

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,

vs.

MM DEVELOPMENT COMPANY INC.,
a Nevada Corporation; LIVFREE
WELLNESS, LLC, D/B/A THE
DISPENSARY, a Nevada limited liability
company; and THE STATE OF NEVADA
DEPARTMENT OF TAXATION,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE NO:
79670

DISTRICT COURT CASE NO.:
A785818

NOTICE OF ERRATA TO APPELLANT'S CASE APPEAL STATEMENT

Appellant GreenMart of Nevada NLV LLC, by and through its counsel, Margaret A. McLetchie and Alina M. Shell, of the law firm McLetchie Law, hereby notifies this Court of an error in its Case Appeal Statement.

On September 19, 2019, GreenMart of Nevada NLV LLC filed its Case Appeal Statement in the Eighth Judicial District Court of Nevada. That filing was included in the Notice of Appeal filed on September 25, 2019 in the above-referenced Nevada Supreme Court case (*see* pages 5-13). Upon review of the Case Appeal Statement, undersigned determined it contains errors of fact that require

correction. Specifically, page 7, # 10 of the Case Appeal Statement contains the following commencement date:

January 4, 2019.

(Case Appeal Statement, p. 7.) That date should be as follows:

December 10, 2018.

Also on page 7, # 11 of the Case Appeal Statement contains the following sentence:

Respondents filed Complaint (Business Court) on January 4, 2019 and a Motion for Preliminary Injunction on March 19, 2019. Appellant GreenMart was granted invention and filed its Answer on April 16, 2019.

(Case Appeal Statement, p. 7.) That sentence should instead read as follows:

Respondents filed a Complaint on December 10, 2018. Appellant GreenMart was granted intervention and filed its Answer on May 16, 2019.

The undersigned counsel apologizes for the error. The undersigned is therefore filing this errata to ensure that the Court has an accurate representation of the facts of this matter.

DATED this the 3rd day of October, 2019.

/s/ Alina M. Shell

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

MCLETCHIE LAW

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Las Vegas, Nevada 89101

Counsel for Appellant, GreenMart of Nevada NLV LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF ERRATA TO APPELLANT'S CASE APPEAL STATEMENT was filed electronically with the Nevada Supreme Court on the 3rd day of October, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Kemp, Jones & Coulthard, LLP
Counsel for Respondents,
MM Development Company, Inc. and LivFree Wellness, LLC d/b/a The Dispensary

Ketan D. Bhirud, Aaron D. Ford, Theresa M. Haar, David J. Pope, and Steven G. Shevorski
Office of the Attorney General
Counsel for Respondent,
The State of Nevada Department of Taxation

David R. Koch, Steven B. Scow, Daniel G. Scow, and Brody R. Wight
Koch & Scow, LLC
Counsel for Appellant,
Nevada Organic Remedies, LLC

/s/ Pharan Burchfield
Employee of McLetchie Law

ADDENDUM 1

ACAS

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Counsel for Defendant-Intervenor, GreenMart of Nevada NLV LLC

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

MM DEVELOPMENT COMPANY, INC., a
Nevada Corporation, LIVFREE WELLNESS
LLC, dba The Dispensary, a Nevada limited
liability company,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF
TAXATION; and DOES 1 through 10; and
ROE CORPORATIONS 1 through 10,

Defendants,

GREENMART OF NEVADA NLV LLC, a
Nevada limited liability company,
Defendant-Intervenor.

SERENITY WELLNESS CENTER, LLC, et
al.,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF
TAXATION,

Defendant,

and

GREENMART OF NEVADA NLV LLC, a
Nevada limited liability company, et al.

Defendants-Intervenors.

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

Case No.: A-18-785818-W

Dept. No.: VIII

**DEFENDANT-INTERVENOR
GREENMART OF NEVADA NLV
LLC'S AMENDED CASE APPEAL
STATEMENT**

Case No.: A-19-786962-B

Dept. No.: XI

**DEFENDANT-INTERVENOR
GREENMART OF NEVADA NLV
LLC'S CASE APPEAL
STATEMENT**

Case No.: A-19-787004-B

Dept. No.: XI

DEFENDANT-INTERVENOR

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; and ZION GARDENS LLC, a Nevada limited liability company,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF TAXATION, a Nevada administrative agency; and DOES 1 through 20; and ROE CORPORATIONS 1 through 20, inclusive

Defendants.

