

1 **NOAS**  
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13 *Attorneys for Plaintiff,*  
14 *Nevada Wellness Center, LLC*

Electronically Filed  
Dec 16 2019 04:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 In Re: D.O.T. Litigation,

**Case No.:** A-19-787004-B

**Consolidated with:**

A-18-785818-W  
A-18-786357-W  
A-19-786962-B  
A-19-787035-C  
A-19-787540-W  
A-19-787726-C  
A-19-801416-B

**Dept. No.:** XI

17 **NOTICE OF APPEAL**

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 NOTICE IS HEREBY GIVEN Plaintiff, NEVADA WELLNESS CENTER, LLC  
20 (hereinafter "Plaintiff"), by and through its attorney of record, THEODORE PARKER, III, ESQ.  
21 of the law firm of PARKER, NELSON & ASSOCIATES, CHTD., and hereby appeal to the  
22 Supreme Court of the State of Nevada from the "Findings of Fact and Conclusions of Law Granting  
23 Preliminary Injunction" (the "FFCL") entered in the above consolidated titled actions on the 23<sup>rd</sup>  
24 day of August, 2019, with notice of entry entered on the 28th day of August, 2019. This appeal  
25 follows the notice of entry order regarding Nevada Wellness Center LLC's Motion to Amend  
26 Findings of Fact and Conclusions of Law of August 23, 2019 filed on November 6, 2019 as well  
27 MM DEVELOPMENT COMPANY, INC's ("MM") Motion to Amend Findings of Fact and  
28

1 Conclusions of Law of August 23, 2019 filed on November 22, 2019.<sup>1</sup>

2 This appeal follows the respective appeals of Nevada Organic Remedies, LLC, GreenMart  
3 of Nevada NLV LLC, and Lone Mountain Partners, LLC's Notices of Appeal and Case Appeal  
4 Statements filed on September 19, 2019. As well as ETW Management Group LLC, Global  
5 Harmony LLC, Green Leaf Farms Holdings LLC, Green Therapeutics LLC, Herbal Choice Inc.,  
6 Just Quality, LLC, Libra Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb,  
7 NEVCANN LLC, Red Earth LLC, THC Nevada LLC, Zion Gardens LLC, and MMOF Vegas  
8 Retail, Inc. (collectively, "ETW Plaintiffs") cross appeal statement filed on October 3, 2019.<sup>2</sup>  
9 Thereafter on October 26, 2019 Chief Judge Linda Bell consolidated A-19-786962-B,  
10 A-18-785818-W, A-18-786357-W, A-19-787004-B, A-19-787035-C, A-19-787540-W,  
11 A-19-787726-C, and A-19-801416-B.

12 DATED this 6<sup>th</sup> day of December, 2019.

13 **PARKER, NELSON & ASSOCIATES, CHTD**

14  
15 /s/Mahogany Turfley, Esq.  
THEODORE PARKER, III, ESQ.  
Nevada Bar No. 4716  
16 MAHOGANY TURFLEY, ESQ.  
Nevada Bar No. 13974  
17 2460 Professional Court, Suite 200  
18 Las Vegas, Nevada 89128  
Attorneys for Plaintiff,  
19 Nevada Wellness Center, LLC  
20  
21  
22  
23

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24  
25 <sup>1</sup> NWC files this notice of appeal within 30 days of Notice of Entry of Order of NWC entry of order  
disposing of tolling motion of both NWC and MM. Prior to filing this Notice of Appeal NWC filed a notice of entry  
26 order under the consolidated cases as well on December 5, 2019.

27 <sup>2</sup> This Supreme Court filed an Order to Show Cause on November 21, 2019, as to why the appeals and  
cross appeals should not be dismissed in docket numbers 79671, 79672, 79673, 79669, and 79670. The Supreme  
28 Court noted NWC's tolling motion resulting in docket number 79673 being premature. NWC agrees. As such, NWC  
files this Notice of Appeal.

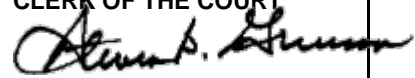
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**CERTIFICATE OF SERVICE**

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of the law office of PARKER, NELSON & ASSOCIATES, CHTD., and that on this 6<sup>th</sup> day of December, 2019, I served a true and correct copy of the foregoing **NOTICE OF APPEAL** on the party(s) set forth below by:

- ☐ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, NV, postage prepaid, following ordinary business practices.
  - ☐ Facsimile transmission, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26, by faxing a true and correct copy of the same to each party addressed as follows:
  - ☐ By E-mail: by electronic mail delivering the document(s) listed above to the e-mail address(es) set forth below on this date before 5:00 p.m.
  - ☒ By EFC: by electronic filing with the Court delivering the document(s) listed above via E-file & E-serve (Odyssey) filing system.
- (All Parties on the Electronic Service List)

/s/Jeanne L. Calix  
An employee of Parker, Nelson & Associates, Chtd.



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2 THEODORE PARKER, III, ESQ.  
3 Nevada Bar No. 4716  
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14 *Nevada Wellness Center, LLC*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 In Re: D.O.T. Litigation,

18 **Case No.: A-19-787004-B**

19 **Consolidated with:**

20 A-18-785818-W  
21 A-18-786357-W  
22 A-19-786962-B  
23 A-19-787035-C  
24 A-19-787540-W  
25 A-19-787726-C  
26 A-19-801416-B

27 **Dept. No.: XI**

28 **APPEAL STATEMENT**

1. Name of Appellants Filing this Case Appeal Statement  
Nevada Wellness Center, LLC
2. The Judge Issuing the Decision, Judgment, or Order Appealed From:  
The Honorable Elizabeth G. Gonzalez
3. Each appellant and the name and address of counsel for each appellant:

Theodore Parker, Nevada Bar No. 4716  
Mahogany Turfley, Nevada Bar No. 13974  
Parker, Nelson & Associates, Chtd.  
2460 Professional Court, Suite 200  
Las Vegas, Nevada 89128  
Attorneys for Appellant,  
Nevada Wellness Center, LLC

4. Each respondent and the name and address of appellate counsel, if known, for each respondent, but if the name of a respondent's appellate counsel is not known, then the name and address of that respondent's trial counsel:

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Moorea L. Katz, Nevada Bar No. 12007  
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Thrive Cannabis Marketplace, Commerce Park Medical, LLC, and Cheyenne  
Medical, LLC

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LLC, Essence Henderson LLC

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Nuleaf Incline Dispensary, LLC, Paradise Wellness Center, LLC, Serenity Wellness Center  
LLC, TGIG, LLC, Tryke Companies Reno, LLC, Tryke Companies SO NV, LLC

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8 Holdings LLC, Green Therapeutics LLC, Herbal Choice Inc., Just Quality, LLC, Libra  
Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb, NEVCANN LLC,  
9 Red Earth LLC, THC Nevada LLC, Zion Gardens LLC, and MMOF Vegas Retail, Inc., Las  
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25 NMSD LLC Doing Business As Nuveda, D H Flamingo Inc Doing Business As  
Apothecary Shoppe, Inyo Fine Cannabis Dispensary LLC Doing Business As Inyo Fine  
26 Cannabis Dispensary, Nye Natural Medicinal Solutions LLC Doing Business As Nuveda,  
Surterra Holdings Inc.

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25 6121 Lakeside Dr.  
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4 NV LLC

5 L. Christopher Rose, Nevada Bar No.: 7500  
Jolley Urga Woodbury Holthus & Rose  
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7 Attorneys for Wellness Connection of Nevada LLC

8 Kathleen H. McConnell, Nevada Bar No.: 9590  
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10 Jeffrey A. Bendavid, Nevada Bar No.: 6220  
11 Moran Brandon Bendavid Moran  
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13 Clarence E. Gamble, Nevada Bar No.: 4268  
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15 Wheat Ridge, Colorado 80215  
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16 Rick R. Hsu, Nevada Bar No.: 5374  
17 Maupin, Cox & LeGoy  
4785 Caughlin Parkway  
18 Reno, Nevada 89519  
Attorneys for Pure Tonic Concentrates LLC

19 Rory J. Vohwinkel, Nevada Bar No.: 8709  
20 4000 S. Eastern Avenue, Suite 200  
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21 Attorneys for Nevada Medical Group LLC

22 Michael L Becker, Nevada Bar No.: 8765  
23 Las Vegas Defense Group  
2970 W. Sahara Avenue  
24 Las Vegas, Nevada 89102  
Attorney for NCMM LLC

25 3AP Inc  
5Seat Investments LLC  
26 Acres Dispensary LLC  
Acres Medical LLC  
27 Alternative Medicine Association LC  
Blossum Group LLC  
28 Carson City Agency Solutions LLC

1	Cheyenne Medical LLC
	Circle S Farms LLC
2	CN Licenseco I Inc
	CWNevada LLC
3	Diversified Modalities Marketing Ltd
	ECONevada LLC
4	Forever Green LLC
	FSWFL LLC
5	GB Sciences Nevada LLC
	GBS Nevada Partners LLC
6	GFIVE Cultivation LLC
	Green Life Productions LLC
7	Greenpoint Nevada Inc
	Greenscape Productions LLC
8	Greenway Health Community LLC
	Greenway Medical LLC
9	GTI Nevada LLC
	H and K Growers Corp
10	Harvest Foundation LLC
	Healthcare Options for Patients Enterprises LLC
11	Helios NV LLC
	High Sierra Cultivation LLC
12	International Service and Rebuilding Inc.
	LNP LLC
13	Luff Enterprises NV Inc
	Malana LV LLC
14	Matrix NV LLC
	Nevada Botanical Science Inc
15	Nevada Group Wellness LLC
	Nevada Holistic Medicine LLC
16	Nevada Pure LLC
	NLV Wellness LLC
17	NLVG LLC
	Nuleaf Incline Dispensary LLC
18	NV 3480 Partners LLC
	NV Green Inc
19	Nye Farm Tech Ltd
	Paradise Wellness Center LLC
20	Phenofarm NV LLC
	Physis One LLC
21	Polaris Wellness Center LLC
	Releaf Cultivation LLC
22	RG Highland Enterprises Inc
	Silver Sage Wellness LLC
23	Solace Enterprises LLLP
	Wellness and Caregivers of Nevada NLV LLC
24	Sweet Goldy LLC
	Vegas Valley Growers LLC
25	Green Therapeutics LLC
	Polaris Wellness Center
26	Pure Tonic Concentrations LLC
	TRNP098
27	Wellness Connection of Nevada LLC
	Wendovera LLC
28	West Coast Development Nevada LLC

1 WSCC Inc  
2 YMY Ventures LLC  
3 The attorneys for the above parties is unknown at this time<sup>1</sup>

4 5. Whether attorney identified in response to subparagraph (D) is not licensed to  
5 practice law in Nevada, and if so, whether the district court granted that attorney permission to  
6 appear under SCR 42, including a copy of any district court order granting that permission:

7 Not applicable. All attorneys licensed to practice law in Nevada.

8 6. Whether appellant was represented by appointed counsel in the District Court, and  
9 whether the appellant is represented by appointed counsel on appeal. Not applicable. Counsel was  
10 retained.

11 7. Whether the district court granted the appellant leave to proceed in forma pauperis,  
12 and if so, the date of the district court's order granting that leave.

13 Not applicable. No in forma pauperis granted.

14 8. The date that the proceedings commenced in the district court. The Complaint was  
15 filed on January 4, 2019

16 9. A brief description of the nature of the action and result in the district court,  
17 including the type of judgment or order being appealed and the relief granted by the district court:

18 This action concerns the 2018 application process for retail marijuana dispensary licenses  
19 that were to be issued by the State of Nevada, Department of Taxation. Several lawsuits have been  
20 filed concerning that application process and several of those Plaintiffs sought preliminary  
21 injunctive relief on their respective claims. Pursuant to the district court's order entered on July 11,  
22 2019, this case was coordinated with five other lawsuits regarding the request for preliminary  
23 injunctive relief.

24 Following a 20-day preliminary injunction hearing that spanned the course of several  
25 months, The Honorable Elizabeth G. Gonzalez issued Findings of Fact and Conclusions of Law  
26 Granting Preliminary Injunction (the "FFCL") on August 23, 2019, that enjoined the State of

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27 <sup>1</sup> As outlined in the Notice of Appeal on October 26, 2019 the court consolidated 8 related cases. As of the  
28 date of filing this Appeal Statement all parties have not answered or made appearances. The parties listed above  
have no attorney listed with district court.

1 Nevada, Department of Taxation from conducting a final inspection of any of the conditional  
2 licenses issued in or about December 2018 who did not provide the identification of each  
3 prospective owner, officer and board member as required by NRS 453D.200(6). The parties that  
4 were enjoined included Greenmart of Nevada NLV, LLC, Nevada Organic Remedies, LLC,  
5 Helping Hands Wellness Center, Inc., and Lone Mountain Partners, LLC. The remainder of the  
6 requested injunctive relief was denied. On September 13, 2019 Nevada Wellness Center LLC filed  
7 a Motion to Amended Findings of Fact and Conclusions of Law pursuant to NRCP 52(b) tolling  
8 the time for filing of appeal. This cross appeal concerns the FFCL. On October 26, 2019 Chief  
9 Judge Linda Bell consolidated A-19-786962-B, A-18-785818-W, A-18-786357-W,  
10 A-19-787004-B, A-19-787035-C A-19-787540-W , A-19-787726-C, and A-19-801416-B.

11 10. Whether the case has previously been the subject of an appeal to or original writ  
12 proceeding in the Supreme Court or Court of Appeals and, if so, the caption and docket number  
13 of the prior proceeding: On September 19, 2019, Greenmart of Nevada NLV, LLC and Nevada  
14 Organic Remedies, LLC filed a Notice of Appeal and Case Appeal Statement. On October 3, 2019  
15 ETW Management Group LLC, Global Harmony LLC, Green Leaf Farms Holdings LLC, Green  
16 Therapeutics LLC, Herbal Choice Inc., Just Quality, LLC, Libra Wellness Center, LLC, Rombough  
17 Real Estate Inc. dba Mother Herb, NEVCANN LLC, Red Earth LLC, THC Nevada LLC, Zion  
18 Gardens LLC, and MMOF Vegas Retail, Inc. (collectively, "ETW Plaintiffs") filed a cross appeal.  
19 On October 3, 2019 MM Development Company, Inc. And LiveFree Wellness LLC filed a cross  
20 appeal. The captions are the following:

21 A GreenMart of Nevada NLV, LLC Nevada Organic Remedies, LLC Lone Mountain  
22 Partners, LLC Appellants v. Serenity Wellness Center, LLC et al. and The State of Nevada,  
23 Department of Taxation Respondents 79668.

24 B. GreenMart of Nevada NLV, LLC Nevada Organic Remedies, LLC Appellants v.  
25 ETW Management Group, LLC et al. and. The State of Nevada, Department of Taxation 79669.

26 C. GreenMart of Nevada NLV, LLC and Nevada Organic Remedies, LLC Appellants  
27 v. MM Development Company, Inc. and. The State of Nevada, Department of Taxation,  
28 Respondents 79670.

1 D. GreenMart of Nevada NLV, LLC Appellants v. Compassionate Team of Las  
2 Vegas, LLC and The State of Nevada, Department of Taxation, Respondents 79671.

3 E. GreenMart of Nevada NLV, LLC Appellants v .High Sierra Holistics, LLC. and The  
4 State of Nevada, Department of Taxation Respondents 79672.

5 F. GreenMart of Nevada NLV, LLC Appellants v .Nevada Wellness Center, LLC.  
6 and The State of Nevada, Department of Taxation Respondents 79673.<sup>2</sup>

7 11. The appeal does not involve child custody or visitation.

8 The parties have been engaged in private mediation.

9 12. If this is a civil case, indicate whether this appeal involves the possibility of  
10 settlement:

11 The parties have been engaged in private mediation.

12 DATED this 6<sup>th</sup>, day of December, 2019.

13 **PARKER, NELSON & ASSOCIATES, CHTD**

14  
15 /s/Mahogany Turfley, Esq.  
THEODORE PARKER, III, ESQ.  
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16 MAHOGANY TURFLEY, ESQ.  
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Attorneys for Plaintiff,  
19 Nevada Wellness Center, LLC  
20  
21  
22  
23  
24  
25

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26 <sup>2</sup> This Supreme Court filed an Order to Show Cause on November 21, 2019, as to why the appeals and  
27 cross appeals should not be dismissed in docket numbers 79671, 79672, 79673, 79669, and 79670. The Supreme  
28 Court noted NWC's tolling motion resulting in docket number 79673 being premature. NWC agrees. As such, NWC  
files this Notice of Appeal.

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**CERTIFICATE OF SERVICE**

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of the law office of PARKER, NELSON & ASSOCIATES, CHTD., and that on this 5<sup>th</sup> day of December, 2019, I served a true and correct copy of the foregoing NOTICE OF APPEAL on the party(s) set forth below by:

- ☐ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, NV, postage prepaid, following ordinary business practices.
  - ☐ Facsimile transmission, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26, by faxing a true and correct copy of the same to each party addressed as follows:
  - ☐ By E-mail: by electronic mail delivering the document(s) listed above to the e-mail address(es) set forth below on this date before 5:00 p.m.
  - ☒ By EFC: by electronic filing with the Court delivering the document(s) listed above via E-file & E-serve (Odyssey) filing system.
- (All Parties on the Electronic Service List)

/s/Jeanne L. Calix  
An employee of Parker, Nelson & Associates, Chtd.

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-19-787004-B**

**ETW Management Group LLC, Plaintiff(s)**  
**vs.**  
**Nevada Dept of Taxation, Defendant(s)**

§  
§  
§  
§  
§  
§

Location: **Department 11**  
 Judicial Officer: **Gonzalez, Elizabeth**  
 Filed on: **01/04/2019**  
 Case Number History:  
 Cross-Reference Case Number: **A787004**  
 Supreme Court No.: **79669**

**CASE INFORMATION****Related Cases**

A-18-785818-W (Consolidated)  
 A-18-786357-W (Consolidated)  
 A-19-786962-B (Consolidated)  
 A-19-787035-C (Consolidated)  
 A-19-787540-W (Consolidated)  
 A-19-787726-C (Consolidated)  
 A-19-801416-B (Consolidated)

Case Type: **Other Business Court Matters**

Case  
Status: **01/04/2019 Open**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-19-787004-B  
 Court Department 11  
 Date Assigned 11/15/2019  
 Judicial Officer Gonzalez, Elizabeth

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>ETW Management Group LLC</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>Global Harmony LLC</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>Green Leaf Farms Holdings LLC</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>Green Therapeutics LLC</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>Herbal Choice Inc.</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>Just Quality, LLC</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>Libra Wellness Center, LLC</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)
	<b>MMOF Vegas Retail, Inc.</b>	<b>Bult, Adam K.</b> <i>Retained</i> 7028623300(W)

**CASE SUMMARY**

**CASE NO. A-19-787004-B**

**NEVCANN LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Red Earth LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Rombough Real Estate Inc**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**THC Nevada LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Zion Gardens LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Defendant**

**Cheyenne Medical LLC**  
Removed: 11/26/2019  
Data Entry Error

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**Circle S Farms LLC**  
Removed: 11/26/2019  
Data Entry Error

**Clear River LLC**  
Removed: 11/26/2019  
Data Entry Error

**Commerce Park Medical LLC**  
Removed: 11/26/2019  
Data Entry Error

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**Deep Roots Medical LLC**  
Removed: 11/26/2019  
Data Entry Error

**Essence Henderson LLC**  
Removed: 11/26/2019  
Data Entry Error

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Essence Tropicana LLC**  
Removed: 11/26/2019  
Data Entry Error

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Eureka Newgen Farms LLC**  
Removed: 11/26/2019  
Data Entry Error

**Green Therapeutics LLC**  
Removed: 11/26/2019  
Data Entry Error

**Greenmart of Nevada LLC**  
Removed: 11/26/2019  
Data Entry Error

**Helping Hands Wellness Center Inc**  
Removed: 11/26/2019  
Data Entry Error

**Lone Mountain Partners, LLC**  
Removed: 11/26/2019  
Data Entry Error

**Hone, Eric D.**  
*Retained*  
702-608-3720(W)

**Nevada Dept of Taxation**

**Shevorski, Steven G.**  
*Retained*



**CASE SUMMARY**

**CASE NO. A-19-787004-B**

702-634-5000(W)

**Nevada Organic Remedies LLC**  
Removed: 11/26/2019  
Data Entry Error

**Koch, David**  
*Retained*  
702-318-5041(W)

**Polaris Wellness Center LLC**  
Removed: 11/26/2019  
Data Entry Error

**Pure Tonic Concentrates LLC**  
Removed: 11/26/2019  
Data Entry Error

**TRNVP098**  
Removed: 11/26/2019  
Data Entry Error

**Wellness Connection of Nevada LLC**  
Removed: 11/26/2019  
Data Entry Error

**Counter Claimant** **Cheyenne Medical LLC**

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**Commerce Park Medical LLC**

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**CPCM Holdings LLC**

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**Essence Henderson LLC**

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Essence Tropicana LLC**

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Integral Associates LLC**

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Counter Defendant** **ETW Management Group LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Global Harmony LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Green Leaf Farms Holdings LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Green Therapeutics LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Herbal Choice Inc.**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Just Quality, LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**CASE SUMMARY**

**CASE NO. A-19-787004-B**

**Libra Wellness Center, LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**MMOF Vegas Retail, Inc.**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**NEVCANN LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Red Earth LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Rombough Real Estate Inc**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**THC Nevada LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Zion Gardens LLC**

**Bult, Adam K.**  
*Retained*  
7028623300(W)

**Intervenor  
Defendant**

**Cheyenne Medical LLC**

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**Commerce Park Medical LLC**

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**CPCM Holdings LLC**

**Gutierrez, Joseph A.**  
*Retained*  
702-629-7900(W)

**Essence Henderson LLC**

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Essence Tropicana LLC**

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**GreenMart of Nevada NLV LLC**

**McLetchie, Margaret A.**  
*Retained*  
702-728-5300(W)

**Integral Associates LLC**

**Bice, Todd L**  
*Retained*  
702-214-2100(W)

**Lone Mountain Partners, LLC**

**Hone, Eric D.**  
*Retained*  
702-608-3720(W)

**Nevada Organic Remedies LLC**

**Koch, David**  
*Retained*  
702-318-5041(W)

**Other**

**Qualcan LLC**

**Christiansen, Peter S**  
*Retained*  
702-240-7979(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

# CASE SUMMARY

CASE NO. A-19-787004-B

## EVENTS

01/04/2019



### Complaint (Business Court)

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC

*Complaint*

01/04/2019



### Initial Appearance Fee Disclosure

Filed By: Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC

*Initial Appearance Fee Disclosure*

01/25/2019



### Motion to Intervene

Party: Intervenor Defendant Nevada Organic Remedies LLC

*Motion to Intervene*

02/08/2019



### Initial Appearance Fee Disclosure

*Initial Appearance Fee Disclosure*

02/08/2019



### Amended Complaint

Filed By: Counter Defendant Green Therapeutics LLC

*Amended Complaint*

02/11/2019



### Summons Electronically Issued - Service Pending

Party: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC

*Summons*

02/14/2019



### Affidavit of Service

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC

*Summons*

02/14/2019



### Affidavit of Service

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC

*Summons*

02/21/2019



### Errata

# CASE SUMMARY

CASE NO. A-19-787004-B

Filed By: Counter Defendant ETW Management Group LLC  
*Errata to First Amended Complaint*

