

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,

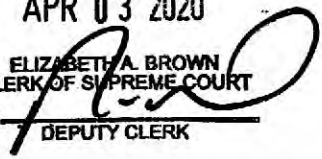
and

THE STATE OF NEVADA
DEPARTMENT OF TAXATION,

No. 79669

FILED

APR 03 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

No. 79670

Respondent.

GREENMART OF NEVADA NLV LLC,
A NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

COMPASSIONATE TEAM OF LAS
VEGAS LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND THE
STATE OF NEVADA DEPARTMENT
OF TAXATION,

Respondents.

GREENMART OF NEVADA NLV LLC,
A NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

HIGH SIERRA HOLISTICS LLC; AND
THE STATE OF NEVADA
DEPARTMENT OF TAXATION,

Respondents.

GREENMART OF NEVADA NLV LLC,
A NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

NEVADA WELLNESS CENTER, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND THE STATE OF
NEVADA DEPARTMENT OF
TAXATION,

Respondents.

No. 79671✓

No. 79672

No. 79673

***ORDER REINSTATING BRIEFING IN DOCKET NO. 79669, TO SHOW
CAUSE, DENYING MOTIONS TO CONSOLIDATE, AND REGARDING
COUNSEL***

These related but unconsolidated appeals challenge a single
district court order entered on August 23, 2019, in district court case A-19-

786962.¹ This court previously directed appellants and cross-appellants to show cause why the appeals and cross-appeals should not be dismissed for lack of jurisdiction. It appeared that the challenged order was not filed in the underlying district court cases and thus was not subject to challenge in the context of notices of appeal filed in those cases. This court noted that the jurisdictional defect could be remedied by filing a copy of the August 23, 2019, order, bearing the caption and case number of the district court cases, in each of the district court cases underlying these appeals. Alternatively, because the district court cases had since been consolidated, the order could be filed in the lead case; however it must bear the caption and case number of each district court case underlying these appeals.

In response, respondents/cross-appellants in Docket No. 79669 have provided this court with a file-stamped copy of an amended district court order, bearing the district court caption and case number underlying that appeal (A-19-787004-B), filed in the lead district court case. Accordingly, the appeal in Docket No. 79669 may proceed.

Because they are in differing stages of the appellate process, the motion to consolidate Docket No. 79669 with the appeals in Docket Nos. 79668, 79670, 79671, 79672, and 79673 is denied. However, these cases shall be identified as related on this court's docket and may be consolidated at a later date. Appellants/cross-respondents in Docket No. 79669 shall have 30 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 28.1(c). Failure to timely file the opening brief and appendix may result in the imposition of sanctions, including dismissal of the appeal. NRAP 31(d).

¹The order is on appeal in Docket No. 79668.

The parties may expedite briefing of this matter by filing their briefs in advance of the due dates.

Responding to the order to show cause, appellant GreenMart of Nevada, NLV, LLC, (appellant in Docket Nos. 79669, 79670, 79671, 79672, and 79673) and cross-appellants in Docket No. 79670, MM Development Company, Inc. and Livfree Wellness, LLC (MM Development) assert that “the August 23, 2019, order has now been entered in the consolidated action below, with the caption and case number of each district court case properly listed.”² In support, GreenMart and MM Development point to a document filed in the district court on February 4, 2020, bearing the captions and case numbers of the district court cases underlying these appeals. The document bears the title “ORDER” but does not contain any text and is not signed by the district court judge. It appears that a copy of the August 23, 2019, order may be attached to the document.

It does not appear that the February 4, 2020, document has any effect with respect to resolving the jurisdictional defect identified by this court, as the document does not even purport to order anything. GreenMart and MM Development provide no argument or authority in support of their assertion that the February 4, 2020, order functions to enter the August 23, 2019, order. Moreover, the documents attached to MM Development’s response indicate that cross-appellants in Docket No. 79669 specifically

²Cross-appellants in Docket No. 79670 also reassert the contention that the August 23, 2019, order, entered only in Docket No. A-19-786962-B, is subject to appeal in the context of the notice of appeal filed in district court case A-18-785818-W because the district court cases were coordinated at the time the August 23, 2019, order was entered and the district court cases have subsequently been consolidated. These arguments were addressed in this court’s January 14, 2020, order and cross-appellants offer no new argument in this regard.

moved the district court to amend the August 23, 2019, order to include all six of the coordinated district case numbers in the caption. But the district court's amended order contains only two of the district court case numbers and captions and states that separate orders were not entered in the other cases as those cases were not assigned to the district court at that time. This indicates that the district court intentionally declined to enter the August 23, 2019, order in the other district court cases. Accordingly, GreenMart and MM Development fail to demonstrate that the district court's August 23, 2019, order, entered in district court case A-19-786962-B, is appealable in the context of the notices of appeal filed in district court cases A-18-785818-W, A-18-786357-W, A-19-787726-C, and A-19-787540-W (this court's Docket Nos. 76970, 79671, 79672, and 79673, respectively).

Appellants and cross-appellants in Docket Nos. 79670, 79671, 79672, and 79673 shall each have 30 days from the date of this order to show cause why their appeals and cross-appeals should not be dismissed. Respondents in Docket Nos. 79671, 79672, 79673 may file any replies within 14 days of service of appellant's response in each appeal. Respondent in Docket No. 79670 may file any reply within 14 days of service of the latest-filed response in that appeal.³

Counsel for certain cross-appellants in Docket No. 79669 have moved to withdraw. The motion is granted to the following extent. NRAP 46(e)(3); RPC 1.16(b)(5), (6). The clerk shall remove Adam K. Bult, Maximilien D. Fetaz and Travis F. Chance of Brownstein Hyatt Farber Schreck, LLP, as counsel of record for Green Therapeutics LLC, NEVCANN

³The requests to consolidate the appeals in Docket No. 79670, 79671, 79672, and 79673 are denied. These cases are identified as related on this court's docket and may be consolidated at a later date.

LLC, Green Leaf Farms Holdings LLC, and Red Earth LLC. As the motion is not signed by attorney Adam R. Fulton of Jennings & Fulton, Ltd., the motion is denied with respect to him, without prejudice.

It is so ORDERED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cadish, J.
Cadish

cc: McLetchie Law
Koch & Scow, LLC
Attorney General/Carson City
Attorney General/Las Vegas
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Jennings & Fulton, Ltd.
The Law Office of Vernon Nelson
Kemp, Jones & Coulthard, LLP
Green Leaf Farms Holdings, LLC
Green Therapeutics LLC
NEVCANN LLC
Red Earth LLC.
The Law Office of Vernon Nelson
Simon Law
Holley, Driggs, Walch, Fine, Puzey, Stein, Thompson/Reno
Parker, Nelson & Associates