

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,<sup>1</sup>

*Respondents.*

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ETW MANAGEMENT GROUP LLC, a  
Nevada limited liability company;

Electronically Filed  
Nov 17 2020 10:51 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

SUPREME COURT CASE NO.  
79669

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

**I  
RESPONDENT/CROSS-  
APPELLANT THC NEVADA,  
LLC'S RESPONSE TO  
APPELLANT/CROSS-  
RESPONDENT GREENMART  
OF NEVADA NLV, LLC'S  
MOTION FOR VOLUNTARY  
DISMISSAL OF APPEAL**

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<sup>1</sup> Appellants' caption failed to include GREEN THERAPEUTICS LLC, ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, and MMOF VEGAS RETAIL, INC. and incorrectly named MOTHER HERB, INC. and GBS NEVADA PARTNERS.

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; ZION GARDENS LLC, a Nevada limited liability company; and MMOF VEGAS RETAIL, INC., a Nevada corporation,

*Respondent/Cross-Appellants,*

v.

STATE OF NEVADA, DEPARTMENT OF TAXATION, a Nevada administrative agency.

*Respondent.*

**RESPONDENT/CROSS-APPELLANT THC NEVADA, LLC'S RESPONSE TO APPELLANT/CROSS-RESPONDENT GREENMART OF NEVADA NLV, LLC'S MOTION FOR VOLUNTARY DISMISSAL OF APPEAL**

Respondent/Cross-Appellant, THC NEVADA, LLC ("THC NV"), hereby submits its Response to Appellant/Cross-Respondent GreenMart of Nevada NLV, LLC ("GreenMart")'s Motion for Voluntary Dismissal of Appeal ("Motion to Dismiss").

“An appeal may be dismissed on appellant’s motion on terms agreed to by the parties or fixed by the court.” NRAP 42(b). Here, while GreenMart states it consulted with certain counsel for various parties whom agree to a voluntary dismissal of its appeal, GreenMart notably failed to consult with THC NV. *See* Motion to Dismiss at p. 2. Upon receiving GreenMart’s Motion to Dismiss, the undersigned counsel emailed counsel for GreenMart, inquiring of the failure to contact THC NV regarding GreenMart’s request to dismiss, but never received any response from GreenMart’s counsel. *See* Exhibit “1” attached hereto. Therefore, there has been no agreement on the terms of dismissal as to THC NV.

This disregard for THC NV’s input is the same that apparently occurred when GreenMart’s counsel, Ms. Alina Shell, entered into a stipulation with Steve Shevorski, Chief Litigation Counsel for the Respondent Department of Taxation; David Koch, Counsel for Appellants/Cross-Respondents Nevada Organic Remedies, LLC (“NOR”), and Maximilien D.Fetaz, on behalf of Respondents/Cross-Appellants collectively known as the ETW Parties, to agree to extend the time for which GreenMart and NOR could file their respective answering briefs. *See* September 2, 2020 Stipulation to Extend time File Answering Brief on file herein. THC NV never was consulted, nor agreed to such extension.

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Finally, as THC NV retains a cross appeal in this matter<sup>2</sup>, and THC NV has expended valuable attorneys fees and costs to participate in this appellate matter, including its cross appeal, THC NV opposes GreenMart's Motion to Dismiss and respectfully asks this Court to deny the same.

Dated this 17<sup>th</sup> day of November 2020.

/s/ Amy L. Sugden  
SUGDEN LAW  
Amy L. Sugden, Nevada Bar No. 9983  
amy@sugdenlaw.com  
9728 Gilespe Street  
Las Vegas, Nevada 89183

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<sup>2</sup> THC NV's cross appeal challenges the Department of Taxation's unliteral change to the physical location requirement as a violation of the Nevada Constitution that is not mooted by the district court's entry of a permanent injunction . *See* Respondents' Answering Brief and Opening Brief on Cross Appeal filed on June 19, 2020 at pp 69-76.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing RESPONDENT/CROSS-APPELLANT THC NEVADA, LLC'S RESPONSE TO MOTION FOR VOLUNTARY DISMISSAL OF APPEAL was filed electronically with the Nevada Supreme Court on the 17<sup>th</sup> day of November, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