02/25/2019



## Certificate of Service

Filed by: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Certificate of Service*

03/08/2019



## Stipulation and Order

Filed by: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Stipulation and Order Vacating Order Granting Motion to Intervene and Setting Briefing Schedule*

03/08/2019



## Notice of Entry of Stipulation and Order

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Notice of Entry of Stipulation and Order Granting Motion to Intervene and Setting Briefing Schedule*

03/15/2019



## Opposition to Motion

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Opposition to Nevada Organic Remedies, LLC's Motion to Intervene*

03/19/2019



## Order

03/20/2019



## Motion to Intervene

Party: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC; Counter Claimant CPCM Holdings LLC; Counter Claimant Commerce Park Medical LLC; Counter Claimant Cheyenne Medical LLC  
*Motion to Intervene as Defendants*

03/28/2019



## Motion to Intervene

Party: Intervenor Defendant Lone Mountain Partners, LLC  
*Lone Mountain Partners, LLC's Motion to Intervene (Hearing Requested)*

03/28/2019



## Clerk's Notice of Hearing

*Notice of Hearing*

03/29/2019



## Opposition to Motion

# CASE SUMMARY

CASE NO. A-19-787004-B

Filed By: Counter Defendant ETW Management Group LLC  
*Opposition to Motion to Intervene as Defendants*

04/01/2019



Reply in Support

Filed By: Intervenor Defendant Nevada Organic Remedies LLC  
*Reply in Support of Nevada Organic Remedies, LLC's Motion to Intervene*

04/08/2019



Opposition to Motion

Filed By: Counter Defendant ETW Management Group LLC  
*Opposition to Lone Mountain Partners, LLC's Motion to Intervene*

04/08/2019



Reply in Support

Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC; Counter Claimant CPCM Holdings LLC; Counter Claimant Commerce Park Medical LLC; Counter Claimant Cheyenne Medical LLC  
*Defendants in Intervention's Reply in Support of Motion to Intervene as Defendants*

04/10/2019



Reply in Support

*Lone Mountain Partners, LLC's Reply in Support of Motion to Intervene*

04/12/2019



Order Scheduling Status Check

*Order Scheduling Hearing Re:Coordination*

04/17/2019



Answer to Amended Complaint

Filed By: Defendant Nevada Dept of Taxation  
*Answer to Amended Complaint*

04/17/2019



Order Granting

Filed By: Intervenor Defendant Lone Mountain Partners, LLC  
*Order Granting Lone Mountain Partners, LLC's Motion to Intervene*

04/17/2019



Order Granting

Filed By: Intervenor Defendant Lone Mountain Partners, LLC  
*Order Granting Lone Mountain Partners, LLC's Motion to Intervene*

04/22/2019



Order

Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC; Counter Claimant CPCM Holdings LLC; Counter Claimant Commerce Park Medical LLC; Counter Claimant Cheyenne Medical LLC  
*Order Granting Motion to Intervene*

04/22/2019



Notice of Entry of Order

Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC; Counter Claimant CPCM Holdings LLC; Counter Claimant Commerce Park Medical LLC; Counter Claimant Cheyenne Medical LLC  
*Notice of Entry of Order Granting Motion to Intervene*

04/23/2019



Notice of Entry of Order

Filed By: Intervenor Defendant Lone Mountain Partners, LLC  
*Notice of Entry of Order Granting Lone Mountain Partners, LLC's Motion to Intervene*

04/26/2019



Order Granting

# CASE SUMMARY

CASE NO. A-19-787004-B

Filed By: Intervenor Defendant Nevada Organic Remedies LLC  
*Order Granting Nevada Organic Remedies, LLC's Motion to Intervene*

04/26/2019



Notice of Entry of Order

Filed By: Intervenor Defendant Nevada Organic Remedies LLC  
*Notice of Entry of Order*

05/06/2019



Joinder

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus*

05/07/2019



Motion to Intervene

Party: Intervenor Defendant GreenMart of Nevada NLV LLC  
*Motion to Intervene - Hearing Requested*

05/07/2019



Clerk's Notice of Hearing

*Notice of Hearing*

05/07/2019



Clerk's Notice of Hearing

*Notice of Hearing*

05/09/2019



Motion to Consolidate

Filed By: Defendant Nevada Dept of Taxation  
*Motion to Consolidate*

05/10/2019



Joinder To Motion

Filed By: Intervenor Defendant Nevada Organic Remedies LLC  
*Nevada Organic Remedies, LLC s Joinder to the State of Nevada, Department of Taxation s Motion to Consolidate, or, in the Alternative Request to Coordinate Cases in a Single Department to Be Assigned by the Chief Judge Pursuant to EDCR 2.50(c)*

05/10/2019



Opposition to Motion

*Opposition to Motion to Consolidate*

05/10/2019



Joinder

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Joinder to Application for Temporary Restraining Order on OST*

05/13/2019



Motion for Discovery

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Motion for Order Compelling Production of Preserved Electronically Stored Information on*

# CASE SUMMARY

CASE NO. A-19-787004-B

## Order Shortening Time

05/14/2019



### Opposition

Filed By: Defendant Nevada Dept of Taxation

*Opposition to Motion for Order Compelling Production of Preserved Electronically Stored Information on an Order Shortening Time*

05/17/2019



### Notice

Filed By: Defendant Nevada Dept of Taxation

*Notice of Compliance*

05/17/2019



### Joinder

Filed By: Consolidated Case Party Compassionate Team of Las Vegas LLC

*Plaintiffs Joinder to Motion for Order Compelling Production of Preserved Electronically Stored Information Filed in Etw Management Group, Llc, et Al., V. State of Nevada Department of Taxation (Case No. A-19-787004-b) And Plaintiffs Joinder to Plaintiffs Supplement to Joinder to Motion for Order Compelling Production of Preserved Electronically Stored Information Filed in Etw Management Group, Llc, et Al., V. State of Nevada Department of Taxation (Case No. A-19-787004-b)*

05/17/2019



### Stipulation and Order

Filed by: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Stipulation and Order to File Second Amended Complaint*

05/17/2019



### Notice of Entry of Stipulation and Order

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Notice of Entry of Stipulation and Order to File Second Amended Complaint*

05/21/2019



### Second Amended Complaint

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Second Amended Complaint*

05/21/2019



### Disclosure Statement

Party: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC  
*Plaintiffs' Pre-Hearing Disclosure Statement and Notice of Compliance*

05/22/2019



### Initial Appearance Fee Disclosure

Filed By: Counter Defendant MMOF Vegas Retail, Inc.

*Initial Appearance Fee Disclosure*

# CASE SUMMARY

CASE NO. A-19-787004-B

05/22/2019



Order Granting Motion

*Order Granting Motion for Order Compelling Production of Preserved Electronically Stored Information Filed in ETW Management Group, LLC, et al., v. State of Nevada Department of Taxation(case No. A-19-787004-B)*

05/22/2019



Reply in Support

Filed By: Counter Defendant ETW Management Group LLC  
*Plaintiffs' Reply in Support of Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus*

05/23/2019



Notice of Entry of Order

*Notice of Entry of Order Granting Motion for Order Compelling Production of Preserved Electronically Stored Information Filed in ETW Management Group, LLC, et al., v. State of Nevada Department of Taxation (Case No. A-19-787004-B)*

05/23/2019



Disclosure Statement

Party: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC; Counter Defendant MMOF Vegas Retail, Inc.  
*Pre-Hearing Disclosure Statement of Witnesses and Exhibits and Notice of Compliance*

05/23/2019



Disclosure Statement

Party: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant MMOF Vegas Retail, Inc.  
*First Supplemental Pre-Hearing Disclosure Statement of Witnesses and Exhibits and Notice of Compliance*

05/24/2019



Motion to Compel

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant NEVCANN LLC; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC; Counter Defendant MMOF Vegas Retail, Inc.  
*Plaintiffs' Motion to Compel on Order Shortening Time*

05/24/2019



Motion to Seal/Redact Records

Filed By: Counter Defendant Zion Gardens LLC  
*Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time*

05/28/2019



Opposition to Motion to Compel

Filed By: Intervenor Defendant Nevada Organic Remedies LLC  
*Opposition to Plaintiffs' Motion to Compel*

05/28/2019



Opposition







Filed By: Intervenor Defendant Lone Mountain Partners, LLC  
*LONE MOUNTAIN PARTNERS, LLC S OPPOSITION TO PLAINTIFFS MOTION TO*



# CASE SUMMARY

CASE NO. A-19-787004-B

## COMPEL ON ORDER SHORTENING TIME

05/28/2019	 Opposition to Motion Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Opposition to Motion to Compel</i>
05/28/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/28/2019	 Joinder Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC; Counter Claimant CPCM Holdings LLC; Counter Claimant Commerce Park Medical LLC; Counter Claimant Cheyenne Medical LLC <i>Joinder to Defendant-Intervenor, GreenMart of Nevada NLV LLC's Opposition to Motion to Compel</i>
05/28/2019	 Filed Under Seal Filed By: Counter Defendant MMOF Vegas Retail, Inc. <i>Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time Filed Under Seal (Sealed Per Filed Motion filed on 05/24/2019)</i>
05/28/2019	 Supplement Filed by: Counter Defendant ETW Management Group LLC <i>Second Supplemental Pre-Hearing Disclosure Statement of Witnesses and Exhibits and Notice of Compliance</i>
05/29/2019	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
05/31/2019	 Disclosure Statement Party: Counter Defendant ETW Management Group LLC <i>Third Supplemental Pre-Hearing Disclosure of Witnesses and Exhibits and Notice of Compliance</i>
06/04/2019	 Answer to Amended Complaint Filed By: Defendant Nevada Dept of Taxation <i>Answer to Second Amended Complaint</i>
06/07/2019	 Answer to Amended Complaint Filed By: Intervenor Defendant Lone Mountain Partners, LLC <i>Lone Mountain Partners, LLC's Answer to Plaintiffs' Second Amended Complaint</i>
06/07/2019	 Initial Appearance Fee Disclosure Filed By: Intervenor Defendant Lone Mountain Partners, LLC <i>Lone Mountain Partners, LLC's Initial Appearance Fee Disclosure</i>
06/12/2019	 Joinder to Opposition to Motion Filed by: Counter Defendant ETW Management Group LLC <i>Joinder to Opposition to Intervening Defendants' Motion to Dissolve Temporary Restraining Order on an Order Shortening Time</i>
06/14/2019	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC

# CASE SUMMARY

CASE NO. A-19-787004-B

*Initial Appearance Fee Disclosure (NRS Chapter 19)*

06/14/2019	 Answer and Counterclaim <i>Defendants' Answer to Plaintiff's Second Amended Complaint and Counterclaim</i>
06/21/2019	 Order Filed By: Counter Defendant ETW Management Group LLC <i>Order Granting in Part Plaintiffs' Motion to Compel on Order Shortening Time</i>
06/21/2019	 Notice of Entry of Order Filed By: Counter Defendant ETW Management Group LLC <i>Notice of Entry of Order Granting in Part Plaintiffs' Motion to Compel on Order Shortening Time</i>
06/24/2019	 Order Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Order Granting Defendant GreenMart of Nevada NLV LLC's Motion to Intervene</i>
06/24/2019	 Notice of Entry of Order Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Notice of Entry of Order</i>
06/24/2019	 Initial Appearance Fee Disclosure Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
06/24/2019	 Answer (Business Court) Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Intervenor Defendant GreenMart of Nevada NLV LLC's Answer to Plaintiffs' Second Amended Complaint</i>
07/08/2019	 Joinder to Opposition to Motion Filed by: Counter Defendant ETW Management Group LLC <i>Joinder to Plaintiffs' Opposition to Clear River, LLC's Motion for Summary Judgment</i>
07/08/2019	 Joinder to Opposition to Motion Filed by: Counter Defendant ETW Management Group LLC <i>Joinder to Plaintiffs' Opposition to Defendant/Intervenor Helping Hands Wellness Center, Inc.'s Motion for Summary Judgment (Claims 1-3)</i>
07/11/2019	 Order Filed By: Defendant Nevada Dept of Taxation <i>Order Granting in Part and Denying in Part Motion to Consolidate</i>
07/11/2019	 Notice of Entry of Order Filed By: Defendant Nevada Dept of Taxation <i>Notice of Entry of Order</i>
07/11/2019	 Certificate of Service Filed by: Defendant Nevada Dept of Taxation <i>Certificate of Service</i>
07/11/2019	 Answer to Counterclaim Filed By: Counter Defendant ETW Management Group LLC

# CASE SUMMARY

CASE NO. A-19-787004-B

*Plaintiffs' Answer to Defendants-in-Intervention's Counterclaim*

07/31/2019



Notice of Appearance

Party: Counter Claimant Integral Associates LLC

*Notice of Appearance*

08/27/2019



Joinder To Motion

Filed By: Counter Defendant ETW Management Group LLC

*Joinder to Nevada Wellness Center's Motion Regarding Compliance with Physical Address Requirements of NRS453D.210(5)(B), NAC 435D.265(1)(B), and NAC 453D.268(2)(E) on Order Shortening Time*

08/27/2019



Joinder

Filed By: Counter Defendant ETW Management Group LLC

*Joinder to MM Development Company, Inc.'s and Livfree Wellness LLC's Objection to State's Response Regarding Compliance with NRS 453D.200(6)*

09/06/2019



Statement

Filed by: Counter Defendant Zion Gardens LLC

*Joint Expedited Discovery Statement*

09/06/2019



Notice of Appearance

Party: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC

*Notice Of Appearance*

09/06/2019



Objection

Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC

*The Essence Entities' Objection To Joint Expedited Discovery Statement*

09/09/2019



Joinder

Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC

*Defendant-Intervenor GreenMart of Nevada NLV LLC's Joinder to Defendant in Intervention The Essence Entities' Objection to Joint Expedited Discovery Statement*

09/11/2019



Motion to Compel

Filed By: Counter Defendant ETW Management Group LLC

*Motion to Compel on Order Shortening Time*

09/13/2019



Motion to Extend

Party: Counter Defendant ETW Management Group LLC

*Plaintiffs' Joint Motion to Extend Time to Post Bond on Order Shortening Time*

09/13/2019



Notice of Posting Bond

Filed By: Consolidated Case Party MM Development Company, Inc.

*Notice of Posting Bond*

09/19/2019



Order

*Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call*

09/19/2019




Notice of Appeal

Filed By: Intervenor Defendant Nevada Organic Remedies LLC

*Notice of Appeal*

# CASE SUMMARY

CASE NO. A-19-787004-B

09/19/2019	 Case Appeal Statement Filed By: Intervenor Defendant Nevada Organic Remedies LLC <i>Nevada Organic Remedies' Case Appeal Statement</i>
09/19/2019	 Amended Notice of Entry of Order Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Amended Notice of Entry of Order</i>
09/19/2019	 Notice of Appeal Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Defendant-Intervenor GreenMart of Nevada NLV LLC's Notice of Appeal</i>
09/19/2019	 Case Appeal Statement Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Defendant-Intervenor GreenMart of Nevada NLV LLC's Case Appeal Statement</i>
10/03/2019	 Motion Filed By: Intervenor Defendant Lone Mountain Partners, LLC <i>LONE MOUNTAIN PARTNERS, LLC S MOTION TO DISSOLVE PRELIMINARY INJUNCTION FOR FAILURE TO POST BOND ON ORDER SHORTENING TIME</i>
10/03/2019	 Notice of Appeal Filed By: Counter Defendant ETW Management Group LLC <i>Notice of Cross-Appeal</i>
10/03/2019	 Case Appeal Statement Filed By: Counter Defendant ETW Management Group LLC <i>Case Cross-Appeal Statement</i>
10/04/2019	 Opposition to Motion Filed By: Counter Defendant ETW Management Group LLC <i>Plaintiff's Joint Opposition to Nevada Organic Remedies, LLC's Motion to Dissolve Preliminary Injunction and to Stay Preliminary Injunction Pending Appeal and Plaintiff's Joint Opposition to Lone Mountain Partners, LLC's Motion to Dissolve Preliminary Injunction for Failure to Post Bond on Order Shortening Time</i>
10/07/2019	 Joinder Filed By: Counter Defendant ETW Management Group LLC <i>Joinder to Nevada Wellness Center, LLC's Motion to Amend Findings of Fact and Conclusions of Law</i>
10/07/2019	 Joinder To Motion Filed By: Counter Defendant ETW Management Group LLC <i>Joinder to MM Development Company's and Livfree Wellness, LLC's Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
10/11/2019	 Motion to Consolidate Filed By: Counter Defendant ETW Management Group LLC <i>Joint Motion to Consolidate on Order Shortening Time and Joint Partial Opposition to Defendants in Intervention, CPCM Holdings, LLC d.b.a. Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC's Motion to Consolidate</i>
10/14/2019	 Joinder To Motion Filed By: Counter Defendant ETW Management Group LLC <i>Joinder to Serenity Plaintiffs' Motion to Extend Initial Expert Initial Expert Witness Deadline</i>

# CASE SUMMARY

CASE NO. A-19-787004-B

*on Order Shortening Time (First Request)*

10/15/2019



Notice

Filed By: Counter Defendant ETW Management Group LLC  
*Notice of Filing Security for Payment of Costs on Appeal*

10/21/2019



Motion to Consolidate

Filed By: Counter Defendant ETW Management Group LLC  
*Joint Motion to Consolidate on an Order Shortening Time and Joint Partial Opposition to Defendants in Intervention, CPCM Holdings, LLC d.b.a. Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC's Motion to Consolidate*

10/21/2019



Opposition to Motion

Filed By: Counter Defendant ETW Management Group LLC  
*Interested Parties' Opposition to Joint Motion to Consolidate*

10/23/2019



Notice of Withdrawal of Attorney

Filed by: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC  
*Notice of Withdrawal of Attorney*

10/24/2019



Opposition

Filed By: Consolidated Case Party Compassionate Team of Las Vegas LLC  
*Compassionate Team of Las Vegas, LLC's Opposition to Joint Motion to Consolidate on an Order Shortening Time and Defendants in Intervention, CPCM Holdings, LLC dba Thrive Cannabis Marketplace, Commerce Park, LLC, and Cheyenne Medical, LLC s Motion to Consolidate*

10/24/2019



Opposition to Motion

Filed By: Other Qualcan LLC  
*Interested Party Qualcan LLC's Opposition to Joint Motion to Consolidate*

10/28/2019



Opposition to Motion

Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC  
*The Essence Entities' Opposition to Plaintiffs' Joint Motion to Consolidate on Order Shortening Time and Response to Joint Partial Opposition to Defendants in Intervention CPCM Holdings, LLC d.b.a. Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC's Motion to Consolidate*

10/28/2019



Reply in Support

Filed By: Counter Defendant ETW Management Group LLC; Counter Defendant Global Harmony LLC; Counter Defendant Green Leaf Farms Holdings LLC; Counter Defendant Herbal Choice Inc.; Counter Defendant Just Quality, LLC; Counter Defendant Libra Wellness Center, LLC; Counter Defendant Rombough Real Estate Inc; Counter Defendant Red Earth LLC; Counter Defendant THC Nevada LLC; Counter Defendant Zion Gardens LLC; Counter Defendant Green Therapeutics LLC; Counter Defendant MMOF Vegas Retail, Inc.  
*Joint Reply in Support of Motion to Consolidate and Partial Opposition to Defendants in Intervention, CPCM Holdings, LLC d.b.a. Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC, Motion to Consolidate*

10/28/2019



Joinder to Opposition to Motion

Filed by: Intervenor Defendant Nevada Organic Remedies LLC  
*Nevada Organic Remedies, LLC's Joinder to The Essence Entities' Opposition to Plaintiffs' Motion to Consolidate on Order Shortening Time*

10/28/2019

# CASE SUMMARY

CASE NO. A-19-787004-B

	 Joinder to Opposition to Motion Filed by: Intervenor Defendant Lone Mountain Partners, LLC <i>Lone Mountain Partners, LLC's Joinder to The Essence Entities' Opposition to Plaintiffs' Joint Motion to Consolidate on Order Shortening Time and Response to Joint Partial Opposition to Defendants in Intervention CCPM Holdings, LLC d.b.a Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC's Motion to Consolidate</i>
11/01/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/04/2019	 Motion to Strike <i>Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>
11/04/2019	 Reporters Transcript <i>Reporter's Transcript of Joint Motion to Consolidate (Civil) - 10-29-2019</i>
11/05/2019	 Motion Filed By: Consolidated Case Party Nevada Wellness Center, LLC <i>Motion for Hearing on Objection to Discovery Commissioner s Report and Recommendations</i>
11/07/2019	 Opposition to Motion to Dismiss Filed By: Consolidated Case Party MM Development Company, Inc. <i>MM Development Company, Inc.'s Opposition to Counter-Defendants D.H. Flamingo, Inc. and Surterra Holdings, Inc.'s Special Motion to Dismiss Pursuant to NRS 41.660</i>
11/08/2019	 Joinder Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC <i>Joinder To Joint Emergency Motion To Strike Peremptory Challenge On Order Shortening Time</i>
11/08/2019	 Stipulation and Order Filed by: Intervenor Defendant Nevada Organic Remedies LLC <i>Joint Stipulation and Order to Continue Hearing Date on Certain Motions</i>
11/08/2019	 Notice of Entry of Stipulation and Order Filed By: Intervenor Defendant Nevada Organic Remedies LLC <i>Notice of Entry of Order</i>
11/08/2019	 Opposition Filed By: Counter Defendant ETW Management Group LLC <i>Opposition to Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>
11/08/2019	 Supplement <i>Supplement in Support of Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>
11/08/2019	 Joinder to Opposition to Motion Filed by: Intervenor Defendant Lone Mountain Partners, LLC <i>LONE MOUNTAIN PARTNERS, LLC S JOINDER TO DEPARTMENT OF TAXATION S OPPOSITION TO MOTION FOR WRIT OF MANDAMUS, TEMPORARY RESTRAINING ORDER, AND PRELIMINARY INJUNCTION</i>
11/08/2019	 Joinder to Opposition to Motion

# CASE SUMMARY

CASE NO. A-19-787004-B

Filed by: Intervenor Defendant Lone Mountain Partners, LLC  
*LONE MOUNTAIN PARTNERS, LLC S JOINDER TO NEVADA ORGANIC REMEDIES, LLC S OPPOSITION TO QUALCAN S MOTION AND JOINDER IN THE STATE OF NEVADA S OPPOSITION TO PLAINTIFF S MOTION FOR WRIT OF MANDAMUS, TEMPORARY RESTRAINING ORDER, AND PRELIMINARY INJUNCTION*

11/12/2019



Motion to Dismiss

Filed By: Intervenor Defendant Lone Mountain Partners, LLC  
*Lone Mountain Partners, LLC's Motion to Dismiss Plaintiffs' First Amended Complaint and Petition for Judicial Review and/or Writ of Certiorari, Mandamus, and Prohibition*

