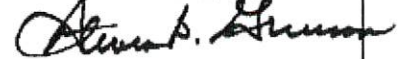
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# EXHIBIT A



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2 VERNON A. NELSON, JR., ESQ.  
3 Nevada Bar No.: 6434  
4 THE LAW OFFICE OF VERNON NELSON  
5 6787 W. Tropicana Ave., Suite 103  
6 Las Vegas, NV 89103  
7 Tel.: 702-476-2500  
8 Fax.: 702-476-2788  
9 E-mail: [vnelson@nelsonlawfirmly.com](mailto:vnelson@nelsonlawfirmly.com)  
10 Attorneys for Green Therapeutics, LLC

11 DISTRICT COURT  
12 CLARK COUNTY, NEVADA

13 In Re: D.O.T. Litigation

Case No.: A-19-787004-B  
Dept. No.: XI

**MOTION TO WITHDRAW AS  
COUNSEL OF RECORD FOR  
PLAINTIFF GREEN THERAPEUTICS,  
LLC**

**HEARING REQUESTED**

14  
15 The Law Office of Vernon Nelson ("LOVN") moves to withdraw as counsel of record for  
16 Plaintiff Green Therapeutics, LLC. ("Green") in the above-captioned matter. Counsel's Motion to  
17 Withdraw is based upon Supreme Court Rule 46, Nevada Rules of Professional Conduct 1.16, Eighth  
18 Judicial District Court Rule 7.40, the following memorandum of points and authorities, the attached  
19 Declaration of Vernon A. Nelson, Esq., the papers and pleadings on file herein, and any oral argument  
20 permitted by this Court.

21 DATED this 6<sup>th</sup> day of April, 2020.

THE LAW OFFICE OF VERNON NELSON

/s/ Vernon A. Nelson, Jr., Esq.

22 VERNON A. NELSON, JR., ESQ.  
23 Nevada Bar No.: 6434  
24 THE LAW OFFICE OF VERNON NELSON  
25 6787 W. Tropicana Ave., Suite 103  
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27 Tel.: 702-476-2500  
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E-mail: [vnelson@nelsonlawfirmly.com](mailto:vnelson@nelsonlawfirmly.com)  
Attorneys for Green Therapeutics, LLC.

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**DECLARATION IN SUPPORT OF ORDER SHORTENING TIME**

I, Vernon Nelson, Esq. do hereby declare, under the penalty of perjury as follows:

1. I am an attorney licensed in the State of Nevada. I make this Declaration in support of The Law Office of Vernon Nelson's ("LOVN") Motion to Withdraw as Counsel of Record for Green Therapeutics, LLC. I am the Managing Member of LOVN.

2. LOVN has given notice to Plaintiffs that it intends to withdraw from this action unless the Plaintiffs fulfill their obligations to LOVN. Nevertheless, Plaintiffs have failed to fulfill their obligations, making this Motion necessary. As such, LOVN respectfully requests that this Court enter an order granting LOVN's Motion to Withdraw as Counsel of Record for Plaintiffs.

3. Plaintiffs retained LOVN to represent them in this matter. LOVN provided substantial services to Plaintiffs in this matter.

4. Pursuant to EDCR 7.40(b)(2) and NRPC 1.16(b)(6), good cause exists to allow withdrawal because Plaintiffs have substantially failed to fulfill their obligations to LOVN regarding LOVN's services.

5. The last known address for Green Therapeutics ("Green") is 848 N. Rainbow Blvd. #12, Las Vegas, NV 89107.

6. The telephone number is 702-372-7505

7. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 6<sup>th</sup> day of March, 2020.

THE LAW OFFICE OF VERNON NELSON

/s/ Vernon A. Nelson, Jr., Esq.  
VERNON A. NELSON, JR., ESQ.



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### III. CONCLUSION

LOVN has complied with EDCR 7.40(b)(2). Further, Plaintiffs have received reasonable notice that LOVN will withdraw as counsel of record. Thus, LOVN submits its Motion to Withdraw as Counsel of Record for Plaintiffs must be granted.

Dated this 6<sup>th</sup> day of April, 2020.

THE LAW OFFICE OF VERNON NELSON

/s/ Vernon A. Nelson, Jr.  
VERNON A. NELSON, JR., ESQ.  
Nevada Bar No.: 6434  
THE LAW OFFICE OF VERNON NELSON  
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Attorneys for Green Therapeutics, LLC

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# EXHIBIT B

**DECLARATION OF VERNON NELSON IN SUPPORT OF  
MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR  
RESPONDENTS/CROSS APPELLANTS GREEN THERAPEUTICS LLC**

I, Vernon A. Nelson, Jr., Esq. hereby declare as follows:

1. I am the Managing Member of the Law Office of Vernon Nelson, PLLC ("LOVN"). I make this Declaration in support of LOVN's Motion to Withdraw as Counsel of Record for Respondents/Cross Appellants Green Therapeutics LLC ("GT"), pursuant to NRAP 46(e)(3), SCR 46, and NRPC 1.16. to withdraw as counsel of record for Respondents/Cross Appellants.

2. On April 6, 2020, LOVN filed its Motion to Withdraw as Counsel of Record for Plaintiff Green Therapeutics, LLC. *See Exhibit A* (the "Motion to Withdraw"). The Motion to Withdraw, requests that LOVN be permitted to withdraw due to GT's failure to fulfill its obligations to LOVN.

3. In this case, final judgment and final determination have not yet been entered in the underlying district court case. This appeal involves the validity of the issuance of a preliminary injunction (an interlocutory order), and therefore, the district court proceedings are moving forward in this matter with the preliminary injunction in effect. Further, LOVN has also filed a Motion to Withdraw in the continued proceedings below. *Ex. A*. Thus, withdrawal is appropriate under SCR 46(2).

4. Additionally, as explained in the Motion to Withdraw, NRPC 1.16(b) allows for withdrawal of counsel at this stage in the proceedings. As explained in the motion pending in district court: GT has (1) failed to fulfill its obligations to LOVN; (2) have been given an adequate warning that if they did not pay their past due legal bills that counsel would withdraw as counsel of record; (3) have failed to fulfill their obligations to LOVN, despite this warning. GT's failure to fulfill its obligations to LOVN will cause counsel to incur an unreasonable burden, and it will be forced to continue to provide legal services in this complex matter, with no prospect of being compensated.

5. Moreover, no facts exist that indicate that GT will suffer any adverse effect by counsel's withdrawal as counsel of record. There are multiple pending dispositive motions and LOVN has filed on behalf GT: (1) joinders to all relevant motions for summary judgment filed by similarly situated plaintiffs; and (2) joinders to all relevant oppositions to motions for summary judgment filed by similarly situated plaintiffs. Further, given the delay in the trial date, there is ample time before trial for GT to retain new counsel.

Dated April 22, 2020.

/s/ Vernon A. Nelson, Jr.  
VERNON A. NELSON JR., ESQ.