

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.

MM DEVELOPMENT COMPANY,
INC., A NEVADA CORPORATION,
INC., and LIVFREE WELLNESS LLC,
dba THE DISPENSARY, a NEVADA
LIMITED LIABILITY COMPANY,

Respondents/Cross-Appellants,

and

THE STATE OF NEVADA
DEPARTMENT OF TAXATION,

Respondent.

Electronically Filed
Dec 20 2019 02:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE
NO: 79670

DISTRICT COURT CASE
NO.: A78518

**RESPONSE OF NEVADA ORGANIC REMEDIES, LLC
TO ORDER TO SHOW CAUSE**

On November 21, 2019, this Court issued an Order to Show Cause as to the Court's jurisdiction in Appeal Nos. 79669, 79670, 79671, 79672, and 79673.¹ The Court directed appellants to show cause as to this Court's jurisdiction over these

¹ Nevada Organic Remedies, LLC is an appellant only in Appeal Nos. 79668, 79669, and 79670.

appeals with the challenged order having been entered in only one of the underlying cases. In connection with the response being concurrently submitted by GreenMart of Nevada NLV, LLC in this case, Nevada Organic Remedies, LLC (“NOR”) also submits the following information (which is also contained in GreenMart’s response) demonstrating that the Court does have jurisdiction over the above-listed appeals, and that these matters should not be dismissed.

A. The August 23, 2019 Order Has Been Entered in All the District Court Cases, Which Have Since Been Consolidated.

In its Order, the Court observed that although an amended notice of entry of the August 23, 2019 order at issue in this appeal had been entered in the underlying district court cases, the order “bears only a single case number and the corresponding caption,” and it therefore appeared that the August 23, 2019 order is “not subject to challenge in the context of a notice of appeal filed in those cases.” (Order, p. 3.) The underlying cases have since been consolidated, and the August 23, 2019 order has also been entered in each of the district court cases identified by the Court. (*See* GreenMart response and accompanying exhibits.)

The Court also noted that there may be an issue with a tolling motion filed in Case No. 79673, but as NOR is not an appellant in that case, the response being submitted by GreenMart adequately addresses this issue.

Accordingly, NOR respectfully asserts that the Court has jurisdiction over each of the appeals listed in the Order to Show Cause, and NOR requests that this

Court proceed with the pending motions and lift any suspension of the briefing schedules in these cases.

Dated: December 20, 2019

DAVID R. KOCH
KOCH & SCOW, LLC

/s/ David R. Koch
Attorneys for Appellant Nevada
Organic Remedies, LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION TO CONSOLIDATE APPEALS was filed electronically with the Nevada Supreme Court on the 20th day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Will Kemp and Nathanael R. Rulis
Kemp, Jones & Coulthard, LLP
*Counsel for Respondents/Cross-Appellants,
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*

Margaret A. McLetchie, Alina M. Shell
McLetchie Law
*Counsel for Appellant
GreenMart of Nevada NLV LLC*

/s/ Andrea W. Eshenbaugh
Employee of Koch & Scow