

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREENMART OF NEVADA NLV LLC,
a Nevada limited liability company; and
NEVADA ORGANIC REMEDIES, LLC,

Appellants/Cross-Respondents,

vs.

ETW MANAGEMENT GROUP LLC;
GLOBAL HARMONY LLC; HERBAL
CHOICE INC.; JUST QUALITY LLC;
LIBRA WELLNESS CENTER LLC;
ROMBOUGH REAL ESTATE INC.
D/B/A MOTHER HERB; THC NEVADA
LLC; ZION GARDENS LLC; and MMOF
VEGAS RETAIL INC.,

Respondents/Cross-Appellants,

and

THE STATE OF NEVADA
DEPARTMENT OF TAXATION,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE NO:
79669

DISTRICT COURT CASE NO.:
A787004

**APPELLANT/CROSS-RESPONDENT GREENMART OF NEVADA NLV,
LLC'S MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF
ON APPEAL AND ANSWERING BRIEF ON CROSS-APPEAL
(SECOND REQUEST)**

Appellant/Cross-Respondent GreenMart of Nevada NLV, LLC
("GreenMart") moves this Court pursuant to Nev. R. App. P. 26(b)(1)(B) and Nev.
R. App. P. 31(b)(3) for an extension of time of 16 days, until August 19, 2020, to

file its combined reply brief on appeal and answering brief on cross-appeal. Without an extension, the brief would be due on August 3, 2020. This request for an extension of time is made in good faith and not for the purposes of delay.

This is the second request for an extension of time. On July 15, 2020, the undersigned contacted the Court to obtain a 14-day telephonic extension of time pursuant to Nev. R. App. 26(b)(1)(B). The Court granted this telephonic request on July 16, 2020. Pursuant to NRAP 26(b)(1)(B), this Court generally will not grant an additional extension of time following a 14-day telephonic extension unless the party seeking an additional extension “files a written motion for an extension of time demonstrating extraordinary and compelling circumstances why a further extension of time is necessary.” In this instance, extraordinary and compelling circumstances justify an additional extension of time.

On July 29, 2020, GreenMart reached a settlement agreement with Respondents/Cross-Appellants ETW Management Group, LLC, Global Harmony, LLC, Just Quality, LLC, Libra Wellness Center, LLC, Romough Real Estate, Inc., and Zion Gardens, LLC. This settlement may render the instant appeal moot. Thus, additional time is necessary to assess the impact of partial settlement on the instant appeal.¹

¹ This partial settlement does not impact GreenMart’s related appeal, *GreenMart of Nevada NLV, LLC v. TGIG, LLC*, Case No. 79668, as the TGIG entities were not parties to the July 29, 2020 settlement agreement.

Moreover, the additional extension of time is in the interest of judicial economy. On July 29, 2020, this Court entered an Order allowing the Department of Taxation until August 5, 2020 to file its answering brief on cross-appeal, and allowing Appellant-Cross Respondent Nevada Organic Remedies, LLC until August 19, 2020, to file its combined reply brief on appeal/answering brief on cross-appeal. Synchronizing GreenMart's briefing in this matter will ensure that this matter is fully briefed by all parties and submitted to the Court by August 19, 2020.

In addition, this additional extension of time is necessary because the undersigned counsel is currently in trial in this matter. Thus, the undersigned's trial obligations have impacted the undersigned's ability to adequately prepare the reply brief on appeal/answering brief on cross-appeal.

For these reasons, GreenMart respectfully requests that this Court grant it an additional extension of time, until August 19, 2020, to file its combine reply brief on appeal/answering brief on cross-appeal.

Respectfully submitted this 30th day of July, 2020.

/s/ Alina M. Shell

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

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Counsel for Appellant, GreenMart of Nevada NLV LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPELLANT/CROSS-RESPONDENT GREENMART OF NEVADA NLV, LLC'S MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF ON APPEAL AND ANSWERING BRIEF ON CROSS-APPEAL (SECOND REQUEST) was filed electronically with the Nevada Supreme Court on the July 30, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Counsel for Respondents/Cross-Appellants,

ETW Management Group LLC; Global Harmony LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate Inc. d/b/a Mother Herb; Nevcan LLC; Red Gardens LLC; Zion Gardens LLC; and MMOF Vegas Retail Inc.

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