

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; LIVFREE
WELLNESS LLC, dba The Dispensary,
a Nevada Limited Liability Company,

Respondents/Cross-
Appellants,

and

STATE OF NEVADA, DEPARTMENT
OF TAXATION,

Respondent.

**Supreme Court Case No.
79670**

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RESPONDENTS/CROSS-APPELLANTS'
RESPONSE TO SECOND ORDER TO SHOW CAUSE

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LivFree Wellness, LLC

Respondents/Cross-Appellants, MM Development Company, Inc. (“MM”) and LivFree Wellness, LLC (“LivFree”), by and through their undersigned counsel of record, hereby file this Response to the Second Order to Show Cause issued on April 3, 2020.

I. ARGUMENT

Respondents/Cross-Appellants reiterate the reasons provided in the prior response to the Court’s Order to Show Cause, which provide this Court sufficient jurisdiction to hear this appeal.

When the Preliminary Injunction Order was entered, the cases addressed in this Court’s Order to Show Cause were coordinated for the purposes of the preliminary injunction hearing and resulting order. Judge Gonzalez coordinated, for purposes of the preliminary injunction hearing: A-18-785818-W (MM Development Company, Inc., et al. v. State of Nevada, Dept. of Taxation, et al.), A-18-786357-W (Compassionate Team of Las Vegas v. State of Nevada, Dept. of Taxation, et al.); A-19-786962-B (Serenity Wellness Center, LLC, et al. v. State of Nevada, Dept. of Taxation, et al.), A-19-787004-B (ETW Management Group, LLC, et al. v. State of Nevada, Dept. of Taxation, et al.), A-19-787540-W (Nevada Wellness Center, Inc. v. State of Nevada, Dept. of Taxation), and A-19-787726-C (High Sierra Holistics, LLC v. State of Nevada, Dept. of Taxation). Each case was

specifically referenced in the Preliminary Injunction Order. Hence, the parties to each of the five cases had notice of the Preliminary Injunction Order and notice of the appeal of the Preliminary Injunction Order, as they were all present at the preliminary injunction hearing. In the litigation below, **all** of these cases pending in the Eighth Judicial District Court have Since been consolidated before Judge Gonzalez in Department XI. The cases have been given the consolidated title In Re: D.O.T. Litigation and the consolidated Docket Number A-19-787004-B.

II. CONCLUSION

Respondents/Cross-Appellants respectfully request that this appeal and cross-appeal should not be dismissed. This Court has proper jurisdiction over the appeal and cross-appeal in this case due to: (1) the prior coordination of the preliminary injunction hearing; and (2) the subsequent consolidation of all the cases.

DATED this 4th day of May, 2020.

/s/ Nathanael R. Rulis
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I hereby certify that I am an employee of Kemp, Jones & Coulthard, LLP; that on the 4th day of May, 2020, I electronically filed the foregoing **RESPONDENTS/CROSS-APPELLANTS' RESPONSE TO SECOND ORDER TO SHOW CAUSE** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex).

/s/ Nathanael Rulis
An employee of Kemp Jones, LLP