

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 MANAGMENT 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., D/B/A MOTHER HERB;  
NEVCANN LLC; RED EARTH LLC;  
THC NEVADA LLC; ZION GARDENS  
LLC; AND MMOF VEGAS RETAIL,  
INC,

Respondents/Cross-Appellants  
and

THE STATE OF NEVADA  
DEPARTMENT OF TAXATION,  
Respondent.

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; AND  
LIVFREE WELLNESS, LLC, D/B/A THE  
DISPENSARY, A NEVADA LIMITED  
LIABILITY,

Respondents/Cross-Appellants,  
and

THE STATE OF NEVADA  
DEPARTMENT OF TAXATION,

No. 79669

**FILED**

JAN 14 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

No. 79670

20-01759

<p style="text-align: center;">Respondent.</p> <p>GREENMART OF NEVADA NLV LLC, A NEVADA LIMITED LIABILITY COMPANY, Appellant,</p> <p style="text-align: center;">vs.</p> <p>COMPASSIONATE TEAM OF LAS VEGAS LLC, A NEVADA LIMITED LIABILITY COMPANY; AND THE STATE OF NEVADA DEPARTMENT OF TAXATION,</p> <p style="text-align: center;">Respondents.</p>	No. 79671 ✓
<p>GREENMART OF NEVADA NLV LLC, A NEVADA LIMITED LIABILITY COMPANY, Appellant,</p> <p style="text-align: center;">vs.</p> <p>HIGH SIERRA HOLISTICS LLC; AND THE STATE OF NEVADA DEPARTMENT OF TAXATION,</p> <p style="text-align: center;">Respondents.</p>	No. 79672
<p>GREENMART OF NEVADA NLV LLC, A NEVADA LIMITED LIABILITY COMPANY, Appellant,</p> <p style="text-align: center;">vs.</p> <p>NEVADA WELLNESS CENTER, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND THE STATE OF NEVADA DEPARTMENT OF TAXATION,</p> <p style="text-align: center;">Respondents.</p>	No. 79673

### ORDER TO SHOW CAUSE

On November 21, 2019, this court entered an order directing appellants and respondents/cross-appellants to show cause why these appeals should not be dismissed for lack of jurisdiction. It appeared that the challenged order, entered on August 23, 2019, was filed only in district

court case A-19-786962-B (this court's Docket No. 79668). Although an amended notice of entry of the order bearing all six of the underlying district court case numbers and captions had been filed in each of the cases, the order itself bore only a single case number and the corresponding caption. Where the order was not filed in the other five district court cases, it appeared that the order was not subject to challenge in the context of a notice of appeal filed in those cases. This court noted that it appeared the defect could be remedied by filing a copy of the August 23, 2019, order in each of the other five district court cases.

In response, GreenMart of Nevada, LLC, and Nevada Organic Remedies (NOR) contend that the challenged order has now been entered in each of the other district court cases and point to new notices of entry of order filed in the other cases. However, the orders attached to the notices of entry are identical to the orders originally identified in the notices of appeal and do not bear the captions or case numbers of the district court cases from which these appeals arise. Thus, it still does not appear that the order challenged in these appeals has been filed in the underlying cases or is subject to challenge in the context of a notice of appeal filed in those cases.<sup>1</sup>

NOR also represents that the "underlying cases have since been consolidated." But NOR does not explain the significance of the consolidation with respect to the order to show cause. Respondents/cross-appellants in Docket Nos. 79669 and 79670 assert that this court has

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<sup>1</sup>GreenMart and NOR appear to confuse entry of an order with notice of entry of an order. An order or judgment is entered in the district court when it is signed by the judge (or the clerk, if appropriate) and filed with the clerk. See NRCP 58(b). Notice of entry is a separate written document providing notice of the entry of an order or judgment. See NRCP 58(e).

jurisdiction to consider the challenged order in those appeals given that the cases were coordinated for purposes of the preliminary injunction hearing, the district court explained in the challenged order that it considered the motions for preliminary injunctions and joinders filed in other case numbers, and the cases have now been consolidated. This court remains unconvinced that a district court order is subject to challenge in the context of a notice of appeal filed in a case different from the case the order is filed in. And later consolidation of the cases does not retroactively file the order in each of the constituent consolidated cases.<sup>2</sup> *See generally Matter of Estate of Sarge*, 134 Nev. 866, 870-71, 432 P.3d 718, 722 (2018) (consolidated cases retain their separate identities for purposes of appeal).

Accordingly, appellants and respondents/cross-appellants in these matters shall each have 21 days from the date of this order to show cause why their appeals and cross-appeals should not be dismissed. Respondents in Docket No. 79671, 79672, and 79673, may file any replies within 14 days of service of appellant's response in each appeal. Respondents in Docket No. 79669 and 79670 may file any replies within 14 days of service of the latest-filed response in each appeal. This court again notes it appears the jurisdictional defect may be remedied by filing a copy of the August 23, 2019, order, bearing the caption and case number of each of the cases, in each of the district court cases underlying these appeals. Alternatively, because the district court cases have now been consolidated,

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<sup>2</sup>This court's order to show cause also identified a potential jurisdictional defect due to a pending tolling motion in Docket No. 79673 (district court case A-19-787540-W). *See* NRAP 4(a)(6). The parties have resolved this potential jurisdictional defect by providing this court with a copy of a November 5, 2019, order resolving the motion.



the order may be filed only in the lead case; however, it must bear the caption and case number of each district court case underlying these appeals.<sup>3</sup>

The briefing schedules in these appeals remain suspended pending further order of this court.

It is so ORDERED.

                    Pickering                    , C.J.

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
McLetchie Law  
Koch & Scow, LLC  
Attorney General/Carson City  
Attorney General/Las Vegas  
Brownstein Hyatt Farber Schreck, LLP/Las Vegas  
Jennings & Fulton, Ltd.  
Kemp, Jones & Coulthard, LLP  
Parker, Nelson & Associates  
Holly, Driggs, Walch, Fine, Puzey, Stein, Thompson  
Simon Law  
Eighth District Court Clerk

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<sup>3</sup>The parties may need to file a motion in the district court seeking this relief.