David R. Koch  
Steven B. Scow  
Daniel G. Scow  
Brody R. Wight  
KOCH & SCOW, LLC

*Counsel for Appellant/Cross-Respondent  
Nevada Organic Remedies, LLC*

Ketan D. Bhirud  
Aaron D. Ford  
Theresa M. Haar  
David J. Pope  
Steven G. Shevorski  
OFFICE OF THE ATTORNEY  
GENERAL

*Counsel for Respondent  
The State of Nevada Department of  
Taxation*

Margaret A. McLetchie  
Alina M. Shell  
MCLEATCHIE LAW

*Counsel for Appellant  
GreenMart of Nevada NLV, LLC*

Adam Bult  
Travis Chance  
Maximilien D. Fetaz

*Counsel for Respondents ETW  
Management Group, LLC; Global  
Harmony LLC; Just Quality, LLC;  
Libra Wellness Center, LLC;  
Rombough Real Estate Inc. dba  
Mother Herb; Red Gardens LLC;  
Zion Gardens LLC; and MMOF  
Vegas Retail Inc.*

/s/ Amy L. Sugden  
An employee of Sugden Law

EXHIBIT “1”

EXHIBIT “1”

**Subject:** FW: Notification of Electronic Filing in GREENMART OF NEV. NLV LLC VS. ETW MGMT. GRP. LLC, No. 79669  
**Date:** Friday, November 6, 2020 at 7:39:21 PM Pacific Standard Time  
**From:** Amy Sugden  
**To:** Alina  
**CC:** Sigal Chattah  
**Attachments:** 79669\_2020.11.03 GreenMart's Motion for Voluntary Dismissal.pdf

Good evening Alina,

As I confer with my client in how to respond to your relief requested, can you please let me know why you spoke to all other counsel involved but myself and Ms. Chattah regarding your request (as identified in your motion to dismiss)?

Thank you,  
Amy

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**From:** "efiling@nvcourts.nv.gov" <efiling@nvcourts.nv.gov>  
**Date:** Tuesday, November 3, 2020 at 2:27 PM  
**To:** Amy Sugden <amy@sugdenlaw.com>  
**Subject:** Notification of Electronic Filing in GREENMART OF NEV. NLV LLC VS. ETW MGMT. GRP. LLC, No. 79669

**Supreme Court of Nevada**  
**NOTICE OF ELECTRONIC FILING**

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**Notice is given of the following activity:**

**Date and Time of Notice:** Nov 03 2020 02:26 p.m.

**Case Title:** GREENMART OF NEV. NLV LLC VS. ETW MGMT. GRP. LLC  
**Docket Number:** 79669  
**Case Category:** Civil Appeal

**Document Category:** Motion to Dismiss Appeal  
**Submitted by:** Alina M Shell  
**Official File Stamp:** Nov 03 2020 02:26 p.m.  
**Filing Status:** **Accepted and Filed**

**Docket Text:** Filed Motion to Dismiss Appeal Appellant/Cross-Respondent GreenMart of Nevada NLV LLC's Motion for Voluntary Dismissal of Appeal

The Clerk's Office has filed this document. It is now available on the Nevada Supreme Court's E-Filing website. Click [here](#) to log in to Eflex and view the document.

Electronic service of this document is complete at the time of transmission of this notice. The time to respond to the document, if required, is computed from the date and time of this notice. Refer to NEFR 9(f) for further details.

**Clerk's Office has electronically mailed notice to:**

Aaron Ford  
Theresa Haar  
Travis Chance  
Adam Fulton  
Margaret McLetchie  
Alina Shell  
Steven Shevorski  
Steven Scow  
Adam Bult  
Amy Sugden  
David Koch  
David Pope  
Ketan Bhirud  
Sigal Chattah  
Maximilien Fetaz

**No notice was electronically mailed to those listed below; counsel filing the document must serve a copy of the document on the following:**

Green Therapeutics LLC  
Brody Wight  
Daniel Scow

This notice was automatically generated by the electronic filing system. If you have any questions, contact the Nevada Supreme Court Clerk's Office at 775-684-1600 or 702-486-9300.