11/12/2019



Request

Filed by: Intervenor Defendant Lone Mountain Partners, LLC  
*Request For Hearing Re: Lone Mountain Partners, LLC s Motion To Dismiss Plaintiffs First Amended Complaint And Petition For Judicial Review And/Or Writs Of Certiorari, Mandamus, And Prohibition*

11/12/2019



Joinder To Motion

Filed By: Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC  
*Essence Entities' Motion And Joinder To Greenmart Nevada NLV LLC's Motion To Dismiss First Amended Complaint*

11/12/2019



Answer to Amended Complaint

Filed By: Counter Defendant ETW Management Group LLC  
*Defendants' Answer to First Amended Complaint*

11/12/2019



Joinder To Motion

Filed By: Defendant Nevada Dept of Taxation  
*Joinder to Lone Mountain Partners, LLC's Motion to Dismiss Plaintiffs' First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition*

11/12/2019



Joinder

Filed By: Defendant Nevada Dept of Taxation  
*Joinder to Greenmart Nevada NLV LLC's Motion to Dismiss First Amended Complaint*

11/13/2019



Clerk's Notice of Hearing

*Notice of Hearing*

11/13/2019



Joinder To Motion

Filed By: Intervenor Defendant Nevada Organic Remedies LLC  
*Defendant-Intervenor, Nevada Organic Remedies, LLC's Motion Joinder to Various Motions to Dismiss D.H. Flamingo's First Amended Complaint*

11/13/2019



Supplement to Opposition

*MM Development Company, Inc.'s Supplement to Opposition to Counter-Defendants D.H. Flamingo, Inc. and Surterra Holdings, Inc.'s Special Motion to Dismiss Pursuant to NRS 41.660*

11/14/2019



Joinder













Filed By: Defendant Nevada Dept of Taxation  
*Joinder to Defendant-Intervenor/Counterclaimant Nevada Organic Remedies, LLC's Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever*

11/14/2019



# CASE SUMMARY

CASE NO. A-19-787004-B

	 Order Granting Motion <i>Order Granting Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>
11/15/2019	 Notice of Entry of Order <i>Notice of Entry of Order Granting Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>
11/15/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/15/2019	 Joinder To Motion Filed By: Intervenor Defendant Lone Mountain Partners, LLC <i>Lone Mountain Partners, LLC s Joinder To Greenmart Of Nevada NLV LLC s Motion To Dismiss First Amended Complaint</i>
11/19/2019	 Motion for Order Filed By: Intervenor Defendant Nevada Organic Remedies LLC <i>Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i>
11/19/2019	 Order Denying Motion Filed By: Counter Defendant ETW Management Group LLC <i>Order Denying (1) Nevada Organic Remedies, LLC's Motion to Dissolve Preliminary Injunction and to Stay Preliminary Injunction Pending Appeal and (2) Lone Mountain Partners, LLC's Motion to Dissolve Preliminary Injunction for Failure to Post Bond on Order Shortening Time</i>
11/19/2019	 Notice of Entry of Order Filed By: Counter Defendant ETW Management Group LLC <i>Notice of Entry of Order</i>
11/20/2019	 Notice of Entry of Order Filed By: Counter Defendant ETW Management Group LLC <i>Notice of Entry of Order</i>
11/20/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/20/2019	 Joinder Filed By: Counter Claimant Integral Associates LLC; Counter Claimant Essence Tropicana LLC; Counter Claimant Essence Henderson LLC <i>Essence Entities' Joinder To Defendant-Intervenor/Counterclaimant Nevada Organic Remedies, LLC's Motion For Protective Order Regarding Scope Of Inquiry At Deposition Of Danette Kluever</i>
11/20/2019	 Joinder Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>Defendant GreenMart of Nevada NLV LLC's Joinder to Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i>
11/21/2019	 Amended Filed By: Intervenor Defendant Nevada Organic Remedies LLC <i>Amended Application for Writ of Mandamus to Compel State of Nevada, Department of Taxation to Move Nevada Organic Remedies, LLC into "TIER 2"</i>



# CASE SUMMARY

CASE NO. A-19-787004-B

11/22/2019	 Order Denying Motion <i>Order Denying MM Development Company, Inc.'s and Livfree Wellness, LLC's Motion to Alter or Amend Findings of Fact and Conclusion of Law</i>
11/22/2019	 Notice of Entry of Order <i>Notice of Entry of Order Denying MM Development Company, Inc.'s and Livfree Wellness, LLC's Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
11/22/2019	 Opposition to Motion <i>MM Development Company, Inc.'s and Livfree Wellness, LLC's Opposition to Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i>
11/22/2019	 Opposition Filed By: Consolidated Case Party D H Flamingo Inc <i>Opposition to Clear River LLC's Motion to Dismiss First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition</i>
11/22/2019	 Opposition Filed By: Consolidated Case Party D H Flamingo Inc <i>Opposition to GreenMart of Nevada NLV LLC's Motion to Dismiss First Amended Complaint</i>
11/22/2019	 Opposition Filed By: Consolidated Case Party D H Flamingo Inc <i>Opposition to Lone Mountain Partners, LLC's Motion to Dismiss Plaintiffs' First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition</i>
11/22/2019	 Certificate of Service Filed by: Consolidated Case Party D H Flamingo Inc <i>Certificate of Service</i>
11/25/2019	 Business Court Order <i>Business Court Order</i>
11/25/2019	 Joinder To Motion Filed By: Intervenor Defendant Lone Mountain Partners, LLC <i>LONE MOUNTAIN PARTNERS, LLC S JOINDER TO NEVADA ORGANICS MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER</i>
11/25/2019	 Motion for Protective Order <i>Motion for Protective Order Regarding Rino Tenorio</i>
11/26/2019	 Joinder to Opposition to Motion Filed by: Consolidated Case Party Serenity Wellness Center LLC <i>Joinder to MM Development Company, Inc.'s and Livfree Wellness, LLC's Opposition to Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i>
11/26/2019	 Order Granting Motion Filed By: Consolidated Case Party Serenity Wellness Center LLC <i>Order Granting Motion for Leave to File Second Amended Complaint in Case No. A-786962</i>
11/26/2019	 Notice of Entry









**CASE SUMMARY**

**CASE NO. A-19-787004-B**

	Filed By: Consolidated Case Party Serenity Wellness Center LLC <i>Notice of Entry of Order Granting Motion for Leave to File Second Amended Complaint in Case No A-786962</i>
11/26/2019	 Second Amended Complaint Filed By: Consolidated Case Party Serenity Wellness Center LLC <i>Second Amended Complaint</i>
11/27/2019	 Reply in Support Filed By: Consolidated Case Party D H Flamingo Inc; Consolidated Case Party Surterra Holdings INC., <i>Reply in Support of Plaintiffs/Petitioners/Counter-Defendants D.H. Flamingo, Inc. and Surterra Holdings, Inc.'s Special Motion to Dismiss MM Development Company, Inc.'s Counterclaim Pursuant to NRS 41.660 [Anti-SLAPP] and Request for Attorneys' Fees, Costs, and Damages Pursuant to NRS 41.670</i>
11/27/2019	 Certificate of Service Filed by: Consolidated Case Party D H Flamingo Inc; Consolidated Case Party Surterra Holdings INC., <i>Certificate of Service</i>
11/27/2019	 Joinder Filed By: Consolidated Case Party MM Development Company, Inc. <i>Joinder and Supplement to Motion for Protective Order Regarding Rino Tenorio</i>
11/27/2019	 Non Opposition Filed By: Intervenor Defendant GreenMart of Nevada NLV LLC <i>GreenMart of Nevada NLV LLC's Non-Opposition to Motion on Order Shortening Time for Protective Order Regarding Rino Tenorio</i>
12/02/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Hearing on Plaintiffs' Motion to Extend Initial Expert Witness Deadline and For Leave to File Amended Complaint</i>
12/03/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Hearing on Motions for Protective Order Re Tenorio and Kluever, Motion to Dismiss, Motion for Hearing on Objection to Discovery Commissioner's Report and Recommendations, and Mandatory Rule 16 Conference</i>
12/03/2019	 Order Granting Motion Filed By: Consolidated Case Party MM Development Company, Inc. <i>Order Granting Motion for Protective Order Regarding Rino Tenorio</i>
12/04/2019	 Notice of Entry of Order <i>Notice of Entry of Order Granting Motion for Protective Order Regarding Rino Tenorio</i>
12/04/2019	 Opposition Filed By: Defendant Nevada Dept of Taxation <i>Opposition to Nevada Organic Remedies, LLC's Petition for Writ of Mandamus</i>
12/06/2019	 Notice of Entry of Order Filed By: Consolidated Case Party Nevada Wellness Center, LLC <i>Notice of Entry of Order Regarding Nevada Wellness Center, LLC s Motion to Amend Findings of Facts and Conclusions of Law Issued on August 23, 2019, Pursuant to NRCP 52</i>
12/06/2019	



# CASE SUMMARY

CASE NO. A-19-787004-B

	 Joinder Filed By: Consolidated Case Party Nevada Wellness Center, LLC <i>Plaintiff, Nevada Wellness Center, LLC s Joinder to MM Development Company, Inc. s and Livefree Wellness, LLC s Opposition to Nevada Organic Remedies, LLC s Application for Writ of Mandamas</i>
12/06/2019	 Reply in Support Filed By: Intervenor Defendant Nevada Organic Remedies LLC <i>Reply in Support of Amended Application for Writ of Mandamus to Compel State of Nevada, Department of Taxation to Move Nevada Organic Remedies, LLC Into "Tier 2" of Successful Conditional License Applicants</i>
12/06/2019	 Notice of Appeal Filed By: Consolidated Case Party Nevada Wellness Center, LLC <i>Notice of Appeal</i>
12/06/2019	 Case Appeal Statement Filed By: Consolidated Case Party Nevada Wellness Center, LLC <i>Appeal Statement</i>
12/06/2019	 Order Filed By: Counter Defendant ETW Management Group LLC <i>Order Granting Joint Motion to Consolidate</i>
12/09/2019	 Notice of Entry of Order Filed By: Counter Defendant ETW Management Group LLC <i>Notice of Entry of Order Granting Joint Motion to Consolidate</i>
12/10/2019	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time - November 12, 2019</i>
	<b>HEARINGS</b>
03/01/2019	<b>CANCELED Motion to Intervene (3:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
04/01/2019	 <b>Minute Order (10:15 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Minute Order Resetting Motions to Intervene</i> Minute Order - No Hearing Held; Journal Entry Details: <i>COURT ORDERED, motions to intervene originally set for April 5, 2019 in chambers RESET on the oral calendar for Monday, April 15, 2019. 4-15-19 9:00 AM NEVADA ORGANIC REMEDIES, LLC'S MOTION TO INTERVENE... ..INTEGRAL ASSOCIATES LLC'S MOTION TO INTERVENE AS DEFENDANTS... ..LONE MOUNTAIN PARTNERS, LLC'S MOTION TO INTERVENE Courtroom 3-E CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service List and placing a copy in the attorney folder for the Office of the Attorney General. / dr 4-1-19 ;</i>
04/15/2019	<b>Motion to Intervene (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) Events: 01/25/2019 Motion to Intervene <i>Nevada Organic Remedies, LLC's Motion to Intervene</i> Granted;
04/15/2019	<b>Motion to Intervene (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) Events: 03/28/2019 Motion to Intervene <i>Lone Mountain Partners, LLC's Motion to Intervene</i> Granted;

# CASE SUMMARY

CASE NO. A-19-787004-B

04/15/2019	<p><b>Motion to Intervene</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Events: 03/20/2019 Motion to Intervene</p> <p><i>Integral Associates LLC's Motion to Intervene as Defendants</i></p> <p>Granted;</p>
04/15/2019	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>NEVADA ORGANIC REMEDIES, LLC'S MOTION TO INTERVENE... ..LONE MOUNTAIN PARTNERS, LLC'S MOTION TO INTERVENE... ..INTEGRAL ASSOCIATES LLC'S MOTION TO INTERVENE AS DEFENDANTS</i> Matter heard with A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation. Also present were counsel in A-19-786962-B: Attorneys Dominic Gentile, Michael Cristalli, and Vincent Savarese for the Plaintiffs, Attorney Jared Kahn for the Intervenor Defendant Helping Hands Wellness Center, Inc., and Attorney Alina Shell for Intervenor Defendant GreenMart of Nevada NLV LLC. Mr. Gentile appeared by telephone. Court thanked counsel for the email identifying all the related cases. Colloquy regarding the DH Flamingo case, A-19-787035-C. Court noted it was included in the list. Counsel further advised a stipulation will be submitted to the Court moving the Motion for Preliminary Injunction in A-19-786962-B two weeks from May 6. Mr. Savarese noted they have not yet agreed. Court advised it will be out of the jurisdiction on May 20 so it can hear the motion on May 13, June 3, or May 24. Per parties' agreement, a stipulation will be submitted moving the motion for preliminary injunction to May 24. <b>COURT ORDERED, motions to intervene in the instant case are GRANTED. 4-22-19 9:00 AM STATUS CHECK;</b></p>
04/22/2019	<p> <b>Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>APPEARANCES CONTINUED: A-19-786962-B - Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case): Attorney Dominic Gentile and Attorney Michael Cristalli for the Plaintiffs; Attorney Jared Kahn for Intervenor Defendant Helping Hands Wellness Center, Inc.; Attorney Alina Shell for Intervenor Defendant GreenMart of Nevada NLV LLC. Mr. Kahn participated by telephone. A-18-785818-W - MM Development Company, Inc. vs. State of Nevada, Department of Taxation (Department IX case): Attorney William Kemp and Attorney Nathanael Rulis for the Plaintiffs A-18-786357-W - Compassionate Team of Las Vegas LLC vs. Nevada Department of Taxation (Department XIV case): Attorney Daniel Simon for the Plaintiff A-19-787035-C - D H Flamingo Inc vs. State Ex Rel Department of Taxation (Department VI case); Attorney Kelly Stout for the Plaintiffs A-19-787540-W - Nevada Wellness Center, LLC vs. State of Nevada, Department of Taxation (Department XVIII case); Attorney Theodore Parker for the Plaintiff A-19-787726-C - High Sierra Holistics vs. State of Nevada Department of Taxation (Department XIV case) Attorney James Puzey for the Plaintiff COURT advised today is a scheduling conference; these matters have been put on calendar because this Court has the lowest business court case (A-19-786962-B Serenity Wellness), the one with the motion for preliminary injunction. Mr. Kemp advised there are also cases in Washoe County and Lyon County; MM Development is the lowest case of all the cases locally; it is assigned to Department IX and has been administered by senior judges, although he understands Judge Silva will be the new judge in Department IX; he had informed Mr. Werbicky that they would not be opposed to coordination in general; however, the problem is that some cases are not in business court and they have a lot of missing parties; he will be filing an answer in a different case, and the proposition there is that even after a motion for coordination is granted a peremptory challenge may be filed; every time you coordinate you get a new bump which violates 48.1; the only way around that is to have a stipulation between all parties to go to one judge and keep that judge. Court stated its goal is to get the preliminary injunction hearing in the instant case finished and since this Court's ruling may affect all the people here today the Court is inviting everyone to participate; the Court is not consolidating the cases for the exact reason that counsel is identifying which could result in multiple things down the road. Mr. Kemp advised he supports the motion for preliminary injunction and can participate and submit briefing through Mr. Gentile; he points that out because they are already in the discovery process and have taken 6 depositions. At Ms. Stout's request for clarification, Court stated that at this point it is only planning to coordinate for purposes of the preliminary injunction hearing because of the primarily constitutional and business issue that is woven throughout all the cases. Mr. Bult advised he is probably in the same spot as Mr. Kemp and will help Mr. Gentile. Court noted if everyone is going to be relying on Mr. Gentile then that means all will be asking questions at</i></p>

**CASE SUMMARY****CASE NO. A-19-787004-B**

the preliminary injunction hearing, which will triple the time if there are going to be witnesses. Mr. Bult further advised his only concern right now is a briefing schedule. Mr. Parker advised they were before the Discovery Commissioner a week and a half ago, and Nevada Wellness received a report and recommendation in their favor allowing them certain discovery; so, they may submit briefing which includes that additional discovery. Mr. Bhirud stated he would prefer to respond to one opposition although he would rather not have 7 different rulings either. As to whether parties will have witnesses at the hearing, Court stated it will be up to counsel. Mr. Bhirud added he would prefer that one or two attorneys on the Plaintiffs' side take the lead. Mr. Koch advised they had stipulated to May 2nd for the opposition; he is not sure if with regards to the hearing fact witnesses would help, because the motion for preliminary injunction as written is really legal argument regarding statutes. Court noted its only concern is that it was unclear when it read the briefing in Serenity Wellness - because it stopped reading before granting a motion to exceed page limit - if there is an argument that it is unconstitutional as applied, if that is the case, they probably need witnesses. Upon Mr. Puzey's inquiry, Court stated it does not intend to have the cases in Washoe and Lyon counties come here unless those judges want it to; if those judges and parties want to participate this Court will be happy to have them participate on May 24th; the cases here have the approval of the Chief Judge for coordination given the status of some of the departments they are assigned to. Mr. Bhirud advised the State will stipulate to bring those cases here. Mr. Puzey replied they are not yet prepared to enter into that stipulation today. Court stated it will let counsel discuss that amongst themselves. Mr. Kemp further advised there are two applications pending in Reno for new licenses which are currently not on the Washoe County agenda but could be put on the agenda on 5 days' notice; there is some concern that they could be heard as early as next week, which would be before the preliminary injunction hearing; if noticed, they will ask Mr. Gentile to take appropriate action to prevent those applications from becoming somehow moot. Court stated counsel can do whatever they want; the Court will sign an OST. Ms. Stout requested further clarification; her clients have sought slightly different relief and she wants to clarify whether the action that would be taken with respect to the motion for preliminary injunction here would not prevent other parties from seeking a preliminary injunction in other cases. Court stated yes if seeking on a different basis, but if the same basis as the instant case then it would be done here. Colloquy between Court and counsel regarding briefing. Per parties' STIPULATION, COURT ORDERED: Other Plaintiffs to make a decision by May 6, 2019 on whether they are formally joining the motion for preliminary injunction in A-19-786962-B (Serenity Wellness) and adding to some of the facts and raising new issues; Opposition DUE by May 9, 2019; Reply brief DUE by May 22, 2019 at noon. Ms. Stout advised that to the extent this proceeding would prevent her clients from raising a preliminary injunction seeking similar relief later on they would have to OBJECT under EDCR 2.50 and 1.61. COURT SO NOTED. Mr. Bhirud inquired as to whether the Court would prefer to have a motion for preliminary injunction by D H Flamingo filed here. COURT NOTED, if something happens and counsel thinks it needs to be done differently; no one has filed a formal motion to coordinate or consolidate. The Court has invited participation in the preliminary injunction hearing of all interested parties in order to avoid potentially conflicting rulings. COURT FURTHER NOTED that on May 6th, the date for the other Plaintiff's elections, if there are any other issues that are unanticipated or beyond the pale the Court can discuss those with the parties on a conference call; if there are any discovery disputes that relate to the preliminary injunction hearing the Court can also do this on a conference call. After the May 24th hearing matter will be set for Rule 16 conference. 5-24-19 9:00 AM PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI;

05/13/2019

**Motion to Consolidate (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Dominic Gentile, Michael Cristalli, and Vincent Savarese for the Plaintiffs in A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation and A-19-794473-C - Serenity Wellness Center, LLC vs. The City of Las Vegas; Attorney Brigid Higgins for Intervenor Defendant Clear River, LLC in A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation; Attorney Jared Kahn for Intervenor Defendant Helping Hands Wellness Center, Inc. in A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation, and Attorney Alina Shell for Proposed Intervenor Defendant GreenMart of Nevada NLV LLC. Philip Peckman, Mitchell Britten, and Dave Brown, Client Representatives for Thrive Cannabis Marketplace, introduced by Mr. Gutierrez. Attorney William Kemp and Attorney Nathanael Rulis for the Plaintiffs in A-18-785818-W - MM Development Company, Inc. vs. State of Nevada, Department of Taxation (Department VIII case); Attorney Dennis Kennedy for the Plaintiffs in A-19-787035-C - D H Flamingo Inc vs. State Ex Rel Department of Taxation (Department VI case); Attorney Theodore Parker for the Plaintiff in A-19-787540-W - Nevada Wellness



**CASE SUMMARY****CASE NO. A-19-787004-B**

*Center, LLC vs. State of Nevada, Department of Taxation (Department XVIII case); Attorney Philip Byrnes for the Defendant in A-19-794473-C - Serenity Wellness Center, LLC vs. The City of Las Vegas, Nevada (Department I case); Attorney Adam Fulton for the Plaintiff in A-19-786888-J - ACC Enterprises, LLC vs. Nevada Department of Taxation (Department XXX case). Matter heard with A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation and A-19-794473-C Serenity Wellness Center, LLC vs. The City of Las Vegas, Nevada. STATE'S MOTION TO CONSOLIDATE in A-19-787004-B ETW Management: Argument in support of the motion by Mr. Shevorski, joinder by Mr. Koch to the State's Motion, and arguments in opposition by Mr. Kennedy and Mr. Fulton. COURT ORDERED, given the unique issues in A787035 related to the appeal and in A786888 related to the mailing issues, the Court will NOT COORDINATE those issues in this department. However, the Court will GRANT the motion to the extent it seeks coordination of all the issues related to the preliminary injunction hearing scheduled next Friday (May 24, 2019). Court noting the Governor signed SB32 last Friday inquired whether it will impact any of the issues or exchange of information that needs to happen before the preliminary injunction hearing next Friday. Mr. Kemp advised the Department of Taxation filed a supplemental group of materials on their website on Friday that raises even more questions; he thinks it will help the process and speed up the preliminary injunction hearing but does not solve the issue. PROPOSED MOTION FOR ORDER COMPELLING PRODUCTION OF PRESERVED ELECTRONICALLY STORED INFORMATION in A-19-787004-B ETW Management: Per parties' agreement, Motion SET for Thursday, May 16, 2019 at 9 am. Order Shortening Time signed in open court and returned to counsel for filing. PLAINTIFFS' MOTION TO CONSOLIDATE ON ORDER SHORTENING TIME: Mr. Gentile argued in support of consolidating A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation with A-19-794473-C Serenity Wellness Center, LLC vs. The City of Las Vegas, noting they had to file a lawsuit against the City quickly; it makes sense to consolidate these cases as they are identical. Mr. Byrnes advised the City has not received anything in this case but received a copy of the complaint this morning; however, the City also filed this morning a Notice of Removal to Federal Court. COURT NOTED it cannot act today if a notice of removal has been filed. DISCUSSION REGARDING PRELIMINARY INJUNCTION HEARING ON MAY 24, 2019: Court stated it does not care as to what the parties decide on a consolidated date for the oppositions as the Court will read all the briefing; Plaintiffs' reply brief DUE May 22nd. Mr. Shevorski advised that with respect to the motion filed by MM Development their oppositions are due on the 20th. Colloquy regarding suspended rules and counting days. Court noted 14 days from May 6th, the date of service of the motion. Mr. Shevorski advised it is his preference not to have any witnesses on May 24. Mr. Gentile advised that he would like to call witnesses; there has been a good deal of coordination of the attorneys sitting at his table, and he has 3 experts; he also anticipates the hearing will not be completed in one day; 2 of his experts are flying in. Mr. Kemp estimated 2.5 to 3 days for the hearing, depending on how much argument there will be, and advised he is calling one limited witness. Mr. Bult advised he may have one limited witness as well. Mr. Parker advised he is in trial the week of May 27 in federal court in Reno; however, he does have 1 witness in the instant case and anticipated the hearing taking 3 days. COURT TRAILED the matter for the parties to confer on a number of days. Matter RECALLED. APPLICATION FOR TEMPORARY RESTRAINING ORDER (A-19-786962-B - Serenity Wellness Center's application against Defendant-Intervenor CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace) : Following arguments by Mr. Gentile and Mr. Gutierrez, COURT ORDERED, after evaluating the balance of hardships and likelihood of success on the merits, the Court GRANTS the TRO in limited respect PREVENTING Thrive from beginning operations at the 3500 Sahara location until after the preliminary injunction hearing which the Court SETS as the same time as the Motion for Preliminary Injunction on May 24, 2019. BOND SET at \$150,000, amount of a half month's rent. Following further discussion on the estimated length and scope of the hearing(s), COURT NOTED it will SET ASIDE May 24th to the 31st. COURT FURTHER DIRECTED anyone to obtain Mr. Parker's confirmation via email to all parties, since he will be in trial, that he will be fine with everyone else proceeding after his one witness. 5-16-19 9:00 AM MOTION FOR ORDER COMPELLING PRODUCTION OF PRESERVED ELECTRONICALLY STORED INFORMATION ON ORDER SHORTENING TIME 5-24-19 9:00 AM PRELIMINARY INJUNCTION HEARING IN A1-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS 6-7-19 CHAMBERS GREENMART OF NEVADA NLV LLC'S MOTION TO INTERVENE;*

05/16/2019

**Motion to Compel (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Motion for Order Compelling Production of Preserved Electronically Stored Information on Order Shortening Time*

Granted;

**CASE SUMMARY****CASE NO. A-19-787004-B****Journal Entry Details:**

**APPEARANCES CONTINUED:** Attorney William Kemp and Attorney Nathanael Rulis for the Plaintiffs in A-18-785818-W - MM Development Company, Inc. vs. State of Nevada, Department of Taxation (Department VIII case); Attorney Michael Cristalli and Attorney Dominic Gentile for the Plaintiffs in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case); Attorney Rusty Graf, Attorney Brigid Higgins, and Attorney Tisha Black for Clear River, LLC, Intervenor Defendant, in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case); Attorney Alina Shell for Intervenor Defendant GreenMart of Nevada NLV LLC in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case). Matter heard with A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case). Court inquired of Mr. Kemp whether a search protocol was developed when the mirror order was signed in his case. Mr. Kemp advised no, it was just a blanket download; they did not download the State's servers that the applications were on, but the State did preserve those; the key thing here is the 15 laptops used by the graders. Mr. Kemp further advised there was a control copy, the State's copy, and what is supposed to be his copy; no searches have been done by him.

