

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

Typically, it is the practice of counsel for GreenMart to seek input from all parties prior to filing a motion such as the Motion for Voluntary Dismissal submitted to this Court on November 3, 2020. Counsel apologizes for failing to contact counsel

for Respondent/Cross-Appellant prior to filing the November 3, 2020 Motion; the failure to contact counsel was unintentional.

As to Respondent/Cross-Appellant's opposition to the Motion for Voluntary Dismissal, dismissal of the instant appeal is the only appropriate course of action given that events have rendered the claims in the appeal moot. The claims in the instant appeal centered around the propriety of a preliminary injunction entered by the district court on August 23, 2019. Those claims became moot on September 3, 2020, when the district court entered a Permanent Injunction. *See, e.g., Grupo Mexicano de Desarrollo S.A. v. All. Bond Fund, Inc.*, 527 U.S. 308, 314, 119 S. Ct. 1961, 1966, 144 L. Ed. 2d 319 (1999) ("Generally, an appeal from the grant of a preliminary injunction becomes moot when the trial court enters a permanent injunction, because the former merges into the latter.") Respondent/Cross-Appellant has presented no reasons why any of the claims pertaining to the Preliminary Injunction are not moot.

Moreover, it is important to note that THC Nevada, LLC and Herbal Choice, Inc. filed a notice of appeal from the district court's entry of the Permanent Injunction. *See In Re: D.O.T. Litigation*, Nevada Supreme Court Case No. 82014, Doc. No. 20-41092 (Notice of Appeal by Appellants THC Nevada, LLC and Herbal Choice, Inc.). Hence, to the extent that Respondent/Cross-Appellant seeks to pursue any claims related to the district court's Preliminary Injunction, those claims may be

addressed in Respondent/Cross-Appellant's current appeal. *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998). Accordingly, the Court should grant GreenMart's request for voluntary dismissal of the instant appeal.

Respectfully submitted this 24th day of November, 2020.

/s/ Alina M. Shell

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPELLANT/CROSS-RESPONDENT GREENMART OF NEVADA NLV, LLC'S REPLY TO 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 November 24, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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