GREENMART OF NEVADA NLV LLC, a Nevada limited liability company,
Defendant-Intervenor.

COMPASSIONATE TEAM OF LAS VEGAS LLC, a Nevada Limited Liability Company;

Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1 through 10; and ROE CORPORATIONS 1 through 10,

Defendants;

GREENMART OF NEVADA NLV LLC, a Nevada limited liability company,
Intervenor Defendant.

HIGH SIERRA HOLISTICS, LLC,
Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF

**GREENMART OF NEVADA NLV
LLC'S CASE APPEAL
STATEMENT**

Case No.: A-18-786357-W

Dept. No.: XIV

**DEFENDANT-INTERVENOR
GREENMART OF NEVADA NLV
LLC'S CASE APPEAL
STATEMENT**

Case No.: A-19-787726-C

Dept. No.: XIV

**DEFENDANT-INTERVENOR
GREENMART OF NEVADA NLV**

1 TAXATION; DOES 1-10 and ROE
2 CORPORATIONS 1-10,
3 Defendants.

3 GREENMART OF NEVADA NLV LLC, a
4 Nevada limited liability company,
5 Intervenor Defendant.

5 NEVADA WELLNESS CENTER, LLC, a
6 Nevada limited liability company,
7 Plaintiff,

7 vs.

8 STATE OF NEVADA, DEPARTMENT OF
9 TAXATION; and NEVADA ORGANIC
10 REMEDIES, LLC,
11 Defendants.

11 GREENMART OF NEVADA NLV LLC, a
12 Nevada limited liability company,
13 Intervenor Defendant.

**LLC'S CASE APPEAL
STATEMENT**

Case No.: A-19-787540-W

Dept. No.: XVIII

**DEFENDANT-INTERVENOR
GREENMART OF NEVADA NLV
LLC'S CASE APPEAL
STATEMENT**

13 1. **Name of appellant filing this case appeal statement:** GreenMart of
14 Nevada NLV LLC ("GreenMart").

15 2. **Judge issuing the decision, judgment, or order appealed from:** The
16 Honorable Elizabeth Gonzalez.

17 3. **Name and address of appellant's counsel:**

18 MARGARET A. MCLETCHIE, Nevada Bar No. 10931
19 ALINA M. SHELL, Nevada Bar No. 11711
20 MCLETCHIE LAW
21 701 E. Bridger Avenue, Suite 520
22 Las Vegas, NV 89101
23 *Attorneys for Appellant, GreenMart of Nevada NLV LLC*

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4. **Name and address of respondents' counsel:**

Serenity Wellness Center, LLC et. al. v. State of Nevada, Department of Taxation, Case No. A-19-786962-B

DOMINIC P. GENTILE, Nevada Bar No. 1923
VINCENT SAVARESE III, Nevada Bar No. 2467
ROSS MILLER, Nevada Bar No. 8190
CLARK HILL PLC

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Attorneys for Respondents, Serenity Wellness Center LLC, TGIG LLC, NuLeaf Incline Dispensary LLC, Nevada Holistic Medicine LLC, Tryke Companies So NV LLC, Tryke Companies Reno LLC, GBS Nevada Partners LLC, Gravitas Nevada Ltd., Nevada Pure LLC, MediFarm LLC, and MediFarm IV LLC

MM Development Company, Inc. et. al. v. State of Nevada, Department of Taxation, Case No. A-19-785818-W

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ETW Management Group, LLC et. al. v. State of Nevada, Department of Taxation, Case No. A-19-787004-B

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Attorneys for Respondents, ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings, LLC; Green Therapeutics, LLC; Herbal Choice, Inc.; Just Quality, LLC; Libra Wellness Center, LLC; Rombough Real Estate, Inc. dba Mother Herb; NevCann, LLC; Red Earth,

1 *LLC; THC Nevada, LLC; Zion Gardens, LLC; and MMOF Vegas Retail,*
2 *Inc.*

3 ***Nevada Wellness Center v. State of Nevada, Department of Taxation,***
4 ***Case No. A-19-787540-W***