**DEFENDANT/INTERVENOR, CLEAR RIVER, LLC'S, ORDER SHORTENING TIME ON MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENA and JOINDERS** thereto in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case): Arguments by Mr. Graf, Mr. Koch, Mr. Kemp, Mr. Gentile, and Mr. Shevorski. Upon Court's inquiry, Mr. Shevorski advised they have not yet done the searches subject to 16.1 in the MM case as the information is subject to security protocols; however, it has been preserved; they have produced their 16.1 and have not heard objections from the other side that their 16.1 was inadequate. Mr. Pope advised that when Judge Bailus was leaving, he said that all he was doing was preserving the information and the parties could fight about it later as to what could be released or not, what was confidential or not; the order even says the Plaintiffs were not to get the information until there was a process; MM wanted copying and then wanted forensic imaging, which requires special software and a lot of time to convert the information into something people are able to look at; money and time are involved; they did not have a vendor; the Department of Taxation I.T. staff thought they had to copy the drives, but when it came to forensic imaging, they had to find someone and the only vendor they could find who could do it was the Washoe County Sheriff's Department through the State's investigative department; he does not know what program but he is working on finding out what platform; their forensic specialist is "Kristy Funsaco" (phonetic), who is an investigator in their office, a State employee, and an expert in this area. Mr. Shevorski concurred searches have not been done but they have made their 16.1 disclosures to Mr. Kemp. Court noting the issue of privilege inquired if the State is in a position to do the redactions to the applications so only limited information is provided. Mr. Pope responded they are not as it would take a couple of employees one year to do that; procedurally they could give back the applicants their apps and have them redact the apps themselves. Mr. Graf replied it appears there has to be a methodology on what information gets disseminated and a methodology of contacting 400 or so applicants. Mr. Graf further argued as to how the State does their evaluations. **COURT ORDERED**, with respect to the motion for protective order, for those entities that are parties, the State will **RELEASE** the applications to those participating in this case. Those entities may provide appropriate redactions with a privilege log; however, the sections on diversity and financial will not be redacted; those two categories will be produced in unredacted form. There will also be an attorney's eyes only (AEO) protective order that also allows the Plaintiffs' statistician expert only to review that information. The production, with redactions, will be **DONE** by Tuesday (May 21, 2019). Thus, the State will do it expeditiously. After looking at that, if the Plaintiffs have any supplement they are to file that by Thursday morning (May 23, 2019). **MOTION FOR ORDER COMPELLING PRODUCTION OF PRESERVED ELECTRONICALLY STORED INFORMATION ON ORDER SHORTENING TIME** in A-19-787004-B - ETW Management Group LLC vs. Nevada Dept of Taxation (Department XI case): Statement by Mr. Kemp as to what had happened in the hearing before Judge Bailus which lasted 7 hours, noting that he offered to pay for the State's independent computer consultant. Colloquy regarding possible vendors. Further argument by Mr. Kemp as to 16.1 disclosures being filed but that the hard drives and cellphones have not been provided. Mr. Kemp asked for the 15 hard drives and 3 state cellphones, stating he could take it from there and make them AEO. Mr. Rulis advised **HOLO** could be a vendor. **COURT ORDERED**, the images originally designated as the Plaintiffs' copy will be **DELIVERED** to **HOLO** and it will be at Plaintiffs' expense, not at State expense; platform will be provided by **HOLO**. Custodian list as well as search terms will be **PROVIDED** to all parties and to **HOLO** by 10 am tomorrow, May 17; If anyone has an objection to a custodian or search term, it needs to be made by 2 pm tomorrow by email with a copy to the Law Clerk so the Court can conduct a conference call; If there are unobjected to custodians and search terms **HOLO** will begin the search process; If there is an issue related to a privilege that a party thinks they need to review,

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*the party has 24 hours from the identification of the document by HOLO or when HOLO makes it available on the platform to either make a claim of privilege and review the document, order redactions, agree with redactions, or whatever. Any document to which there is no claim of privilege made will be released so it can be obtained in time for the hearing; Upon Mr. Koch's inquiry, Court concurred anything not part of M1 through 4 is not privileged, so the Court is ordering that as well as the diversity and financial sections. All witnesses for the May 24th hearing must be identified by Thursday, May 23rd, at 3 pm; counsel need not say when the witnesses will be called and can work together on a schedule. Court further directed counsel to contact HOLO that they have a big job coming. 5-24-19 9:00 AM PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS 6-7-19 CHAMBERS GREENMART OF NEVADA NLV LLC'S MOTION TO INTERVENE;*

05/24/2019

**Preliminary Injunction Hearing (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

**05/24/2019, 05/28/2019-05/31/2019, 06/10/2019-06/11/2019, 06/18/2019-06/20/2019, 07/01/2019, 07/10/2019-07/12/2019, 07/15/2019, 07/18/2019, 08/13/2019-08/16/2019**

*Preliminary Injunction Hearing in A-19-786962-B in Department XI*

Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Decision Pending; Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Matter Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued;  Hearing Continued; Hearing Continued; Decision Pending; Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Matter Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued;  Hearing Continued; Hearing Continued; Decision Pending; Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Matter Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued;  Hearing Continued; Hearing Continued; Decision Pending; Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI Hearing Continued; Hearing Continued; Hearing Continued; Hearing Continued;	
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**CASE No. A-19-787004-B**

Hearing Continued;

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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**CASE SUMMARY**

**CASE NO. A-19-787004-B**

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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**CASE SUMMARY**

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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# CASE SUMMARY

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Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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## MINUTES

Hearing Continued; Preliminary Injunction Hearing in A-19-786962-B in Department XI

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## SCHEDULED HEARINGS



**All Pending Motions** (05/24/2019 at 9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

05/24/2019

**Joinder** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

**05/24/2019, 05/28/2019-05/31/2019, 06/10/2019-06/11/2019, 06/18/2019-06/20/2019, 07/01/2019, 07/10/2019-07/12/2019, 07/15/2019, 07/18/2019, 08/13/2019-08/16/2019**

*Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus*

**CASE SUMMARY**

**CASE NO. A-19-787004-B**

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

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Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Decision Pending;  
Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

Hearing Continued;

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Hearing Continued;

Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

Hearing Continued;

Hearing Continued;

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**CASE SUMMARY**

**CASE NO. A-19-787004-B**

Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

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Hearing Continued;

Decision Pending;  
Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

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Decision Pending;  
Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

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**CASE SUMMARY**

**CASE NO. A-19-787004-B**

Hearing Continued;

Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

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Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

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Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

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**CASE No. A-19-787004-B**

Hearing Continued;

**CASE SUMMARY**

**CASE NO. A-19-787004-B**

Hearing Continued;

Hearing Continued;

Hearing Continued;

Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

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Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

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Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

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**CASE SUMMARY**

**CASE NO. A-19-787004-B**

Hearing Continued;

Hearing Continued;

Hearing Continued;

Hearing Continued;

Decision Pending;

Hearing Continued; Joinder to Motion for Preliminary Injunction and Motion for Preliminary Injunction or for Writ of Mandamus

Hearing Continued;

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**CASE NO. A-19-787004-B**

# CASE SUMMARY

CASE NO. A-19-787004-B

*Koch, David Attorney for Intervenor Defendant Wight, Brody R. Attorney for Intervenor Defendant Rulis, Nathanael R. Attorney for Other Plaintiff Kemp, William Attorney for Other Plaintiff APPEARANCES CONTINUED: William Kemp, Esq. and Nathanael Rulis, counsel for Livfree Wellness LLC; counsel for Livfree Wellness LLC (A-18-785818-W) Adam Bult, Esq. and Maximilien Fetaz, Esq., counsel for Green Therapeutics LLC, ETW Management Group, LLC (A-19-787004-B) Theodore Parker, Esq. and Mahogany Turfley, Esq., counsel for Nevada Wellness Center, LLC (A-19-787540-W) Upon Court's inquiry, exhibits presented and Stipulated exhibits admitted. (See worksheets) Opening statements by counsel. Testimony presented. (See worksheets) Colloquy regarding scheduling. No objection noted. Proposed Findings of Fact, Conclusions of Law are to be submitted to the Court by Wednesday (May 26, 2019) at noon. Court recessed for the day. Court advised parties Court will entertain Motion to Compel next date. 5/28/19 9:45 a.m. Further Proceedings: Preliminary Injunction Hearing;*

05/28/2019



**All Pending Motions (9:45 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

05/28/2019



**Motion to Compel (1:00 PM)** (Judicial Officer: Gonzalez, Elizabeth)

**05/28/2019-05/29/2019**

*Plaintiff's Motion to Compel on Order Shortening Time*

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

Journal Entry Details:

*COURT ORDERED, matter CONTINUED to May 29, 2019.;*

05/29/2019



**All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date. CLERK'S NOTE: Court's Exhibit 1 to the Motion to Compel Hearing on today's date LODGED with the Vault under A-19-787004-B. / dr;*

05/30/2019



**All Pending Motions (9:30 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

05/31/2019



**All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

06/07/2019



**Motion to Intervene (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Events: 05/07/2019 Motion to Intervene

*GreenMart of Nevada NLV LLC's Motion to Intervene*

Granted;

Journal Entry Details:

*Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Intervene is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 6-10-19;*

# CASE SUMMARY

CASE NO. A-19-787004-B

06/10/2019



**All Pending Motions** (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

06/11/2019



**All Pending Motions** (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

06/18/2019



**All Pending Motions** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

06/19/2019



**All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

06/20/2019



**All Pending Motions** (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

06/28/2019



**Motion to Seal/Redact Records** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

**06/28/2019, 07/01/2019, 07/18/2019, 07/23/2019**

*Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time*

Matter Continued;

Matter Continued;

Matter Continued;

Granted in Part; Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time

Journal Entry Details:

*See all pending motions dated July 23, 2019;*

Matter Continued;

Matter Continued;

Matter Continued;

Granted in Part; Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time

Matter Continued;

Matter Continued;

Matter Continued;

Granted in Part; Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time

Journal Entry Details:

**PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT**

**XI...JOINER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR**

**PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS...MOTION FOR ORDER TO**

**SEAL EXHIBITS A-F ATTACHED TO PLAINTIFFS' MOTION TO COMPEL ON ORDER**







**SHORTENING TIME** *See appearances and minutes under A-19-786962-B Serenity Wellness*

*Center LLC vs. State of Nevada Department of Taxation on today's date.;*

Matter Continued;

# CASE SUMMARY

CASE NO. A-19-787004-B

	<p>Matter Continued;</p> <p>Matter Continued;</p> <p>Granted in Part; Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time</p> <p>Journal Entry Details:</p> <p><i>Although no opposition to the motion to seal Ex A-F to the motion to compel has been filed; it does not appear that portions of the exhibits should have been designated as confidential by the producing parties and are not appropriate for sealing. Counsel for producing parties to be prepared to address the individual pages within each exhibit. COURT ORDERED, matter CONTINUED for in-person hearing. CONTINUED TO: 7/1/19 10:00 AM;</i></p>
07/01/2019	<p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date. CLERK'S NOTE: Minutes completed by Dulce Romea on behalf of Michaela Tapia. ;</i></p>
07/10/2019	<p> <b>All Pending Motions</b> (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;</i></p>
07/11/2019	<p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;</i></p>
07/12/2019	<p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;</i></p>
07/15/2019	<p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date. COURT ORDERED, the motion to seal in A-19-787004-B will be continued to July 18, 2019 at 9:30 am. Court DIRECTED Mr. Koch to provide the documents with the proposed redaction.;</i></p>
07/18/2019	<p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS...MOTION FOR ORDER TO SEAL EXHIBITS A-F ATTACHED TO PLAINTIFFS' MOTION TO COMPEL ON ORDER</i></p>



# CASE SUMMARY

CASE No. A-19-787004-B

*SHORTENING TIME See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date. CLERK'S NOTE: As the Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time was not addressed, the motion is CONTINUED to Tuesday, July 23rd at 1 pm. Parties notified via electronic mail. / dr;*

07/23/2019



**All Pending Motions** (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*MOTION FOR ORDER TO SEAL EXHIBITS A-F ATTACHED TO PLTF'S MOTION TO COMPEL ON ORDER SHORTENING TIME FILED IN A-19-787004-B...DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER, INC'S MOTION FOR SUMMARY JUDGMENT (CLAIMS 1-3)...CLEAR RIVER LLC'S JOINDER TO DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER INC'S MOTION FOR SUMMARY JUDGMENT (CLAIMS 1-3)..DEFT/INTERVENOR GREENMART OF NEVADA NLV, LLC'S JOINDER TO DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER, INC'S MOTION FOR SUMMARY JUDGMENT (CLAIMS 1-3)...JOINDER TO DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER, INC'S MOTION FOR SUMMARY JUDGMENT FILED IN A-19-786962-B See appearances and minutes under A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation on today's date.;*

08/13/2019



**All Pending Motions** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

08/14/2019



**All Pending Motions** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

08/15/2019



**All Pending Motions** (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

08/16/2019



**All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.;*

09/09/2019



**Mandatory Rule 16 Conference** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

09/09/2019, 09/13/2019

Matter Continued;

Matter Heard;

Journal Entry Details:

*Counsel estimated 20 days for trial. COURT ORDERED, scheduling order as followed: 3/16/20 1:30PM BENCH TRIAL 3/10/20 9:30AM CALENDAR CALL 2/20/20 9:15AM PRETRIAL CONFERENCE 10/11/19 Expert disclosures due by. 11/12/19 Rebuttal Expert disclosures due by. 1/3/20 Discovery cut-off. 1/24/20 Dispositive Motions to be filed by. Court*

# CASE SUMMARY

CASE NO. A-19-787004-B

designated the case as complex. 10 Depositions are allowed for each side unless stipulated between counsel. Discovery to be heard in Department 11.;

Matter Continued;

Matter Heard;

Journal Entry Details:

*APPEARANCES CONTINUED: Attorney Dominic Gentile and Attorney John Hunt for the Plaintiffs in A-19-786962-B - Serenity Wellness Center LLC vs. State of Nevada Department of Taxation; Attorney Rusty Graf and Attorney Brigid Higgins for Clear River LLC; Attorney Jared Kahn for Helping Hands Wellness Center. Court acknowledged objections and joint proposal and noted that it wants this matter done by the December final inspection deadline; however, the parties' proposed schedule is through January. Mr. Shevorski advised he lost two of his people; one went to Washington and one got a promotion, so he is literally the only one left; from the State's perspective, he cannot get this done by the deadline. Mr. Bult stated that in terms of the ETW Plaintiffs they would like to get this done but they understand the State's position. Mr. Koch requested that the date not be a hard deadline because of the trial being after that. COURT ORDERED, matter CONTINUED for the State to provide an answer; Department of Taxation to make the determination whether or not there are extenuating circumstances; if there are the Court will be willing to move the date beyond the December deadline, but if not unfortunately the Court will have to make Mr. Shevorski's life difficult. Mr. Gentile advised they have mediation next Monday (September 16, 2019) at 9 am. 9-13-19 10:00 AM MANDATORY RULE 16 CONFERENCE;*

09/13/2019



**Motion to Compel** (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/11/2019 Motion to Compel

*Motion to Compel on Order Shortening Time*

Denied;

Journal Entry Details:

*Colloquy between the Court and counsel regarding a Settlement Conference. COURT ORDERED, Motion to Compel DENIED. Court instructed that a Demand be sent by Plaintiff by 9/18/19.;*

09/16/2019



**Motion for Order Extending Time** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Plaintiff's Joint Motion to Extend Time to Post Bond on Order Shortening Time*

Moot;

Journal Entry Details:

*APPEARANCES CONTINUED: Attorney John Hunt, Attorney Dominic Gentile, and Attorney Ross Miller for the Plaintiffs; Attorney Jared Kahn for Intervenor Defendant Helping Hands Wellness Center, Inc.; Attorney Rusty Graf for Intervenor Defendant Clear River, LLC in A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation. Attorney Theodore Parker for the Plaintiff in A-19-787540-W - Nevada Wellness Center, LLC vs. State of Nevada, Department of Taxation (Department XVIII case). Court noted Mr. Kemp posted in A785818 and that there may be an impact but the Court does not know what that would be; the Court will not make a decision because of the pending request to extend; the Court will not address the matter until a written motion is filed by the Defendants. Mr. Bult advised he believes the Plaintiffs' Joint motion is moot as of the filing of Friday. Mr. Gentile added their position is that it is moot but the Court may disagree. Court noted it does not have anything before it to tell whether it would agree with that or not as no one has briefed the issue. Mr. Koch stated it sounds like the Plaintiffs are withdrawing the motion. Court noted if someone files a motion the Court will deal with it. 2-20-20 9:15 AM PRE TRIAL CONFERENCE 3-10-20 9:00 AM CALENDAR CALL 3-16-20 1:30 PM BENCH TRIAL;*

10/29/2019



**Minute Order** (8:06 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order - No Hearing Held;

Journal Entry Details:

*Based on the consolidation order, all cases below are set for a Status Check on Monday, November 4, 2019 at 9:00 a.m. MM Development Company, Inc., et al. v. State of Nevada, Department of Taxation A-18-785818-W, Dept. VIII Compassionate Team of Las Vegas LLC v. Nevada Department of Taxation A-18-786357-W, Dept. XIV Serenity Wellness Center LLC, et al. v. State of Nevada, Department of Taxation A-19-786962-B, Dept. XI ETW Management Group LLC, et al. v. State of Nevada, Department of Taxation A-19-787004-B, Dept. XI DH Flamingo, Inc., et al. v. State ex rel Department of Taxation, et al. A-19-787035-C, Dept. VI Nevada Wellness Center, Inc. v. State of Nevada, Department of Taxation A-19-787540-W, Dept. XVIII High Sierra Holistics, LLC v. State of Nevada, Department of Taxation A-19-*

# CASE SUMMARY

CASE NO. A-19-787004-B

787726-C, Dept. XIV Qualcan, LLC v. State of Nevada, Department of Taxation A-19-801416-B, Dept. XIII FURTHER, Motion for Leave to File Second Amended Complaint in case A786962 is set for 11/4 at 9:00 a.m. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

10/29/2019

**Motion** (9:00 AM) (Judicial Officer: Bell, Linda Marie)

*Joint Motion to Consolidate on an Order Shortening Time and Joint Partial Opposition to Defendants in Intervention, CPCM Holdings, LLC d.b.a. Thrive Cannabis Marketplace, and Cheyenne Medical LLC's Motion to Consolidate*  
Granted;

10/29/2019

**Motion** (9:00 AM) (Judicial Officer: Bell, Linda Marie)

*Joint Partial Opposition to Defendant's in Intervention, CPCM Holdings, LLC dba Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC's Motion to Consolidate*  
Denied;

