

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

Respondents/Cross-Appellants,

and

THE STATE OF NEVADA
DEPARTMENT OF TAXATION,

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,

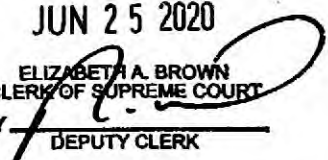
Respondents.

GREENMART OF NEVADA NLV LLC,
A NEVADA LIMITED LIABILITY

No. 79670

FILED

JUN 25 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

No. 79671

No. 79672 ✓

No. 79673

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

ORDER DISMISSING APPEALS

These related but unconsolidated appeals and cross-appeal challenge a district court order granting a preliminary injunction. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

On three occasions, this court ordered appellant and cross-appellants to show cause why these appeals and the cross-appeal should not be dismissed for lack of jurisdiction. It appeared that the challenged order, entered on August 23, 2019, was filed only in case A-19-786962-B.¹ Although an amended notice of entry of the challenged order bearing all of the underlying district court case numbers and captions was 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 district court cases underlying these appeals (A-18-785818-W; A-18-786357-W; A-19-

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

787726-C; A-19-787540-W), it appeared that the order was not subject to challenge in the context of a notice of appeal filed in these cases.²

In their latest responses, appellants concede that this court lacks jurisdiction. Cross-appellants MM Development Company, Inc. and Livfree Wellness, LLC (MM Development) “reiterate the reasons provided in the prior response to the Court’s Order to Show Cause.” MM Development asserts, without cogent argument, that this court has jurisdiction because the district court cases were coordinated at the time of the preliminary injunction hearing and the cases were later consolidated.

This court previously rejected MM Development’s assertions in this regard. *GreenMart v. ETW*, Docket Nos. 79669, 79670, 79671, 79672, 79673) (Order to Show Cause, January 14, 2020); *GreenMart v. ETW*, Docket Nos. 79669, 79670, 79671, 79672, 79673, (Order Reinstating Briefing in Docket No. 79669, To Show Cause, Denying Motions to Consolidate, and Regarding Counsel, April 3, 2020). MM Development offers no new argument and this court remains unconvinced that it has jurisdiction to consider an appeal from an order entered in a case different from the one the notice of appeal was filed in, even where the cases were coordinated at the time of the hearing on the challenged order and were later consolidated. *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); *see Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our

²It appears that the district court cases were coordinated, but not consolidated, at the time the challenged order was entered.

satisfaction, that this court does in fact have jurisdiction.”). Accordingly, these appeals are dismissed.

It is so ORDERED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cadish, J.
Cadish

cc: Hon. Elizabeth Goff Gonzalez, District Judge
McLetchie Law
Koch & Scow, LLC
Attorney General/Carson City
Attorney General/Las Vegas
Kemp, Jones & Coulthard, LLP
Simon Law
Holley Driggs/Reno
Parker, Nelson & Associates
Eighth District Court Clerk