5 THEODORE PARKER, III, Nevada Bar No. 4716
6 PARKER, NELSON & ASSOCIATES, CHTD.
7 2460 Professional Court, Suite 200
8 Las Vegas, NV 89128
9 *Attorney for Respondent, Nevada Wellness Center LLC*

10 ***Compassionate Team of Las Vegas LLC v. Nevada Department of***
11 ***Taxation, Case No. A-18-786357-W***

12 DANIEL S. SIMON, Nevada Bar No. 4750
13 SIMON LAW
14 810 S. Casino Center Blvd.
15 Las Vegas, NV 89101
16 *Attorney for Respondent, Compassionate Team of Las Vegas LLC*

17 ***High Sierra Holistics LLC v. State of Nevada Department of Taxation,***
18 ***Case No. A-19-787726-C***

19 JAMES W. PUZEY, Nevada Bar No. 5745
20 MICHAEL AYERS, Nevada Bar No. 10851
21 CLARK V. VELLIS, Nevada Bar No. 5533
22 HOLLEY, DRIGGS, WALCH, FINE, PUZEY, STEIN & THOMPSON
23 800 South Meadows Parkway, Suite 800
24 Reno, NV 89521
25 *Attorneys for Respondent, High Sierra Holistics LLC*

26 **5. Name and address of interested parties' counsel:**

27 AARON FORD, Attorney General, Nevada Bar No. 7704
28 KETAN D. BHIRUD, Nevada Bar No. 10515
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Las Vegas, NV 89148

Attorneys for Interested Parties, CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace, Commerce Park Medical, LLC, and Cheyenne Medical, LLC

6. **Attorneys not licensed to practice law in Nevada:** None.

7. **Whether appellant was represented by appointed or retained counsel in the district court:** Appellant was represented by retained counsel in the district court.

8. **Whether appellant is represented by appointed or retained counsel on appeal:** Appellant is represented by retained counsel on appeal.

9. **Whether appellant was granted leave to proceed in forma pauperis:**
N/A.

10. **Date the proceedings commenced in the district court:** December 10, 2018.

11. **A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:** Respondents filed a Complaint on December 10, 2018. Appellant GreenMart was granted intervention and filed its Answer on May 16, 2019. Pursuant to the district court's order entered on July 11, 2019, this case was coordinated with five other lawsuits regarding the State of Nevada Department of Taxation's procedures for awarding

1 marijuana retail store licenses in December 2018. Between May 24, 2019 and August 16,
2 2019, the Honorable Judge Gonzalez heard a twenty (20) day evidentiary hearing on the
3 Motion for Preliminary Injunction. On August 23, 2019 the Findings of Fact and Conclusions
4 of Law Granting Preliminary Injunction was filed and on August 28, 2019 the Notice of
5 Entry of Order was entered.

6 12. **Whether the case has previously been the subject of an appeal to or**
7 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme**
8 **Court docket number of the prior proceeding: N/A.**

9 13. **Whether the appeal involves child custody or visitation:** This case does
10 not involve child custody or visitation.

11 14. **In civil cases, whether the appeal involves the possibility of settlement:**
12 Mediation has been ongoing with Honorable Judge (ret.) Jennifer Togliatti to no avail.
13 Counsel for appellant GreenMart does not think that this matter is appropriate for settlement.

14 DATED this the 19th day of September, 2019.

15
16 /s/ Margaret A. McLetchie

17 MARGARET A. MCLETCHE, Nevada Bar No. 10931

18 ALINA M. SHELL, Nevada Bar No. 11711

19 MCLETCHE LAW

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22 Telephone: (702) 728-5300

23 Email: maggie@nvlitigation.com

24 *Counsel for Defendant-Intervenor, GreenMart of Nevada NLV LLC*
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27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2019, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing DEFENDANT-INTERVENOR GREENMART OF NEVADA NLV LLC'S CASE APPEAL STATEMENT in *Serenity Wellness Center, LLC, et al. v. State of Nevada, Department of Taxation, et al.*, Clark County District Court Case No. A-19-786962-B, to be served electronically using the Odyssey File & Serve system, to all parties with an email address on record.

This document applies to Case No. A-19-786962-B; Case No. A-19-785818-W; Case No. A-19-787004-B; Case No. A-19-787540-W; Case No. A-18-786357-W; and Case No. A-19-787726-C.

/s/ Pharan Burchfield

An Employee of McLetchie Law