10/29/2019





**All Pending Motions** (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Matter Heard;  
Journal Entry Details:

*JOINT MOTION TO CONSOLIDATE ON AN ORDER SHORTENING TIME AND JOINT PARTIAL OPPOSITION TO DEFENDANTS IN INTERVENTION, CPCM HOLDINGS, LLC D.B.A THRIVE CANNABIS MARKETPLACE, AND CHEYENNE MEDICAL LLC'S MOTION TO CONSOLIDATE...JOINT PARTIAL OPPOSITION TO DEFENDANT'S IN INTERVENTION, CPCM HOLDINGS, LLC D.B.A THRIVE CANNABIS MARKETPLACE, COMMERCE PARK LLC, AND CHEYENNE MEDICAL LLC'S MOTION TO CONSOLIDATE.*  
Appearances Continued: Dominic Gentile, Esq. on behalf of Serenity Plaintiffs; William Kemp, Esq. on behalf of MM Development and LivFree; Ross Miller, Esq. on behalf of Serenity; Mahogany Turfley, Esq. on behalf of Nevada Wellness Center; Peter Christiansen, Esq. and Whitney Barrett, Esq. on behalf of Qualcan; Benjamin Miller, Esq. on behalf of Passionate Team Las Vegas; Rusty Graf, Esq. and Brigid Higgins, Esq. on behalf of Clear River LLC; Dennis Kennedy, Esq. and Stephanie Glantz, Esq. on behalf of DH Flamingo; Alicia Ashcraft, Esq. on behalf of Franklin Bioscience, WaveSeer of NV and Harvest of NV; Jared Kahn, Esq. on behalf of Helping Hands Wellness Center; and Theodore Parker, Esq. on behalf of Nevada Wellness Center appearing via Courtcall. Argument by Mr. Bult for cases to be consolidated and assigned to Department 11 noting 25 of 30 Plaintiff's have brought this motion before this Court with the desire to have Judge Gonzalez continue to hear cases that she is already presided over for 5-6 months. Argument in support by Mr. Gentile for Serenity's case to remain in front of Judge Gonzalez. Argument by Mr. Kennedy for the consolidation to be denied noting the DH Flamingo case is different than all of the other cases here in that a motion to consolidate was filed in A787035 and denied by Judge Gonzalez, this case cannot be heard in business court, and parties are only seeking to be sent back to the tax commission for a hearing. Extensive argument by Mr. Bice in support of consolidation and in opposition of these matters being sent to Department 11 on behalf of Essence. Argument by Mr. Prince noting this Court was aware of proceedings in front of Judge Gonzalez and had regular conversations with Judge Gonzalez. Court clarified conversations with Judge Gonzalez and Judge Atkin for the record. Further argument by Mr. Prince in opposition requesting this motion be denied and allowing Judge Atkin to proceed. Argument in opposition by Mr. Koch noting there is no basis for these cases to be sent to Judge Gonzalez other than the preliminary injunction. Argument in opposition by Mr. Miller noting his client has the resources to run a dispensary however they do not have the resources to be placed into a complex litigation case and requested their case not be consolidated. Further argument by Mr. Kennedy and Mr. Bult. Court noted, it understands the concerns that have been raised in that this is a rather unique situation and the Court does feel that some of these issues arise from having a department that did not have a regularly assigned Judge; However from a court management perspective, having a Judge who has spent a significant amount of time on the case it makes more sense for the case to remain with that Judge. COURT FINDS, consolidation is appropriate and while it understands the concerns regarding forum shopping the concern of this Court is of a court administration issue and having had a Judge who has spent the amount of time that Judge Gonzalez has spent on the case it makes more sense for the case to remain with her. Additionally, the Court believes the reason Judge Gonzalez coordinated the cases is because she did not have the ability to consolidate them because of the rule. COURT ORDERED, motion to consolidate in Department 11 GRANTED. Mr. Bult to prepare the order. CLERK'S NOTE: Subsequent to the hearing Court clarified the following cases shall be consolidated: A-18-785818, A-18-786357, A-19-786962, A-19-787004, A-19-787035, A-19-787540, A-19-787726, and A-19-801416. ke

# CASE SUMMARY

CASE NO. A-19-787004-B

	10/31/19;
11/12/2019	<p><b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)  <i>Vacated - Moot</i>  <i>Status Check: Consolidation</i></p>
11/12/2019	<p><b>CANCELED Joinder</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  <i>Vacated - On in Error</i>  <i>The Essence Entities' Joinder to Thrive's Motion to Consolidate</i></p>
11/12/2019	<p><b>CANCELED Motion to Consolidate</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  <i>Vacated</i>  <i>Request for Hearing on Defendants in Intervention's Motion to Consolidate</i></p>
11/12/2019	<p><b>CANCELED Joinder</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  <i>Vacated</i>  <i>Department of Taxation's Joinder to Defendants In Intervention's Motion to Consolidate</i></p>
11/12/2019	<p><b>CANCELED Motion to Consolidate</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  <i>Vacated - On in Error</i>  <i>Joint Motion to Consolidate on Order Shortening Time and Joint Partial Opposition to Defendants in Intervention, CPCM Holdings, LLC d.b.a. Thrive Cannabis Marketplace, Commerce Park LLC, and Cheyenne Medical LLC's Motion to Consolidate</i></p>
11/12/2019	<p><b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  <i>Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>  <i>Granted;</i></p>
11/12/2019	<p><b>Joinder</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  <i>Joinder to Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time</i>  <i>Granted;</i></p>
11/12/2019	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Denton, Mark R.)  Matter Heard;  Journal Entry Details:  <b>JOINT EMERGENCY MOTION TO STRIKE PEREMPTORY CHALLENGE ON ORDER SHORTENING TIME...JOINDER TO JOINT EMERGENCY MOTION TO STRIKE PEREMPTORY CHALLENGE ON ORDER SHORTENING TIME</b> Christopher Rose, Esq. present for Wellness Connection of Nevada LLC. Ben Miller, Esq. present for Compassionate Team of Las Vegas LLC. Amanda Handy, Esq. present telephonically for Bioneva Innovations of Carson City LLC. Ross Miller, Esq. present for Serenity Wellness Center LLC. Following arguments by Mr. Kemp, Mr. Bice, Mr. Hunt, and Mr. Kennedy, COURT ORDERED, Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time and Joinder GRANTED WITHOUT PREJUDICE to Mr. Kennedy's contentions regarding severance. Mr. Kemp to prepare the order. Mr. Koch advised the upcoming hearings on November 18th will need to be reset with the other department. Mr. Kennedy requested the Court stay the order 30 days to give him time to file a writ petition. Mr. Kemp, Mr. Bice, Mr. Hunt, and Mr. Parker argued in opposition to the request for stay. Court directed Mr. Kennedy to seek a stay with Judge Gonzalez. Mr. Kennedy requested Mr. Kemp include that in the order. Court so noted.  <b>CLERK'S NOTE:</b> All upcoming hearing dates presently scheduled in Department XIII have been vacated and are to be reset in Department XI. /mk 11/12/19;</p>
11/15/2019	<p> <b>Telephonic Conference</b> (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)  Telephonic Conference at Request of the Court  Matter Heard;  Journal Entry Details:  <b>APPEARANCES CONTINUED:</b> Attorney Christopher Rose for Wellness Connection of Nevada LLC. Counsel for D H Flamingo did not participate in this call. Law Clerk advised they did not respond to her email. Court noted it has received Judge Denton's order; additionally, the Law Clerk has indicated that Mr. Koch submitted a motion for protective order on OST. Mr. Rulis stated they were the ones that set that deposition and they have sent an amended notice setting the deposition back to December 10 and 11. COURT STATED it</p>

# CASE SUMMARY

CASE NO. A-19-787004-B


will sign the OST on Monday (November 18, 2019) in court. COURT FURTHER NOTED that when the peremptory challenge was filed, it did not appear that the motion to extend was decided in the interim. Mr. Hunt requested that motion be heard on Monday. COURT SO ORDERED. COURT FURTHER NOTED two groups of motions for summary judgment: (1) Nevada Wellness Center's with counter motion; (2) MM Development with counter motion. Mr. Rulis stated they were open to finding a date for those that would not be Monday. COURT STATED it will talk about the scheduling of those motions on Monday then. COURT FURTHER NOTED Mr. Koch's writ to move him to Tier 2. Mr. Koch requested another day that would not be Monday. COURT SO NOTED. COURT FURTHER NOTED DH Flamingo's anti-SLAPP motion. Mr. Koch advised they had circulated a request and the indication was that the motion would be heard at the same time as MM's motion for summary judgment. COURT FURTHER NOTED a motion to file a second amended complaint. Mr. Fetaz advised that was Serenity's motion. COURT ORDERED, MOTION WILL BE HEARD on Monday, November 18. COURT FURTHER NOTED an application for TRO. Mr. Shevorski advised that was Qualcan's. Mr. Christiansen advised the motion has been briefed and he would be happy to move it as well. COURT STATED it will discuss scheduling of that motion on Monday as well. Upon Court's inquiry, Mr. Christiansen confirmed he would like another Rule 16 conference in one or two weeks from Monday given the consolidation. COURT STATED it will discuss scheduling the conference on Monday as well. Mr. Smith advised they have a pending motion to intervene. Mr. Parker advised it was previously before Judge Holthus and there was also a motion granted by the discovery commissioner regarding cellphone(s) and information they wanted the State to preserve; there was an Objection to that by the State that was never ruled on. Mr. Miller advised his side also had a pending motion to dismiss which they are also willing to move; it is not an anti-SLAPP motion. COURT NOTED it will discuss scheduling of that motion on Monday Finally, Mr. Puzey advised he is in Reno and requested to appear telephonically on Monday. Court granted the request and directed counsel to arrange it with the Law Clerk. COURT FURTHER DIRECTED anyone to contact Bailey Kennedy and inform them of what transpired today. Mr. Rulis advised that while they were on the call he emailed the firm.;

11/18/2019	<p><b>Motion for Summary Judgment (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)  <b>11/18/2019, 01/13/2020</b>  <i>MM Development Company, Inc.'s and Livfree Wellness, LLC's Motion for Summary Judgment or for Writ of Mandamus</i>  Matter Continued;</p>
11/18/2019	<p><b>Opposition and Countermotion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)  <b>11/18/2019, 01/13/2020</b>  <i>The Essence Entities' Opposition to MM Development Company Inc's and Livfree Wellness LLC's motion for Summary Judgment or for Writ of Mandamus; and Countermotion for Summary Judgment</i>  Matter Continued;</p>
11/18/2019	<p><b>Opposition and Countermotion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)  <b>11/18/2019, 01/13/2020</b>  <i>Department of Taxation's Opposition to Motion for Summary Judgment or for Writ of Mandamus and Countermotion for Summary Judgment</i>  Matter Continued;</p>
11/18/2019	<p><b>Opposition and Countermotion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)  <b>11/18/2019, 01/13/2020</b>  <i>Lone Mountain Partners, LLC s Opposition To Plaintiffs Motion For Summary Judgment Or For Writ Of Mandamus And Countermotion For Summary Judgment</i>  Matter Continued;</p>
11/18/2019	<p><b>Joinder (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)  <b>11/18/2019, 01/13/2020</b>  <i>Lone Mountain Partners LLC's Joinder to the Essence Entities' Opposition to MM Development Company Inc's and Livfree Wellness LLC's Motion for Summary Judgment or for Writ of Mandamus; and Countermotion for Summary Judgment</i>  Matter Continued;</p>
11/18/2019	<p><b>Joinder (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p>



# CASE SUMMARY

CASE NO. A-19-787004-B

	<p><b>11/18/2019, 01/13/2020</b></p> <p><i>Lone Mountain Partners, LLC's Joinder to the Department of Taxation's Opposition to Motion for Summary Judgment or for Writ of Mandamus and Countermotion for Summary Judgment</i></p> <p>Matter Continued;</p>
11/18/2019	<p><b>Joinder (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><b>11/18/2019, 01/13/2020</b></p> <p><i>Defendant Intervenor Helping Hands Wellness Center, Inc. s Joinder To Nevada Organic Remedies Opposition To Motion For Summary Judgment, Joinder to Lone Mountain Partners, LLC s Opposition to Motion for Summary Judgment and Countermotion For Summary Judgment, Joinder to Greenmart of Nevada NLV, LLC s Opposition to Motion for Summary Judgment, Joinder to the Essence Entities Opposition to Motion for Summary Judgment, Joinder to State of Nevada Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i></p> <p>Matter Continued;</p>
11/18/2019	<p> <b>Petition for Writ of Mandamus (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><b>11/18/2019, 12/09/2019</b></p> <p><i>Defendant Intervenor - Application for Writ of Mandamus to Compel State of Nevada Department of Taxation to Move Nevada Organic Remedies LLC into Tier 2 of Successful Conditional License Applicants</i></p> <p>Matter Continued;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Following arguments by Mr. Koch, Mr. Shevorski, and Mr. Kemp, COURT ORDERED, petition DENIED because it is procedurally inappropriate. There is another avenue for the relief; the appeal for the injunction is already pending before the Nevada Supreme Court. Court inquired as whether counsel have heard any word on the request for expedited handling. Mr. Koch advised they made that request one month ago and have not heard back. Ms. Shell advised the court did issue an order to show cause which they need to address, and that is due before Christmas. COURT DIRECTED Mr. Shevorski to prepare a procedural order for today.;</i></p> <p>Matter Continued;</p> <p>Denied;</p>
11/18/2019	<p><b>Joinder (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Joinder to Serenity Plaintiffs' Motion to Extend Initial Expert Initial Expert Witness Deadline on Order Shortening Time (First Request)</i></p> <p>Matter Heard;</p>
11/18/2019	<p><b>Motion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Plaintiffs' Motion to Extend Initial Expert Witness Deadline on Order Shortening Time</i></p> <p>Matter Heard; Rule 16 conference set for 12/2/19.</p>
11/18/2019	<p><b>Motion to Dismiss (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><b>11/18/2019, 12/02/2019</b></p> <p><i>Plaintiffs/Petitioners/Counter-Defendants D.H. Flamingo, Inc. and Surterra Holdings, Inc.'s Special Motion to Dismiss MM Development Company, Inc.'s Counterclaim Pursuant to NRS 41.660 [Anti-SLAPP] and Request for Attorneys' Fees, Costs, and Damages Pursuant to NRS 41.670</i></p> <p>Matter Continued;</p> <p>Denied;</p> <p>Matter Continued;</p> <p>Denied;</p>
11/18/2019	<p><b>Motion for Summary Judgment (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Nevada Wellness Center LLC's Motion for Summary Judgment</i></p> <p>Off Calendar;</p>
11/18/2019	<p><b>Opposition and Countermotion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Department of Taxation's Opposition to Motion for Summary Judgment and Countermotion for</i></p>

**CASE SUMMARY**

**CASE NO. A-19-787004-B**

	<i>Summary Judgment</i> Off Calendar;
11/18/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Intervenor Defendant GreenMart of Nevada NLV LLC's Joinder to Department of Taxation's Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i> Off Calendar;
11/18/2019	<b>Motion for Temporary Restraining Order</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Qualcan, Plaintiff's Motion for Writ of Mandamus, Temporary Restraining Order, and Preliminary Injunction</i>
11/18/2019	<b>Motion for Leave</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i> Granted;
11/18/2019	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard;
11/22/2019	<b>CANCELED Motion to Intervene</b> (3:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated</i> <i>The Essence Entities' Motion to Intervene as Defendants</i>
12/02/2019	<b>Motion for Protective Order</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i> Granted in Part;
12/02/2019	<b>Mandatory Rule 16 Conference</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard;
12/02/2019	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>DP Holdings and Compassionate Team of Las Vegas, LLC's Motion to Dismiss (filed in A787035 on October 1, 2019)</i> Granted Without Prejudice;
12/02/2019	<b>Objection to Discovery Commissioner's Report</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Nevada Wellness Center's Motion for Hearing on Objection to Discovery Commissioner's Report &amp; Recommendations</i> Over Ruled;
12/02/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Essence Entities' Joinder to Defendant-Intervenor/Couterclaimant Nevada Organic Remedies LLC's Motion for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i> Matter Heard;
12/02/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant Greenmart of Nevada NLV LLC's Joinder to Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i> Matter Heard;
12/02/2019	<b>Motion for Protective Order</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff/Counter Defendants Motion for Protective Order Regarding Rino Tenorio</i> Granted;
12/02/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Lone Mountain Partners LLC's Joinder to Nevada Organics' Motion on Order Shortening Time for Protective Order Regarding Scope of Inquiry at Deposition of Danette Kluever</i> Matter Heard;

# CASE SUMMARY

CASE NO. A-19-787004-B

12/02/2019



**All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*APPEARANCES CONTINUED: Ms. Michelle Miller, Managing Member of Miller Farms; Attorney Robert Warns for Rino Tenorio. Ms. Miller, Mr. Puzey, Ms. Shell, and Mr. Funk appeared by telephone. Following arguments by counsel, COURT ORDERED as follows: MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER... ...LONE MOUNTAIN PARTNERS LLC'S JOINDER TO NEVADA ORGANICS' MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER... ...ESSENCE ENTITIES' JOINDER TO DEFENDANT-INTERVENOR/COUNTERCLAIMANT NEVADA ORGANIC REMEDIES LLC'S MOTION FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER... ...DEFENDANT GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER: Motion GRANTED IN PART. Deposition limited to one day, with the following scope: training and guidelines provided by the Department to the temporary employees who do fall under the discretionary function, their experience, their interaction with any other employees of D.O.T. and any others related to the grading and application process. Court GRANTS limited inquiry into the mathematical errors and limited inquiry into the subjective issue. PLAINTIFF/COUNTER DEFENDANTS MOTION FOR PROTECTIVE ORDER REGARDING RINO TENORIO: For purposes of the deposition, motion GRANTED. NEVADA WELLNESS CENTER'S MOTION FOR HEARING ON OBJECTION TO DISCOVERY COMMISSIONER'S REPORT & RECOMMENDATIONS: Objection OVER RULED. PLAINTIFFS/PETITIONERS/COUNTER-DEFENDANTS D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S SPECIAL MOTION TO DISMISS MM DEVELOPMENT COMPANY, INC.'S COUNTERCLAIM PURSUANT TO NRS 41.660 [ANTI-SLAPP] AND REQUEST FOR ATTORNEYS' FEES, COSTS, AND DAMAGES PURSUANT TO NRS 41.670: Motion DENIED. The issues of the statement being made and the knowledge at the time the statement was made are issue that need some discretionary judgment as opposed to accepting anyone's word at their deposition. The counter claim will be limited to statements made at the Governor's Inaugural Ball but not to any of the other communications with law enforcement or administrative agencies; they are to either be stricken or an amendment is to be done to delete those. Mr. Kennedy requested the order say "stricken". COURT SO ORDERED. DP HOLDINGS AND COMPASSIONATE TEAM OF LAS VEGAS, LLC'S MOTION TO DISMISS (FILED IN A787035 ON OCTOBER 1, 2019): Motion GRANTED WITHOUT PREJUDICE for Mr. Kennedy to amend if he needs to. MANDATORY RULE 16 CONFERENCE: Court noted it anticipates having a decision prior to the conditions being met in June and inquired about the status of discovery. Mr. Kemp advised MM has taken the lead and detailed the schedule of upcoming depositions. Mr. Parker noted they are also interested in the records to be extracted from the phones. Mr. Miller advised his side is in alignment with the timeline and that they have two experts. Mr. Bult advised discovery on all successful applicants was served 4 to 5 weeks ago. Mr. Rose advised D H Flamingo did not serve the Defendants they named and then coordination happened; he is just concerned about now being named in this case. Mr. Prince requested a March rebuttal disclosure deadline. Mr. Holmes advised they were named in the DH Flamingo case, but are pretty small fish. COURT ORDERED, anyone who has not made initial disclosures needs to make them in 2 weeks if they decide to participate. Mr. Gamble requested prior discovery. COURT FURTHER ORDERED, discovery be made available immediately to newly appearing parties, including discovery from the evidentiary hearing. Court noted the transcripts are filed in A786962. COURT ORDERED as follows: Initial expert disclosures where a party bears the burden of proof DUE by January 17, 2020; Rebuttal expert disclosures where a party does not bear the burden of proof DUE by February 14, 2020; Discovery cut-off SET for and dispositive motions and motions in limine TO BE FILED by March 13, 2020. The April 20, 2020 trial date (previously set in A786962) will STAND. New trial setting order will ISSUE. COURT FURTHER DIRECTED that discovery responses be produced to newly participating parties if they desire it, and that it may be appropriate to set up an electronic depository subject to the current protective order because of the confidential nature of much of the applications. If the parties have any questions, the Court is available to address them via conference call.;*

12/16/2019

**Motion to Dismiss (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Lone Mountain Partners, LLC's Motion to Dismiss Plaintiffs' First Amended Complaint and Petition for Judicial Review and/or Writ of Certiorari, Mandamus, and Prohibition*



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-19-787004-B**

12/16/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Joinder to Lone Mountain Partners, LLC's Motion to Dismiss Plaintiffs' First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition</i>
12/16/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant-Intervenor, Nevada Organic Remedies, LLC's Motion Joinder to Various Motions to Dismiss D.H. Flamingo's First Amended Complaint</i>
12/16/2019	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant Greenmart of Nevada NLV LLC's Motion to Dismiss First Amended Complaint</i>
12/16/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Helping Hands Wellness Center, Inc.'s Motion and Joinder to Lone Mountain Partners, LLC's Motion to Dismiss First Amended Complaint, and Joinder to Clear River LLC's Motion to Dismiss First Amended Complaint</i>
12/16/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Commerce Park Medical L.L.C. and Cheyenne Medical Center, Inc's Motion and Joinder to Greenmart Nevada NLV's Motion to Dismiss First Amended Complaint</i>
12/16/2019	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Lone Mountain Partners, LLC s Joinder To Greenmart Of Nevada NLV LLC s Motion To Dismiss First Amended Complaint</i>
12/16/2019	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Clear River LLC's Motion to Dismiss First Amended Complaint</i>
12/20/2019	<b>Motion</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Green Life Productions, LLC's Motion to Realign as Plaintiffs/Petitioners [E-Filed Into Sub Case A-19-787035-C]</i>
01/06/2020	<b>CANCELED Status Check: Trial Readiness</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
02/20/2020	<b>CANCELED Pre Trial Conference</b> (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
03/10/2020	<b>CANCELED Calendar Call</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
03/16/2020	<b>Status Check: Trial Readiness</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
03/16/2020	<b>CANCELED Bench Trial</b> (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
03/26/2020	<b>Pre Trial Conference</b> (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)
04/14/2020	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
04/20/2020	<b>Jury Trial</b> (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)

DATE

FINANCIAL INFORMATION

**Consolidated Case Party** MM Development Company, Inc.

Total Charges

45.50

Total Payments and Credits

45.50

**Balance Due as of 12/10/2019**

**0.00**

**Consolidated Case Party** Nevada Wellness Center, LLC

Total Charges

24.00

**CASE SUMMARY****CASE NO. A-19-787004-B**

Total Payments and Credits	0.00
<b>Balance Due as of 12/10/2019</b>	<b>24.00</b>
<b>Defendant</b> Nevada Dept of Taxation	
Total Charges	446.00
Total Payments and Credits	446.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Claimant</b> Cheyenne Medical LLC	
Total Charges	0.00
Total Payments and Credits	0.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Claimant</b> Commerce Park Medical LLC	
Total Charges	0.00
Total Payments and Credits	0.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Claimant</b> CPCM Holdings LLC	
Total Charges	0.00
Total Payments and Credits	0.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Claimant</b> Essence Henderson LLC	
Total Charges	0.00
Total Payments and Credits	0.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Claimant</b> Essence Tropicana LLC	
Total Charges	0.00
Total Payments and Credits	0.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Intervenor Defendant</b> GreenMart of Nevada NLV LLC	
Total Charges	1,507.00
Total Payments and Credits	1,507.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Claimant</b> Integral Associates LLC	
Total Charges	1,513.00
Total Payments and Credits	1,513.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Lone Mountain Partners, LLC	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Nevada Organic Remedies LLC	
Total Charges	1,507.00
Total Payments and Credits	24.00
<b>Balance Due as of 12/10/2019</b>	<b>1,483.00</b>
<b>Counter Defendant</b> ETW Management Group LLC	
Total Charges	2,558.00
Total Payments and Credits	2,558.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Defendant</b> Green Therapeutics LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Counter Defendant</b> MMOF Vegas Retail, Inc.	
Total Charges	30.00

**CASE SUMMARY****CASE NO. A-19-787004-B**

Total Payments and Credits	30.00
<b>Balance Due as of 12/10/2019</b>	<b>0.00</b>
<b>Intervenor Defendant</b> GreenMart of Nevada NLV LLC Appeal Bond Balance as of 12/10/2019	<b>500.00</b>
<b>Intervenor Defendant</b> Nevada Organic Remedies LLC Appeal Bond Balance as of 12/10/2019	<b>500.00</b>
<b>Counter Defendant</b> ETW Management Group LLC Injunction Balance as of 12/10/2019	<b>920,000.00</b>
<b>Counter Defendant</b> ETW Management Group LLC Injunction Balance as of 12/10/2019	<b>313,000.00</b>
<b>Counter Defendant</b> ETW Management Group LLC Injunction Balance as of 12/10/2019	<b>313,000.00</b>
<b>Counter Defendant</b> ETW Management Group LLC Appeal Bond Balance as of 12/10/2019	<b>500.00</b>
<b>Counter Defendant</b> ETW Management Group LLC Injunction Balance as of 12/10/2019	<b>294,000.00</b>
<b>Counter Defendant</b> ETW Management Group LLC Injunction Balance as of 12/10/2019	<b>247,000.00</b>
<b>Counter Defendant</b> Just Quality, LLC Injunction Balance as of 12/10/2019	<b>313,000.00</b>

## BUSINESS COURT CIVIL COVER SHEET

Department 11

Clark County, Nevada  
 Case No. \_\_\_\_\_  
 (Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

ETW MANAGEMENT GROUP, LLC, a Nevada limited liability company;  
 GLOBAL HARMONY LLC, a Nevada limited liability company; GREEN  
 LEAF FARMS HOLDINGS, LLC, a Nevada limited liability company;  
 HERBAL CHOICE INC., a Nevada limited liability company, et al.

