

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

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

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 No. 79669
Electronically Filed
Apr 30 2020 02:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No.:
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,

15 Respondent/Cross-Appellants,

16 v.

17 STATE OF NEVADA, DEPARTMENT OF
18 TAXATION, a Nevada administrative
19 agency,

20 Respondent.

21 **AMENDED MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR**
22 **RESPONDENTS/CROSS APPELLANTS GREEN THERAPEUTICS LLC**

23 Vernon Nelson, Esq. of the Law Office of Vernon Nelson, PLLC (“LOVN”), hereby amends
24 his Motion to Withdraw as Counsel of Record for Respondents/Cross Appellants Green Therapeutics,
25 LLC, (“GT”) pursuant to NRAP 46(e)(3), SCR 46, and NRPC 1.16.

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

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
14

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 29st 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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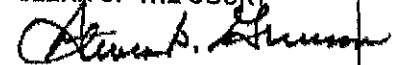
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EXHIBIT A



1 MWCN
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@nelsonlawfirmnv.com
10 Attorneys for Green Therapeutics, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

11 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

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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 6th day of April, 2020.

THE LAW OFFICE OF VERNON NELSON

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

VERNON A. NELSON, JR., ESQ.
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Attorneys for Green Therapeutics, LLC.

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

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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 6th 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 6th day of April, 2020.

THE LAW OFFICE OF VERNON NELSON

/s/ Vernon A. Nelson, Jr.

VERNON A. NELSON, JR., ESQ.

Nevada Bar No.: 6434

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Attorneys for Green Therapeutics, LLC

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In Re: D.O.T. Litigation
Case No.: A-19-787004-B

On April 6, 2020, I served the following document(s): **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PLAINTIFF GREEN THERAPEUTICS, LLC** on the interested party(ies) in this action as follows:

X By Electronic Service. Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR, I caused said document(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

/s/ Ana Brady
An Employee of the Law Offices of Vernon Nelson

EXHIBIT B

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

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

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

9 2. On April 6, 2020, LOVN filed its Motion to Withdraw as Counsel of Record for Plaintiff
10 Green Therapeutics, LLC. *See Exhibit A* (the "Motion to Withdraw"). The Motion to Withdraw,
11 requests that LOVN be permitted to withdraw due to GT's failure to fulfill its obligations to LOVN.
12

13 3. In this case, final judgment and final determination have not yet been entered in the
14 underlying district court case. This appeal involves the validity of the issuance of a preliminary
15 injunction (an interlocutory order), and therefore, the district court proceedings are moving forward in
16 this matter with the preliminary injunction in effect. Further, LOVN has also filed a Motion to
17 Withdraw in the continued proceedings below. *Ex. A*. Thus, withdrawal is appropriate under SCR
18 46(2).

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