Defendant(s) (name/address/phone):

STATE OF NEVADA, DEPARTMENT OF TAXATION,  
 a Nevada administrative agency; DOES 1 through 20,  
 inclusive, and ROE CORPORATIONS 1 through 20,  
 inclusive

Attorney (name/address/phone):

Adam K. Bult, Esq., Maximilien D. Felaz, Esq., and Travis F. Chance, Esq.  
 Brownstein Hyatt Farber Schreck, LLP  
 100 N. City Parkway, Suite 1600, Las Vegas, NV 89106  
 (702) 382-2101

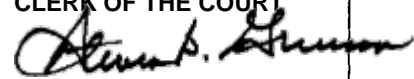
Attorney (name/address/phone):

**II. Nature of Controversy** (Please check the applicable boxes for both the civil case type and business court case type)
☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types
<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation Eminent Domain <input type="checkbox"/> Other Real Property	<b>Torts</b> <b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical-Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort	<b>CLARK COUNTY BUSINESS COURT</b> <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters
<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Civil Writs</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>WASHOE COUNTY BUSINESS COURT</b> <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark-Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters
<b>Judicial Review/Appeal/Other Civil Filing</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court		
<b>Other Civil Filing</b> <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters		

01 04 19  
 Date

[Signature]  
 Signature of initiating party or representative



FFCL

DISTRICT COURT

CLARK COUNTY, NEVADA

SERENITY WELLNESS CENTER, LLC, a Nevada limited liability company, TGIG, LLC, a Nevada limited liability company, NULEAF INCLINE DISPENSARY, LLC, a Nevada limited liability company, NEVADA HOLISTIC MEDICINE, LLC, a Nevada limited liability company, TRYKE COMPANIES SO NV, LLC, a Nevada limited liability company, TRYKE COMPANIES RENO, LLC, a Nevada limited liability company, PARADISE WELLNESS CENTER, LLC, a Nevada limited liability company, GBS NEVADA PARTNERS, LLC, a Nevada limited liability company, FIDELIS HOLDINGS, LLC, a Nevada limited liability company, GRAVITAS NEVADA, LLC, a Nevada limited liability company, NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM, LLC, a Nevada limited liability company, DOE PLAINTIFFS I through X; and ROE ENTITY PLAINTIFFS I through X,

Plaintiff(s),

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION,

Defendant(s).

and

NEVADA ORGANIC REMEDIES, LLC; INTEGRAL ASSOCIATES LLC d/b/a ESSENCE CANNABIS DISPENSARIES, a Nevada limited liability company; ESSENCE TROPICANA, LLC, a Nevada limited liability company; ESSENCE HENDERSON, LLC, a Nevada limited liability company; CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, COMMERCE PARK MEDICAL, LLC, a Nevada limited liability company; and CHEYENNE MEDICAL, LLC, a Nevada limited liability company; LONE MOUNTAIN PARTNERS, LLC, a Nevada

Case No. A-19-786962-B  
Dept. No. 11

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW GRANTING  
PRELIMINARY INJUNCTION

CLERK OF THE COURT

RECEIVED  
AUG 23 2019

1 limited liability partnership; HELPING HANDS  
2 WELLNESS CENTER, INC., a Nevada  
3 corporation; GREENMART OF NEVADA  
4 NLV LLC, a Nevada limited liability company;  
5 and CLEAR RIVER, LLC,

Intervenors.

6 This matter having come before the Court for an evidentiary hearing on Plaintiffs' Motion for  
7 Preliminary Injunction beginning on May 24, 2019, and occurring day to day thereafter until its  
8 completion on August 16, 2019;<sup>1</sup> Dominic P. Gentile, Esq., Vincent Savarese III, Esq., Michael V.  
9 Cristalli, Esq., and Ross J. Miller, Esq., of the law firm Gentile Cristalli Miller Armeni Savarese,  
10 appeared on behalf of Serenity Wellness Center, LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC,  
11 Nevada Holistic Medicine, LLC, Tryke Companies SO NV, LLC, Tryke Companies Reno, LLC,  
12 Paradise Wellness Center, LLC, GBS Nevada Partners, LLC, Fidelis Holdings, LLC, Gravitas Nevada,  
13 LLC, Nevada Pure, LLC, Medifarm, LLC (Case No. A786962-B) (the "Serenity Plaintiffs"); Adam K.  
14 Bult, Esq. and Maximilien D. Fetaz, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP,  
15 appeared on behalf of Plaintiffs ETW Management Group LLC, Global Harmony LLC, Green Leaf  
16 Farms Holdings LLC, Green Therapeutics LLC, Herbal Choice INC., Just Quality, LLC, Libra  
17 Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb, NevCann LLC, Red Earth LLC,  
18 THC Nevada LLC, Zion Gardens LLC, and MMOF Vegas Retail, Inc. (Case No. A787004-B) ( the  
19 "ETW Plaintiffs"); William S. Kemp, Esq. and Nathaniel R. Rulis, Esq., of the law firm Kemp, Jones  
20 & Coulthard LLP, appeared on behalf of MM Development Company, Inc. and LivFree Wellness LLC  
21 (Case No. A785818-W) (the "MM Plaintiffs"); Theodore Parker III, Esq., of the law firm Parker  
22 Nelson & Associates, appeared on behalf of Nevada Wellness Center (Case No. A787540-W)  
23 (collectively the "Plaintiffs"); Steven G. Shevorski, Esq., Ketan D. Bhirud, Esq., and Theresa M. Haar,  
24 Esq., of the Office of the Nevada Attorney General, appeared on behalf of the State of Nevada,  
25 Department of Taxation; David R. Koch, Esq., of the law firm Koch & Scow LLC, appeared on behalf

26 <sup>1</sup> Although a preservation order was entered on December 13, 2018, in A785818, no discovery in any case was done  
27 prior to the commencement of the evidentiary hearing, in part due to procedural issues and to statutory restrictions on  
28 disclosure of certain information modified by SB 32 just a few days before the commencement of the hearing. As a result,  
the hearing was much longer than anticipated by any of the participating counsel. In compliance with SB 32, the State  
produced previously confidential information on May 21, 2019. These documents were reviewed for confidentiality by the  
Defendants in Intervention and certain redactions were made prior to production consistent with the protective order entered  
on May 24, 2019.

1 of Nevada Organic Remedies, LLC; Brigid M. Higgins, Esq. and Rusty Graf, Esq., of the law firm  
2 Black & Lobello, appeared on behalf of Clear River, LLC; Eric D. Hone, Esq., of the law firm H1 Law  
3 Group, appeared on behalf of Lone Mountain Partners, LLC; Alina M. Shell, Esq., of the law firm  
4 McLetchie Law, appeared on behalf of GreenMart of Nevada NLV LLC; Jared Kahn, Esq., of the law  
5 firm JK Legal & Consulting, LLC, appeared on behalf of Helping Hands Wellness Center, Inc.; and  
6 Joseph A. Gutierrez, Esq., of the law firm Maier Gutierrez & Associates, and Philip M. Hymanson,  
7 Esq., of the law firm Hymanson & Hymanson; Todd Bice, Esq. and Jordan T. Smith, Esq. of the law  
8 firm Pisanelli Bice; and Dennis Prince, Esq. of the Prince Law Group appeared on behalf of Integral  
9 Associates LLC d/b/a Essence Cannabis Dispensaries, Essence Tropicana, LLC, Essence Henderson,  
10 LLC, CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace, Commerce Park Medical, LLC, and  
11 Cheyenne Medical, LLC (the “Essence/Thrive Entities”). The Court, having read and considered the  
12 pleadings filed by the parties; having reviewed the evidence admitted during the evidentiary hearing;  
13 and having heard and carefully considered the testimony of the witnesses called to testify; having  
14 considered the oral and written arguments of counsel, and with the intent of deciding the Motion for a  
15 Preliminary Injunction,<sup>2</sup> makes the following preliminary findings of fact and conclusions of law:

### 16 ***PROCEDURAL POSTURE***

17 Plaintiffs are a group of unrelated commercial entities who applied for, but did not receive,  
18 licenses to operate retail recreational marijuana establishments in various local jurisdictions throughout  
19 the state. Defendant is Nevada’s Department of Taxation (“DoT”), which is the administrative agency  
20 responsible for issuing the licenses. Some successful applicants for licensure intervened as Defendants.

21 The Serenity Plaintiffs filed a Motion for Preliminary Injunction on March 19, 2019, asking for  
22 a preliminary injunction to:

- 23 a. Enjoin the denial of Plaintiffs applications;  
24 b. Enjoin the enforcement of the licenses granted;  
25 c. Enjoin the enforcement and implementation of NAC 453D;

26  
27 <sup>2</sup> The findings made in this Order are preliminary in nature based upon the limited evidence presented after very  
28 limited discovery permitted on an expedited basis and may be modified based upon additional evidence presented to the  
Court at the ultimate trial of the business court matters.

- 1 d. An order restoring the *status quo ante* prior to the DoT's adoption of NAC 453D;  
2 and  
3 e. Several orders compelling discovery.

4 This Court reviewed the Serenity Plaintiffs' Motion for Preliminary Injunction and at a hearing on  
5 April 22, 2019, invited Plaintiffs in related cases, not assigned to Business Court, to participate in the  
6 evidentiary hearing on the Motion for Preliminary Injunction being heard in Department 11 for the  
7 purposes of hearing and deciding the Motions for Preliminary Injunction.<sup>3</sup>

8 ***PRELIMINARY STATEMENT***

9 The Attorney General's Office was forced to deal with a significant impediment at the early  
10 stages of the litigation. This inability to disclose certain information was outside of its control because  
11 of confidentiality requirements that have now been slightly modified by SB 32. Although the parties  
12 stipulated to a protective order on May 24, 2019, many documents produced in preparation for the  
13 hearing and for discovery purposes were heavily redacted because of the highly competitive nature of  
14 the industry and sensitive financial and commercial information being produced.

15 All parties agree that the language of an initiative takes precedence over any regulation that is in  
16 conflict and that an administrative agency has some discretion in determining how to implement the  
17 initiative. The Court gives deference to the agency in establishing those regulations and creating the  
18 framework required to implement those provisions in conformity with the initiative.

19  
20  
21 <sup>3</sup> The complaints filed by the parties participating in the hearing seek declaratory relief, injunctive relief and writs of  
22 mandate, among other claims. The motions and joinders seeking injunctive relief which have been reviewed by the Court in  
conjunction with this hearing include:

23 A786962-B Serenity: Serenity Plaintiffs' Motion for Preliminary Injunction filed 3/19/19 (Joinder to Motion by  
24 Compassionate Team: 5/17; Joinder to Motion by ETW: 5/6 (filed in A787004); and Joinder to Motion by Nevada  
25 Wellness: 5/10 (filed in A787540)); Opposition by the State filed 5/9/19 (Joinder by Essence/Thrive Entities: 5/23);  
26 Opposition by Nevada Organic Remedies: 5/9 (Joinder by Lone Mountain: 5/13; Joinder by Helping Hands: 5/21; and  
Joinder by Essence/Thrive Entities: 5/23). Application for TRO on OST filed 5/9/19 (Joinder by Compassionate Team:  
5/17; and Joinder by ETW: 5/10 (filed in A787004)); Opposition by Nevada Organic Remedies: 5/9 (Joinder by Clear River:  
5/9); Opposition by Essence/Thrive Entities: 5/10 (Joinder by GreenMart: 5/10; Joinder by Lone Mountain: 5/11; and  
Joinder by helping Hands: 5/12).

27 A785818-W MM Development: MM Plaintiffs' Motion for Preliminary Injunction or Writ of Mandamus filed 5/9/19  
28 (Joinder by Serenity: 5/20 (filed in A786962); Joinder by ETW: 5/6 (filed in A787004 and A785818); and Joinder by  
Nevada Wellness: 5/10 (filed in A787540)).



1 The initiative to legalize recreational marijuana, Ballot Question 2 ("BQ2"), went to the voters  
2 in 2016. The language of BQ2 is independent of any regulations that were adopted by the DoT. The  
3 Court must balance the mandatory provisions of BQ2 (which the DoT did not have discretion to  
4 modify);<sup>4</sup> those provisions with which the DoT was granted some discretion in implementation;<sup>5</sup> and  
5 the inherent discretion of an administrative agency to implement regulations to carry out its statutory  
6 duties. The Court must give great deference to those activities that fall within the discretionary  
7 functions of the agency. Deference is not given where the actions of the DoT were in violation of BQ2  
8 or were arbitrary and capricious.

### 9 FINDINGS OF FACT

10 1. Nevada allows voters to amend its Constitution or enact legislation through the initiative  
11 process. Nevada Constitution, Article 19, Section 2.

12 <sup>4</sup> Article 19, Section 2(3) provides the touchstone for the mandatory provisions:

13 . . . . An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or  
14 suspended by the Legislature within 3 years from the date it takes effect.

15 <sup>5</sup> NRS 453D.200(1) required the adoption of regulations for the licensure and oversight of recreational marijuana  
16 cultivation, manufacturing/production, sales and distribution, but provides the DoT discretion in exactly what those  
17 regulations would include.

18 . . . the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter.  
19 The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations  
20 that make their operation unreasonably impracticable. The regulations shall include:

- 21 (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana  
22 establishment;
- 23 (b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana  
24 establishment;
- 25 (c) Requirements for the security of marijuana establishments;
- 26 (d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21  
27 years of age;
- 28 (e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-  
resistant packaging;
- (f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana  
establishments including a numerical indication of potency based on the ratio of THC to the weight of a product  
intended for oral consumption;
- (g) Requirements for record keeping by marijuana establishments;
- (h) Reasonable restrictions on signage, marketing, display, and advertising;
- (i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;
- (j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another  
qualified person and to enable a licensee to move the location of its establishment to another suitable location;
- (k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and  
marijuana establishments at the same location;
- (l) Procedures to establish the fair market value at wholesale of marijuana; and
- (m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any  
violation of the provisions of NRS 453D.300.

1           2.       In 2000, the voters amended Nevada’s Constitution to allow for the possession and use  
2 of marijuana to treat various medical conditions. Nevada Constitution, Article 4, Section 38(1)(a). The  
3 initiative left it to the Legislature to create laws “[a]uthoriz[ing] appropriate methods for supply of the  
4 plant to patients authorized to use it.” Nevada Constitution, Article 4, Section 38(1)(e).

5           3.       For several years prior to the enactment of BQ2, the regulation of medical marijuana  
6 dispensaries had not been taken up by the Legislature. Some have argued in these proceedings that the  
7 delay led to the framework of BQ2.

8           4.       In 2013, Nevada’s legislature enacted NRS 453A, which allows for the cultivation and  
9 sale of medical marijuana. The Legislature described the requirements for the application to open a  
10 medical marijuana establishment. NRS 453A.322. The Nevada Legislature then charged the Division of  
11 Public and Behavioral Health with evaluating the applications. NRS 453A.328.

12           5.       The materials circulated to voters in 2016 for BQ2 described its purpose as the  
13 amendment of the Nevada Revised Statutes as follows:  
14

15               Shall the *Nevada Revised Statutes* be amended to allow a person, 21 years old or older, to  
16 purchase, cultivate, possess, or consume a certain amount of marijuana or concentrated  
17 marijuana, as well as manufacture, possess, use, transport, purchase, distribute, or sell marijuana  
18 paraphernalia; impose a 15 percent excise tax on wholesale sales of marijuana; require the  
19 regulation and licensing of marijuana cultivators, testing facilities, distributors, suppliers, and  
20 retailers; and provide for certain criminal penalties?

21           6.       BQ2 was enacted by the Nevada Legislature and is codified at NRS 453D.<sup>6</sup>

22           7.       BQ2 specifically identified regulatory and public safety concerns:

23               The People of the State of Nevada proclaim that marijuana should be regulated in a manner  
24 similar to alcohol so that:

25               (a) Marijuana may only be purchased from a business that is licensed by the State of  
26 Nevada;

              (b) Business owners are subject to a review by the State of Nevada to confirm that the  
business owners and the business location are suitable to produce or sell marijuana;

              (c) Cultivating, manufacturing, testing, transporting and selling marijuana will be strictly  
controlled through State licensing and regulation;

27           <sup>6</sup> As the provisions of BQ2 and the sections NRS 453D currently in effect (with the exception of NRS 453D.205) are  
28 identical, for ease of reference the Court cites to BQ2 as enacted by the Nevada Legislature in NRS 453D.

- (d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;  
(e) Individuals will have to be 21 years of age or older to purchase marijuana;  
(f) Driving under the influence of marijuana will remain illegal; and  
(g) Marijuana sold in the State will be tested and labeled.

NRS 453D.020(3).

8. BQ2 mandated the DoT to “conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.” NRS 453D.200(6).

9. On November 8, 2016, by Executive Order 2017-02, Governor Brian Sandoval established a Task Force composed of 19 members to offer suggestions and proposals for legislative, regulatory, and executive actions to be taken in implementing BQ2.

10. The Task Force’s findings, issued on May 30, 2017, referenced the 2014 licensing process for issuing Medical Marijuana Establishment Registration Certificates under NRS 453A. The Task Force recommended that “the qualifications for licensure of a marijuana establishment and the impartial numerically scored bidding process for retail marijuana stores be maintained as in the medical marijuana program except for a change in how local jurisdictions participate in selection of locations.”

11. Some of the Task Force’s recommendations appear to conflict with BQ2.<sup>7</sup>

---

<sup>7</sup> The Final Task Force report (Exhibit 2009) contained the following statements:

The Task Force recommends that retail marijuana ownership interest requirements remain consistent with the medical marijuana program. . . .  
at 2510.

The requirement identified by the Task Force at the time was contained in NAC 453A.302(1) which states:

Except as otherwise required in subsection 2, the requirements of this chapter concerning owners of medical marijuana establishments only apply to a person with an aggregate ownership interest of 5 percent or more in a medical marijuana establishment.

The second recommendation of concern is:

The Task Force recommends that NRS 453A be changed to address companies that own marijuana establishment licenses in which there are owners with less than 5% ownership interest in the company. The statute should be amended to:

\*Limit fingerprinting, background checks and renewal of agent cards to owners officers and board members with 5% or less cumulatively of the company to once every five years;

\*Only require owners officers and board members with 5% or more cumulatively and employees of the company to obtain agent registration cards; and

12. During the 2017 legislative session Assembly Bill 422 transferred responsibility for the registration, licensing, and regulation of marijuana establishments from the State of Nevada Division of Public and Behavioral Health to the DoT.<sup>8</sup>

13. On February 27, 2018, the DoT adopted regulations governing the issuance, suspension, or revocation of retail recreational marijuana licenses in LCB File No. R092-17, which were codified in NAC 453D (the "Regulations").

14. The Regulations for licensing were to be "directly and demonstrably related to the operation of a marijuana establishment." NRS 453D.200(1)(b). The phrase "directly and demonstrably related to the operation of a marijuana establishment" is subject to more than one interpretation.

---

\*Use the marijuana establishments governing documents to determine who has approval rights and signatory authority for purposes of signing ownership transfers, applications and any other appropriate legal or regulatory documents.

There was Task Force dissent on the recommendation. The concern with this recommendation was that by changing the requirements on fingerprinting and background checks, the state would have less knowledge of when an owner, officer, and board member commits an offense not allowed under current marijuana law, potentially creating a less safe environment in the state.  
at 2515-2516.

<sup>8</sup> Those provisions (a portion of which became NRS 453D.205) are consistent with BQ2:

1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

1           15.     A person holding a medical marijuana establishment registration certificate could apply  
2 for one or more recreational marijuana establishment licenses within the time set forth by the DoT in  
3 the manner described in the application. NAC 453D.268.<sup>9</sup>  
4

5 <sup>9</sup>           Relevant portions of that provision require that application be made

6           . . . by submitting an application in response to a request for applications issued pursuant to NAC 453D.260 which  
7 must include:

8 \*\*\*

9           2.     An application on a form prescribed by the Department. The application must include, without limitation:

- 10           (a) Whether the applicant is applying for a license for a marijuana establishment for a marijuana cultivation  
11 facility, a marijuana distributor, a marijuana product manufacturing facility, a marijuana testing facility or a retail  
12 marijuana store;  
13           (b) The name of the proposed marijuana establishment, as reflected in both the medical marijuana establishment  
14 registration certificate held by the applicant, if applicable, and the articles of incorporation or other documents filed  
15 with the Secretary of State;  
16           (c) The type of business organization of the applicant, such as individual, corporation, partnership, limited-liability  
17 company, association or cooperative, joint venture or any other business organization;  
18           (d) Confirmation that the applicant has registered with the Secretary of State as the appropriate type of business,  
19 and the articles of incorporation, articles of organization or partnership or joint venture documents of the applicant;  
20           (e) The physical address where the proposed marijuana establishment will be located and the physical address of  
21 any co-owned or otherwise affiliated marijuana establishments;  
22           (f) The mailing address of the applicant;  
23           (g) The telephone number of the applicant;  
24           (h) The electronic mail address of the applicant;  
25           (i) A signed copy of the Request and Consent to Release Application Form for Marijuana Establishment License  
26 prescribed by the Department;  
27           (j) If the applicant is applying for a license for a retail marijuana store, the proposed hours of operation during  
28 which the retail marijuana store plans to be available to sell marijuana to consumers;  
          (k) An attestation that the information provided to the Department to apply for the license for a marijuana  
establishment is true and correct according to the information known by the affiant at the time of signing; and  
          (l) The signature of a natural person for the proposed marijuana establishment as described in subsection 1 of NAC  
453D.250 and the date on which the person signed the application.

3           3.     Evidence of the amount of taxes paid, or other beneficial financial contributions made, to this State or its  
political subdivisions within the last 5 years by the applicant or the persons who are proposed to be owners, officers  
or board members of the proposed marijuana establishment.

4           4.     A description of the proposed organizational structure of the proposed marijuana establishment, including,  
without limitation:

- 5           (a) An organizational chart showing all owners, officers and board members of the proposed marijuana  
6 establishment;  
7           (b) A list of all owners, officers and board members of the proposed marijuana establishment that contains the  
8 following information for each person:  
9               (1) The title of the person;  
10               (2) The race, ethnicity and gender of the person;  
11               (3) A short description of the role in which the person will serve for the organization and his or her  
12 responsibilities;  
13               (4) Whether the person will be designated by the proposed marijuana establishment to provide written notice to  
14 the Department when a marijuana establishment agent is employed by, volunteers at or provides labor as a  
15 marijuana establishment agent at the proposed marijuana establishment;  
16               (5) Whether the person has served or is currently serving as an owner, officer or board member for another  
17 medical marijuana establishment or marijuana establishment;  
18               (6) Whether the person has served as an owner, officer or board member for a medical marijuana establishment  
19 or marijuana establishment that has had its medical marijuana establishment registration certificate or license, as  
20 applicable, revoked;

1 NRS 453D.210(6) mandated the DoT to use “an impartial and numerically scored competitive bidding  
2 process” to determine successful applicants where competing applications were submitted.

3 16. NAC 453D.272(1) provides the procedure for when the DoT receives more than one  
4 “complete” application. Under this provision the DoT will determine if the “application is complete and

5 (7) Whether the person has previously had a medical marijuana establishment agent registration card or  
6 marijuana establishment agent registration card revoked;

7 (8) Whether the person is an attending provider of health care currently providing written documentation for the  
8 issuance of registry identification cards or letters of approval;

9 (9) Whether the person is a law enforcement officer;

10 (10) Whether the person is currently an employee or contractor of the Department; and

11 (11) Whether the person has an ownership or financial investment interest in any other medical marijuana  
12 establishment or marijuana establishment.

13 5. For each owner, officer and board member of the proposed marijuana establishment:

14 (a) An attestation signed and dated by the owner, officer or board member that he or she has not been convicted of  
15 an excluded felony offense, and that the information provided to support the application for a license for a  
16 marijuana establishment is true and correct;

17 (b) A narrative description, not to exceed 750 words, demonstrating:

18 (1) Past experience working with governmental agencies and highlighting past experience in giving back to the  
19 community through civic or philanthropic involvement;

20 (2) Any previous experience at operating other businesses or nonprofit organizations; and

21 (3) Any demonstrated knowledge, business experience or expertise with respect to marijuana; and

22 (c) A resume.

23 6. Documentation concerning the size of the proposed marijuana establishment, including, without limitation,  
24 building and general floor plans with supporting details.

25 7. The integrated plan of the proposed marijuana establishment for the care, quality and safekeeping of marijuana  
26 from seed to sale, including, without limitation, a plan for testing and verifying marijuana, a transportation or  
27 delivery plan and procedures to ensure adequate security measures, including, without limitation, building security  
28 and product security.

8. A plan for the business which includes, without limitation, a description of the inventory control system of the  
proposed marijuana establishment to satisfy the requirements of NRS 453D.300 and NAC 453D.426.

9. A financial plan which includes, without limitation:

(a) Financial statements showing the resources of the applicant;

(b) If the applicant is relying on money from an owner, officer or board member, evidence that the person has  
unconditionally committed such money to the use of the applicant in the event the Department awards a license to  
the applicant and the applicant obtains the necessary approvals from the locality to operate the proposed marijuana  
establishment; and

(c) Proof that the applicant has adequate money to cover all expenses and costs of the first year of operation.

10. Evidence that the applicant has a plan to staff, educate and manage the proposed marijuana establishment on a  
daily basis, which must include, without limitation:

(a) A detailed budget for the proposed marijuana establishment, including pre-opening, construction and first-year  
operating expenses;

(b) An operations manual that demonstrates compliance with this chapter;

(c) An education plan which must include, without limitation, providing educational materials to the staff of the  
proposed marijuana establishment; and

(d) A plan to minimize the environmental impact of the proposed marijuana establishment.

11. If the application is submitted on or before November 15, 2018, for a license for a marijuana distributor,  
proof that the applicant holds a wholesale dealer license issued pursuant to chapter 369 of NRS, unless the  
Department determines that an insufficient number of marijuana distributors will result from this limitation.

12. A response to and information which supports any other criteria the Department determines to be relevant,  
which will be specified and requested by the Department at the time the Department issues a request for  
applications which includes the point values that will be allocated to the applicable portions of the application  
pursuant to subsection 2 of NAC 453D.260.

1 in compliance with this chapter and Chapter 453D of NRS, the Department will rank the applications . .  
2 . in order from first to last based on the compliance with the provisions of this chapter and chapter  
3 453D of NRS and on the content of the applications relating to . . .” several enumerated factors. NAC  
4 453D.272(1).

5 17. The factors set forth in NAC 453D.272(1) that are used to rank competing applications  
6 (collectively, the “Factors”) are:

- 7
- 8 (a) Whether the owners, officers or board members have experience operating another kind  
9 of business that has given them experience which is applicable to the operation of a marijuana  
10 establishment;
  - 11 (b) The diversity of the owners, officers or board members of the proposed marijuana  
12 establishment;
  - 13 (c) The educational achievements of the owners, officers or board members of the proposed  
14 marijuana establishment;
  - 15 (d) The financial plan and resources of the applicant, both liquid and illiquid;
  - 16 (e) Whether the applicant has an adequate integrated plan for the care, quality and  
17 safekeeping of marijuana from seed to sale;
  - 18 (f) The amount of taxes paid and other beneficial financial contributions, including, without  
19 limitation, civic or philanthropic involvement with this State or its political subdivisions, by the  
20 applicant or the owners, officers or board members of the proposed marijuana establishment;
  - 21 (g) Whether the owners, officers or board members of the proposed marijuana establishment  
22 have direct experience with the operation of a medical marijuana establishment or marijuana  
23 establishment in this State and have demonstrated a record of operating such an establishment in  
24 compliance with the laws and regulations of this State for an adequate period of time to  
25 demonstrate success;
  - 26 (h) The (unspecified) experience of key personnel that the applicant intends to employ in  
27 operating the type of marijuana establishment for which the applicant seeks a license; and
  - 28 (i) Any other criteria that the Department determines to be relevant.

18. Each of the Factors is within the DoT’s discretion in implementing the application  
process provided for in BQ2. The DoT had a good-faith basis for determining that each of the Factors  
is “directly and demonstrably related to the operation of a marijuana establishment.”

19. The DoT posted the application on its website and released the application for  
recreational marijuana establishment licenses on July 6, 2018.<sup>10</sup>

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<sup>10</sup> The DoT made a change to the application after circulating the first version of the application to delete the  
requirement of a physical location. The modification resulted in a different version of the application bearing the same  
“footer” with the original version remaining available on the DoT’s website.

1           20.     The DoT utilized a question and answer process through a generic email account at  
2 marijuana@tax.state.nv.us to allow applicants to ask questions and receive answers directly from the  
3 Department, which were not consistent with NRS 453D, and that information was not further  
4 disseminated by the DoT to other applicants.

5           21.     In addition to the email question and answer process, the DoT permitted applicants and  
6 their representatives to personally contact the DoT staff about the application process.

7           22.     The application period ran from September 7, 2018 through September 20, 2018.

8           23.     The DoT accepted applications in September 2018 for retail recreational marijuana  
9 licenses and announced the award of conditional licenses in December 2018.

10          24.     The DoT used a listserv to communicate with prospective applicants.

11          25.     The DoT published a revised application on July 30, 2018. This revised application was  
12 sent to all participants in the DoT's listserv directory. The revised application modified a sentence on  
13 attachment A of the application. Prior to this revision, the sentence had read, "Marijuana  
14 Establishment's proposed physical address (this must be a Nevada address and cannot be a P.O. Box)."  
15 The revised application on July 30, 2018, read: "Marijuana Establishment's proposed physical address  
16 if the applicant owns property or has secured a lease or other property agreement (this must be a  
17 Nevada address and not a P.O. Box). Otherwise, the applications are virtually identical.

18          26.     The DoT sent a copy of the revised application through the listserv service used by the  
19 DoT. Not all Plaintiffs' correct emails were included on this listserv service.

20          27.     The July 30, 2018 application, like its predecessor, described how applications were to  
21 be scored. The scoring criteria was divided into identified criteria and non-identified criteria. The  
22 maximum points that could be awarded to any applicant based on these criteria was 250 points.

23          28.     The identified criteria consisted of organizational structure of the applicant (60 points);  
24 evidence of taxes paid to the State of Nevada by owners, officers, and board members of the applicant  
25  
26  
27  
28



1 in the last 5 years (25 points); a financial plan (30 points); and documents from a financial institution  
2 showing unencumbered liquid assets of \$250,000 per location for which an application is submitted.

3 29. The non-identified criteria consisted of documentation concerning the integrated plan of  
4 the proposed marijuana establishment for the care, quality and safekeeping of marijuana from seed to  
5 sale (40 points); evidence that the applicant has a plan to staff, educate and manage the proposed  
6 recreational marijuana establishment on a daily basis (30 points); a plan describing operating  
7 procedures for the electronic verification system of the proposed marijuana establishment and  
8 describing the proposed establishment's inventory control system (20 points); building plans showing  
9 the proposed establishment's adequacy to serve the needs of its customers (20 points); and, a proposal  
10 explaining likely impact of the proposed marijuana establishment in the community and how it will  
11 meet customer needs (15 points).  
12

13 30. An applicant was permitted to submit a single application for all jurisdictions in which it  
14 was applying, and the application would be scored at the same time.  
15

16 31. By September 20, 2018, the DoT received a total of 462 applications.

17 32. In order to grade and rank the applications the DoT posted notices that it was seeking to  
18 hire individuals with specified qualifications necessary to evaluate applications. The DoT interviewed  
19 applicants and made decisions on individuals to hire for each position.

20 33. When decisions were made on who to hire, the individuals were notified that they would  
21 need to register with "Manpower" under a pre-existing contract between the DoT and that company.  
22 Individuals would be paid through Manpower, as their application-grading work would be of a  
23 temporary nature.  
24

25 34. The DoT identified, hired, and trained eight individuals to grade the applications,  
26 including three to grade the identified portions of the applications, three to grade the non-identified  
27  
28

1 portions of the applications, and one administrative assistant for each group of graders (collectively the  
2 “Temporary Employees”).

3 35. It is unclear how the DoT trained the Temporary Employees. While portions of the  
4 training materials were introduced into evidence, testimony regarding the oral training based upon  
5 example applications was insufficient for the Court to determine the nature and extent of the training of  
6 the Temporary Employees.<sup>11</sup>

7  
8 36. NAC 453D.272(1) required the DoT to determine that an Application is “complete and  
9 in compliance” with the provisions of NAC 453D in order to properly apply the licensing criteria set  
10 forth therein and the provisions of the Ballot Initiative and the enabling statute.

11 37. When the DoT received applications, it undertook no effort to determine if the  
12 applications were in fact “complete and in compliance.”

13 38. In evaluating whether an application was “complete and in compliance” the DoT made  
14 no effort to verify owners, officers or board members (except for checking whether a transfer request  
15 was made and remained pending before the DoT).

16  
17 39. For purposes of grading the applicant’s organizational structure and diversity, if an  
18 applicant’s disclosure in its application of its owners, officers, and board members did not match the  
19 DoT’s own records, the DoT did not penalize the applicant. Rather the DoT permitted the grading, and  
20 in some cases, awarded a conditional license to an applicant under such circumstances, and dealt with  
21 the issue by simply informing the winning applicant that its application would have to be brought into  
22 conformity with DoT records.

23  
24 40. The DoT created a Regulation that modified the mandatory BQ2 provision “[t]he  
25 Department shall conduct a background check of each prospective owner, officer, and board member of  
26 a marijuana establishment license applicant” and determined it would only require information on the

27  
28 <sup>11</sup> Given the factual issues related to the grading raised by MM and LivFree, these issues may be subject to additional  
evidentiary proceedings in the assigned department.

1 application from persons “with an aggregate ownership interest of 5 percent or more in a marijuana  
2 establishment.” NAC 453D.255(1).

3 41. NRS 453D.200(6) provides that “[t]he DoT shall conduct a background check of each  
4 prospective owner, officer, and board member of a marijuana establishment license applicant.” The  
5 DoT departed from this mandatory language in NAC 453D.255(1) and made no attempt in the  
6 application process to verify that the applicant’s complied with the mandatory language of the BQ2 or  
7 even the impermissibly modified language.  
8

9 42. The DoT made the determination that it was not reasonable to require industry to  
10 provide every owner of a prospective licensee. The DOT’s determination that only owners of a 5% or  
11 greater interest in the business were required to submit information on the application was not a  
12 permissible regulatory modification of BQ2. This determination violated Article 19, Section 3 of the  
13 Nevada Constitution. The determination was not based on a rational basis.

14 43. The limitation of “unreasonably impracticable” in BQ2<sup>12</sup> does not apply to the  
15 mandatory language of BQ2, but to the Regulations which the DoT adopted.  
16

17 44. The adoption of NAC 453D.255(1), as it applies to the application process is an  
18 unconstitutional modification of BQ2.<sup>13</sup> The failure of the DoT to carry out the mandatory provisions  
19 of NRS 453D.200(6) is fatal to the application process.<sup>14</sup> The DoT’s decision to adopt regulations in  
20 direct violation of BQ2’s mandatory application requirements is violative of Article 19, Section 2(3) of  
21 the Nevada Constitution.  
22

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23 <sup>12</sup> NRS 453D.200(1) provides in part:

24 The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations  
25 that make their operation unreasonably impracticable.

26 <sup>13</sup> For administrative and regulatory proceedings other than the application, the limitation of 5% or greater ownership  
27 appears within the DoT’s discretion.

28 <sup>14</sup> That provision states:

6. The Department shall conduct a background check of each prospective owner, officer, and board member of a  
marijuana establishment license applicant.

1           45.     Given the lack of a robust investigative process for applicants, the requirement of the  
2 background check for each prospective owner, officer, and board member as part of the application  
3 process impedes an important public safety goal in BQ2.

4           46.     Without any consideration as to the voters mandate in BQ2, the DoT determined that  
5 requiring each prospective owner be subject to a background check was too difficult for  
6 implementation by industry. This decision was a violation of the Nevada Constitution, an abuse of  
7 discretion, and arbitrary and capricious.

8  
9           47.     The DoT did not comply with BQ2 by requiring applicants to provide information for  
10 each prospective owner, officer and board member or verify the ownership of applicants applying for  
11 retail recreational marijuana licenses. Instead the DoT issued conditional licenses to applicants who  
12 did not identify each prospective owner, officer and board member.<sup>15</sup>

13           48.     The DoT's late decision to delete the physical address requirement on some application  
14 forms while not modifying those portions of the application that were dependent on a physical location  
15 (i.e. floor plan, community impact, security plan, and the sink locations) after the repeated  
16 communications by an applicant's agent; not effectively communicating the revision; and, leaving the  
17 original version of the application on the website, is evidence of conduct that is a serious issue.

18  
19           49.     Pursuant to NAC 453D.295, the winning applicants received a conditional license that  
20 will not be finalized unless within twelve months of December 5, 2018, the licensees receive a final  
21 inspection of their marijuana establishment.  
22  
23  
24

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25 <sup>15</sup>     Some applicants apparently provided the required information for each prospective owner, officer and board  
26 member. Accepting as truthful these applicants' attestations regarding who their owners, officers, and board members were  
27 at the time of the application, these applications were complete at the time they were filed with reference to NRS  
28 453D.200(6). These entities are Green Therapeutics LLC, Eureka NewGen Farms LLC, Circle S Farms LLC, Deep Roots  
Medical LLC, Pure Tonic Concentrates LLC, Wellness Connection of Nevada LLC, Polaris Wellness Center LLC, and  
TRNVP098 LLC, Clear River LLC, Cheyenne Medical LLC, Essence Tropicana LLC, Essence Henderson LLC, and  
Commerce Park Medical LLC. See Court Exhibit 3 (post-hearing submission by the DoT).

50. The few instances of clear mistakes made by the Temporary Employees admitted in evidence do not, in and of themselves, result in an unfair process as human error occurs in every process.

51. Nothing in NRS 453D or NAC 453D provides for any right to an appeal or review of a decision denying an application for a retail recreational marijuana license.

52. There are an extremely limited number of licenses available for the sale of recreational marijuana.

53. The number of licenses available was set by BQ2 and is contained in NRS 453D.210(5)(d).

54. Since the Court does not have authority to order additional licenses in particular jurisdictions, and because there are a limited number of licenses that are available in certain jurisdictions, injunctive relief is necessary to permit the Plaintiffs, if successful in the NRS 453D.210(6) process, to actually obtaining a license, if ultimately successful in this litigation.

55. The secondary market for the transfer of licenses is limited.<sup>16</sup>

56. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

57. “Any person...whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.” NRS 30.040.

58. A justiciable controversy is required to exist prior to an award of declaratory relief. *Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986).

<sup>16</sup> The testimony elicited during the evidentiary hearing established that multiple changes in ownership have occurred since the applications were filed. Given this testimony, simply updating the applications previously filed would not comply with BO2.

59. NRS 33.010 governs cases in which an injunction may be granted. The applicant must show (1) a likelihood of success on the merits; and (2) a reasonable probability that the non-moving party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy.

60. Plaintiffs have the burden to demonstrate that the DoT's conduct, if allowed to continue, will result in irreparable harm for which compensatory damages is an inadequate remedy.

61. The purpose of a preliminary injunction is to preserve the *status quo* until the matter can be litigated on the merits.

62. In *City of Sparks v. Sparks Mun. Court*, the Supreme Court explained, "[a]s a constitutional violation may be difficult or impossible to remedy through money damages, such a violation may, by itself, be sufficient to constitute irreparable harm." 129 Nev. 348, 357, 302 P.3d 1118, 1124 (2013).

63. Article 19, Section 2 of the Constitution of the State of Nevada provides, in pertinent part:

"1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, **the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.**

...

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article.

1 If the statute or amendment to a statute is rejected by the legislature, or if no action is taken  
2 thereon within 40 days, the secretary of state shall submit the question of approval or  
3 disapproval of such statute or amendment to a statute to a vote of the voters at the next  
4 succeeding general election. If a majority of the voters voting on such question at such election  
5 votes approval of such statute or amendment to a statute, it shall become law and take effect  
6 upon completion of the canvass of votes by the supreme court. **An initiative measure so  
approved by the voters shall not be amended, annulled, repealed, set aside or suspended  
by the legislature within 3 years from the date it takes effect.**

7 (Emphasis added.)

8 64. The Nevada Supreme Court has recognized that “[i]nitiative petitions must be kept  
9 substantively intact; otherwise, the people’s voice would be obstructed. . . [I]nitiative legislation is not  
10 subject to judicial tampering-the substance of an initiative petition should reflect the unadulterated will  
11 of the people and should proceed, if at all, as originally proposed and signed. For this reason, our  
12 constitution prevents the Legislature from changing or amending a proposed initiative petition that is  
13 under consideration.” Rogers v. Heller, 117 Nev. 169, 178, 18 P.3d 1034,1039–40 (2001).

14 65. BQ2 provides, “the Department shall adopt all regulations necessary or convenient to  
15 carry out the provisions of this chapter.” NRS 453D.200(1). This language does not confer upon the  
16 DoT unfettered or unbridled authority to do whatever it wishes without constraint. The DoT was not  
17 delegated the power to legislate amendments because this is initiative legislation. The Legislature itself  
18 has no such authority with regard to NRS 453D until three years after its enactment under the  
19 prohibition of Article 19, Section 2 of the Constitution of the State of Nevada.  
20

21 66. Where, as here, amendment of a voter-initiated law is temporally precluded from  
22 amendment for three years, the administrative agency may not modify the law.

23 67. NRS 453D.200(1) provides that “the Department shall adopt all regulations necessary or  
24 convenient to carry out the provisions of this chapter.” The Court finds that the words “necessary or  
25 convenient” are susceptible to at least two reasonable interpretations. This limitation applies only to  
26 Regulations adopted by the DoT.  
27  
28

1           68.     While the category of diversity is not specifically included in the language of BQ2, the  
2 evidence presented in the hearing demonstrates that a rational basis existed for the inclusion of this  
3 category in the Factors and the application.

4           69.     The DoT's inclusion of the diversity category was implemented in a way that created a  
5 process which was partial and subject to manipulation by applicants.

6           70.     The DoT staff provided various applicants with different information as to what would  
7 be utilized from this category and whether it would be used merely as a tiebreaker or as a substantive  
8 category.  
9

10          71.     Based upon the evidence adduced, the Court finds that the DoT selectively discussed  
11 with applicants or their agents the modification of the application related to physical address  
12 information.

13          72.     The process was impacted by personal relationships in decisions related to the  
14 requirements of the application and the ownership structures of competing applicants. This in and of  
15 itself is insufficient to void the process as urged by some of the Plaintiffs.  
16

17          73.     The DoT disseminated various versions of the 2018 Retail Marijuana Application, one  
18 of which was published on the DoT's website and required the applicant to provide an actual physical  
19 Nevada address for the proposed marijuana establishment, and not a P.O. Box, (*see* Exhibit 5), whereas  
20 an alternative version of the DoT's application form, which was not made publicly available and was  
21 distributed to some, but not all, of the applicants via a DoT listserv service, deleted the requirement that  
22 applicants disclose an actual physical address for their proposed marijuana establishment. *See* Exhibit  
23 5A.  
24

25          74.     The applicants were applying for conditional licensure, which would last for 1 year.  
26 NAC 453D.282. The license was conditional based on the applicant's gaining approval from local  
27  
28



1 authorities on zoning and land use, the issuance of a business license, and the Department of Taxation  
2 inspections of the marijuana establishment.

3 75. The DoT has only awarded conditional licenses which are subject to local government  
4 approval related to zoning and planning and may approve a location change of an existing license, the  
5 public safety aspects of the failure to require an actual physical address can be cured prior to the award  
6 of a final license.

7  
8 76. By selectively eliminating the requirement to disclose an actual physical address for  
9 each and every proposed retail recreational marijuana establishment, the DoT limited the ability of the  
10 Temporary Employees to adequately assess graded criteria such as (i) prohibited proximity to schools  
11 and certain other public facilities, (ii) impact on the community, (iii) security, (iv) building plans, and  
12 (v) other material considerations prescribed by the Regulations.

13 77. The hiring of Temporary Employees was well within the DoT's discretionary power.

14 78. The evidence establishes that the DoT failed to properly train the Temporary  
15 Employees. This is not an appropriate basis for the requested injunctive relief unless it makes the  
16 grading process unfair.

17  
18 79. The DoT failed to establish any quality assurance or quality control of the grading done  
19 by Temporary Employees.<sup>17</sup> This is not an appropriate basis for the requested injunctive relief unless it  
20 makes the grading process unfair.

21 80. The DoT made licensure conditional for one year based on the grant of power to create  
22 regulations that develop "[p]rocedures for the issuance, renewal, suspension, and revocation of a  
23 license to operate a marijuana establishment." NRS 453D.200(1)(a). This was within the DoT's  
24 discretion.  
25  
26  
27

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28 <sup>17</sup> The Court makes no determination as to the extent which the grading errors alleged by MM and Live Free may be  
subject to other appropriate writ practice related to those individualized issues by the assigned department.

1           81.     Certain of DoT's actions related to the licensing process were nondiscretionary  
2 modifications of BQ2's mandatory requirements. The evidence establishes DoT's deviations  
3 constituted arbitrary and capricious conduct without any rational basis for the deviation.

4           82.     The DoT's decision to not require disclosure on the application and to not conduct  
5 background checks of persons owning less than 5% prior to award of a conditional license is an  
6 impermissible deviation from the mandatory language of BQ2, which mandated "a background check  
7 of each prospective owner, officer, and board member of a marijuana establishment license applicant."  
8 NRS 453D.200(6).  
9

10          83.     The argument that the requirement for each owner to comply with the application  
11 process and background investigation is "unreasonably impracticable" is misplaced. The limitation of  
12 unreasonably impracticable applied only to the Regulations not to the language and compliance with  
13 BQ2 itself.

14          84.     Under the circumstances presented here, the Court concludes that certain of the  
15 Regulations created by the DoT are unreasonable, inconsistent with BQ2 and outside of any discretion  
16 permitted to the DoT.  
17

18          85.     The DoT acted beyond its scope of authority when it arbitrarily and capriciously  
19 replaced the mandatory requirement of BQ2, for the background check of each prospective owner,  
20 officer and board member with the 5% or greater standard in NAC 453.255(1). This decision by the  
21 DoT was not one they were permitted to make as it resulted in a modification of BQ2 in violation of  
22 Article 19, Section 2(3) of the Nevada Constitution.  
23

24          86.     As Plaintiffs have shown that the DoT clearly violated NRS Chapter 453D, the claims  
25 for declaratory relief, petition for writ of prohibition, and any other related claims is likely to succeed  
26 on the merits.

27          87.     The balance of equities weighs in favor of Plaintiffs.  
28

1           88.     “[N]o restraining order or preliminary injunction shall issue except upon the giving of  
2 adequate security by the applicant, in such sum as the court deems proper, for the payment of such  
3 costs and damages as may be incurred or suffered by any party who is found to be wrongfully enjoined  
4 or restrained.” NRCp 65(d).

5           89.     The DoT stands to suffer no appreciable losses and will suffer only minimal harm as a  
6 result of an injunction.

7           90.     Therefore, a security bond already ordered in the amount of \$400,000 is sufficient for  
8 the issuance of this injunctive relief.<sup>18</sup>

9           91.     If any conclusions of law are properly findings of fact, they shall be treated as if  
10 appropriately identified and designated.

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27 <sup>18</sup> As discussed during the preliminary injunction hearing, the Court sets a separate evidentiary hearing on whether to  
28 increase the amount of this bond. That hearing is set for August 29, 2019, at 9:00 a.m.

**ORDER**

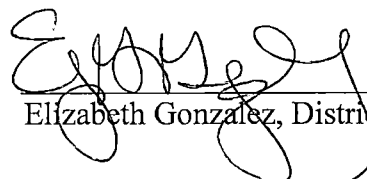
**IT IS HEREBY ADJUDGED ORDERED AND DECREED** that Plaintiffs' Motions for Preliminary Injunction are granted in part.

The State is enjoined from conducting a final inspection of any of the conditional licenses issued in or about December 2018 who did not provide the identification of each prospective owner, officer and board member as required by NRS 453D.200(6) pending a trial on the merits.<sup>19</sup>

The issue of whether to increase the existing bond is set for hearing on August 29, 2019, at 9:00 am.

The parties in A786962 and A787004 are to appear for a Rule 16 conference September 9, 2019, at 9:00 am and submit their respective plans for discovery on an expedited schedule by noon on September 6, 2019.

DATED this 23<sup>rd</sup> day of August 2019.

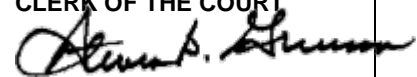
  
Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, this Order was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

  
Dan Kutinac

<sup>19</sup> As Court Exhibit 3 is a post-hearing submission by the DoT, the parties may file objections and/or briefs related to this issue. Any issues related to the inclusion or exclusion from this group will be heard August 29, 2019, at 9:00 am.



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*Attorneys for Defendants in Intervention,  
Integral Associates LLC d/b/a Essence Cannabis Dispensaries,  
Essence Tropicana, LLC, Essence Henderson, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

SERENITY WELLNESS CENTER, LLC, a  
Nevada limited liability company, TGIG, LLC,  
a Nevada limited liability company, NULEAF  
INCLINE DISPENSARY, LLC, a Nevada  
limited liability company, NEVADA  
HOLISTIC MEDICINE, LLC, a Nevada  
limited liability company, TRYKE  
COMPANIES SO NV, LLC, a Nevada limited  
liability company, TRYKE COMPANIES  
RENO, LLC, a Nevada limited liability  
company, PARADISE WELLNESS CENTER,  
LLC, a Nevada limited liability company, GBS  
NEVADA PARTNERS, LLC, a Nevada  
limited liability company, FIDELIS  
HOLDINGS, LLC, a Nevada limited liability  
company, GRAVITAS NEVADA, LLC, a  
Nevada limited liability company, NEVADA  
PURE, LLC, a Nevada limited liability  
company, MEDIFARM, LLC, a Nevada limited  
liability company, DOE PLAINTIFFS I  
through X; and ROE ENTITY PLAINTIFFS I  
through X,

Plaintiffs,

vs.

THE STATE OF NEVADA, DEPARTMENT  
OF TAXATION,

Defendants.

INTEGRAL ASSOCIATES LLC d/b/a  
ESSENCE CANNABIS DISPENSARIES, a  
Nevada limited liability company; ESSENCE

Case No.: A-19-786962-B  
Dept. No.: XI

**NOTICE OF ENTRY**

TROPICANA, LLC, a Nevada limited liability company; ESSENCE HENDERSON, LLC, a Nevada limited liability company; CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MEDICAL, LLC, a Nevada limited liability company; and CHEYENNE MEDICAL, LLC, a Nevada limited liability company,

Defendants in Intervention.

PLEASE TAKE NOTICE that a "Findings of Fact and Conclusions of Law Granting Preliminary Injunction" was entered in the above-captioned matter on August 23, 2019, a true and correct copy of which is attached hereto.

DATED this 28th day of August, 2019.

PISANELLI BICE PLLC

By: /s/ Todd L. Bice

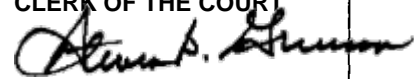
James J. Pisanelli, Esq., Bar No. 4027  
Todd L. Bice, Esq., Bar No. 4534  
Jordan T. Smith, Esq., Bar No. 12097  
400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101

*Attorneys for Defendants in Intervention,  
Integral Associates LLC d/b/a Essence Cannabis  
Dispensaries, Essence Tropicana, LLC, Essence  
Henderson, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 28th day of August, 2019, I caused to be served via the Court's e-filing/e-service system true and correct copies of the above **NOTICE OF ENTRY** to all parties listed on the Court's Master Service List.

/s/ Shannon Dinkel  
An employee of Pisanelli Bice PLLC



FFCL

DISTRICT COURT

CLARK COUNTY, NEVADA

SERENITY WELLNESS CENTER, LLC, a Nevada limited liability company, TGIG, LLC, a Nevada limited liability company, NULEAF INCLINE DISPENSARY, LLC, a Nevada limited liability company, NEVADA HOLISTIC MEDICINE, LLC, a Nevada limited liability company, TRYKE COMPANIES SO NV, LLC, a Nevada limited liability company, TRYKE COMPANIES RENO, LLC, a Nevada limited liability company, PARADISE WELLNESS CENTER, LLC, a Nevada limited liability company, GBS NEVADA PARTNERS, LLC, a Nevada limited liability company, FIDELIS HOLDINGS, LLC, a Nevada limited liability company, GRAVITAS NEVADA, LLC, a Nevada limited liability company, NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM, LLC, a Nevada limited liability company, DOE PLAINTIFFS I through X; and ROE ENTITY PLAINTIFFS I through X,

Plaintiff(s),

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION,

Defendant(s).

and

NEVADA ORGANIC REMEDIES, LLC; INTEGRAL ASSOCIATES LLC d/b/a ESSENCE CANNABIS DISPENSARIES, a Nevada limited liability company; ESSENCE TROPICANA, LLC, a Nevada limited liability company; ESSENCE HENDERSON, LLC, a Nevada limited liability company; CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, COMMERCE PARK MEDICAL, LLC, a Nevada limited liability company; and CHEYENNE MEDICAL, LLC, a Nevada limited liability company; LONE MOUNTAIN PARTNERS, LLC, a Nevada

Case No. A-19-786962-B  
Dept. No. 11

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW GRANTING  
PRELIMINARY INJUNCTION

CLERK OF THE COURT

RECEIVED  
AUG 23 2019



1 limited liability partnership; HELPING HANDS  
2 WELLNESS CENTER, INC., a Nevada  
3 corporation; GREENMART OF NEVADA  
4 NLV LLC, a Nevada limited liability company;  
5 and CLEAR RIVER, LLC,

Intervenors.

6 This matter having come before the Court for an evidentiary hearing on Plaintiffs' Motion for  
7 Preliminary Injunction beginning on May 24, 2019, and occurring day to day thereafter until its  
8 completion on August 16, 2019;<sup>1</sup> Dominic P. Gentile, Esq., Vincent Savarese III, Esq., Michael V.  
9 Cristalli, Esq., and Ross J. Miller, Esq., of the law firm Gentile Cristalli Miller Armeni Savarese,  
10 appeared on behalf of Serenity Wellness Center, LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC,  
11 Nevada Holistic Medicine, LLC, Tryke Companies SO NV, LLC, Tryke Companies Reno, LLC,  
12 Paradise Wellness Center, LLC, GBS Nevada Partners, LLC, Fidelis Holdings, LLC, Gravitas Nevada,  
13 LLC, Nevada Pure, LLC, Medifarm, LLC (Case No. A786962-B) (the "Serenity Plaintiffs"); Adam K.  
14 Bult, Esq. and Maximilien D. Fetaz, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP,  
15 appeared on behalf of Plaintiffs ETW Management Group LLC, Global Harmony LLC, Green Leaf  
16 Farms Holdings LLC, Green Therapeutics LLC, Herbal Choice INC., Just Quality, LLC, Libra  
17 Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb, NevCann LLC, Red Earth LLC,  
18 THC Nevada LLC, Zion Gardens LLC, and MMOF Vegas Retail, Inc. (Case No. A787004-B) ( the  
19 "ETW Plaintiffs"); William S. Kemp, Esq. and Nathaniel R. Rulis, Esq., of the law firm Kemp, Jones  
20 & Coulthard LLP, appeared on behalf of MM Development Company, Inc. and LivFree Wellness LLC  
21 (Case No. A785818-W) (the "MM Plaintiffs"); Theodore Parker III, Esq., of the law firm Parker  
22 Nelson & Associates, appeared on behalf of Nevada Wellness Center (Case No. A787540-W)  
23 (collectively the "Plaintiffs"); Steven G. Shevorski, Esq., Ketan D. Bhirud, Esq., and Theresa M. Haar,  
24 Esq., of the Office of the Nevada Attorney General, appeared on behalf of the State of Nevada,  
25 Department of Taxation; David R. Koch, Esq., of the law firm Koch & Scow LLC, appeared on behalf

26 <sup>1</sup> Although a preservation order was entered on December 13, 2018, in A785818, no discovery in any case was done  
27 prior to the commencement of the evidentiary hearing, in part due to procedural issues and to statutory restrictions on  
28 disclosure of certain information modified by SB 32 just a few days before the commencement of the hearing. As a result,  
the hearing was much longer than anticipated by any of the participating counsel. In compliance with SB 32, the State  
produced previously confidential information on May 21, 2019. These documents were reviewed for confidentiality by the  
Defendants in Intervention and certain redactions were made prior to production consistent with the protective order entered  
on May 24, 2019.

1 of Nevada Organic Remedies, LLC; Brigid M. Higgins, Esq. and Rusty Graf, Esq., of the law firm  
2 Black & Lobello, appeared on behalf of Clear River, LLC; Eric D. Hone, Esq., of the law firm H1 Law  
3 Group, appeared on behalf of Lone Mountain Partners, LLC; Alina M. Shell, Esq., of the law firm  
4 McLetchie Law, appeared on behalf of GreenMart of Nevada NLV LLC; Jared Kahn, Esq., of the law  
5 firm JK Legal & Consulting, LLC, appeared on behalf of Helping Hands Wellness Center, Inc.; and  
6 Joseph A. Gutierrez, Esq., of the law firm Maier Gutierrez & Associates, and Philip M. Hymanson,  
7 Esq., of the law firm Hymanson & Hymanson; Todd Bice, Esq. and Jordan T. Smith, Esq. of the law  
8 firm Pisanelli Bice; and Dennis Prince, Esq. of the Prince Law Group appeared on behalf of Integral  
9 Associates LLC d/b/a Essence Cannabis Dispensaries, Essence Tropicana, LLC, Essence Henderson,  
10 LLC, CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace, Commerce Park Medical, LLC, and  
11 Cheyenne Medical, LLC (the “Essence/Thrive Entities”). The Court, having read and considered the  
12 pleadings filed by the parties; having reviewed the evidence admitted during the evidentiary hearing;  
13 and having heard and carefully considered the testimony of the witnesses called to testify; having  
14 considered the oral and written arguments of counsel, and with the intent of deciding the Motion for a  
15 Preliminary Injunction,<sup>2</sup> makes the following preliminary findings of fact and conclusions of law:

### 16 ***PROCEDURAL POSTURE***

17 Plaintiffs are a group of unrelated commercial entities who applied for, but did not receive,  
18 licenses to operate retail recreational marijuana establishments in various local jurisdictions throughout  
19 the state. Defendant is Nevada’s Department of Taxation (“DoT”), which is the administrative agency  
20 responsible for issuing the licenses. Some successful applicants for licensure intervened as Defendants.

21 The Serenity Plaintiffs filed a Motion for Preliminary Injunction on March 19, 2019, asking for  
22 a preliminary injunction to:

- 23 a. Enjoin the denial of Plaintiffs applications;
- 24 b. Enjoin the enforcement of the licenses granted;
- 25 c. Enjoin the enforcement and implementation of NAC 453D;

26  
27 <sup>2</sup> The findings made in this Order are preliminary in nature based upon the limited evidence presented after very  
28 limited discovery permitted on an expedited basis and may be modified based upon additional evidence presented to the  
Court at the ultimate trial of the business court matters.

- 1 d. An order restoring the *status quo ante* prior to the DoT's adoption of NAC 453D;  
2 and  
3 e. Several orders compelling discovery.

4 This Court reviewed the Serenity Plaintiffs' Motion for Preliminary Injunction and at a hearing on  
5 April 22, 2019, invited Plaintiffs in related cases, not assigned to Business Court, to participate in the  
6 evidentiary hearing on the Motion for Preliminary Injunction being heard in Department 11 for the  
7 purposes of hearing and deciding the Motions for Preliminary Injunction.<sup>3</sup>

8 ***PRELIMINARY STATEMENT***

9 The Attorney General's Office was forced to deal with a significant impediment at the early  
10 stages of the litigation. This inability to disclose certain information was outside of its control because  
11 of confidentiality requirements that have now been slightly modified by SB 32. Although the parties  
12 stipulated to a protective order on May 24, 2019, many documents produced in preparation for the  
13 hearing and for discovery purposes were heavily redacted because of the highly competitive nature of  
14 the industry and sensitive financial and commercial information being produced.

15 All parties agree that the language of an initiative takes precedence over any regulation that is in  
16 conflict and that an administrative agency has some discretion in determining how to implement the  
17 initiative. The Court gives deference to the agency in establishing those regulations and creating the  
18 framework required to implement those provisions in conformity with the initiative.

19  
20  
21 <sup>3</sup> The complaints filed by the parties participating in the hearing seek declaratory relief, injunctive relief and writs of  
22 mandate, among other claims. The motions and joinders seeking injunctive relief which have been reviewed by the Court in  
conjunction with this hearing include:

23 A786962-B Serenity: Serenity Plaintiffs' Motion for Preliminary Injunction filed 3/19/19 (Joinder to Motion by  
24 Compassionate Team: 5/17; Joinder to Motion by ETW: 5/6 (filed in A787004); and Joinder to Motion by Nevada  
25 Wellness: 5/10 (filed in A787540)); Opposition by the State filed 5/9/19 (Joinder by Essence/Thrive Entities: 5/23);  
26 Opposition by Nevada Organic Remedies: 5/9 (Joinder by Lone Mountain: 5/13; Joinder by Helping Hands: 5/21; and  
Joinder by Essence/Thrive Entities: 5/23). Application for TRO on OST filed 5/9/19 (Joinder by Compassionate Team:  
5/17; and Joinder by ETW: 5/10 (filed in A787004)); Opposition by Nevada Organic Remedies: 5/9 (Joinder by Clear River:  
5/9); Opposition by Essence/Thrive Entities: 5/10 (Joinder by GreenMart: 5/10; Joinder by Lone Mountain: 5/11; and  
Joinder by helping Hands: 5/12).

27 A785818-W MM Development: MM Plaintiffs' Motion for Preliminary Injunction or Writ of Mandamus filed 5/9/19  
28 (Joinder by Serenity: 5/20 (filed in A786962); Joinder by ETW: 5/6 (filed in A787004 and A785818); and Joinder by  
Nevada Wellness: 5/10 (filed in A787540)).

1 The initiative to legalize recreational marijuana, Ballot Question 2 ("BQ2"), went to the voters  
2 in 2016. The language of BQ2 is independent of any regulations that were adopted by the DoT. The  
3 Court must balance the mandatory provisions of BQ2 (which the DoT did not have discretion to  
4 modify);<sup>4</sup> those provisions with which the DoT was granted some discretion in implementation;<sup>5</sup> and  
5 the inherent discretion of an administrative agency to implement regulations to carry out its statutory  
6 duties. The Court must give great deference to those activities that fall within the discretionary  
7 functions of the agency. Deference is not given where the actions of the DoT were in violation of BQ2  
8 or were arbitrary and capricious.

### 9 FINDINGS OF FACT

10 1. Nevada allows voters to amend its Constitution or enact legislation through the initiative  
11 process. Nevada Constitution, Article 19, Section 2.

12 <sup>4</sup> Article 19, Section 2(3) provides the touchstone for the mandatory provisions:

13 . . . . An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or  
14 suspended by the Legislature within 3 years from the date it takes effect.

15 <sup>5</sup> NRS 453D.200(1) required the adoption of regulations for the licensure and oversight of recreational marijuana  
16 cultivation, manufacturing/production, sales and distribution, but provides the DoT discretion in exactly what those  
17 regulations would include.

18 . . . the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter.  
19 The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations  
20 that make their operation unreasonably impracticable. The regulations shall include:

- 21 (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana  
22 establishment;
- 23 (b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana  
24 establishment;
- 25 (c) Requirements for the security of marijuana establishments;
- 26 (d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21  
27 years of age;
- 28 (e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-  
resistant packaging;
- (f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana  
establishments including a numerical indication of potency based on the ratio of THC to the weight of a product  
intended for oral consumption;
- (g) Requirements for record keeping by marijuana establishments;
- (h) Reasonable restrictions on signage, marketing, display, and advertising;
- (i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;
- (j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another  
qualified person and to enable a licensee to move the location of its establishment to another suitable location;
- (k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and  
marijuana establishments at the same location;
- (l) Procedures to establish the fair market value at wholesale of marijuana; and
- (m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any  
violation of the provisions of NRS 453D.300.

1           2.       In 2000, the voters amended Nevada's Constitution to allow for the possession and use  
2 of marijuana to treat various medical conditions. Nevada Constitution, Article 4, Section 38(1)(a). The  
3 initiative left it to the Legislature to create laws "[a]uthoriz[ing] appropriate methods for supply of the  
4 plant to patients authorized to use it." Nevada Constitution, Article 4, Section 38(1)(e).

5           3.       For several years prior to the enactment of BQ2, the regulation of medical marijuana  
6 dispensaries had not been taken up by the Legislature. Some have argued in these proceedings that the  
7 delay led to the framework of BQ2.

8           4.       In 2013, Nevada's legislature enacted NRS 453A, which allows for the cultivation and  
9 sale of medical marijuana. The Legislature described the requirements for the application to open a  
10 medical marijuana establishment. NRS 453A.322. The Nevada Legislature then charged the Division of  
11 Public and Behavioral Health with evaluating the applications. NRS 453A.328.

12           5.       The materials circulated to voters in 2016 for BQ2 described its purpose as the  
13 amendment of the Nevada Revised Statutes as follows:  
14

15               Shall the *Nevada Revised Statutes* be amended to allow a person, 21 years old or older, to  
16 purchase, cultivate, possess, or consume a certain amount of marijuana or concentrated  
17 marijuana, as well as manufacture, possess, use, transport, purchase, distribute, or sell marijuana  
18 paraphernalia; impose a 15 percent excise tax on wholesale sales of marijuana; require the  
19 regulation and licensing of marijuana cultivators, testing facilities, distributors, suppliers, and  
20 retailers; and provide for certain criminal penalties?

21           6.       BQ2 was enacted by the Nevada Legislature and is codified at NRS 453D.<sup>6</sup>

22           7.       BQ2 specifically identified regulatory and public safety concerns:

23               The People of the State of Nevada proclaim that marijuana should be regulated in a manner  
24 similar to alcohol so that:

25               (a) Marijuana may only be purchased from a business that is licensed by the State of  
26 Nevada;

27               (b) Business owners are subject to a review by the State of Nevada to confirm that the  
28 business owners and the business location are suitable to produce or sell marijuana;

              (c) Cultivating, manufacturing, testing, transporting and selling marijuana will be strictly  
controlled through State licensing and regulation;

<sup>6</sup> As the provisions of BQ2 and the sections NRS 453D currently in effect (with the exception of NRS 453D.205) are identical, for ease of reference the Court cites to BQ2 as enacted by the Nevada Legislature in NRS 453D.

- 1 (d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;  
2 (e) Individuals will have to be 21 years of age or older to purchase marijuana;  
3 (f) Driving under the influence of marijuana will remain illegal; and  
4 (g) Marijuana sold in the State will be tested and labeled.

5 NRS 453D.020(3).

6 8. BQ2 mandated the DoT to “conduct a background check of each prospective owner,  
7 officer, and board member of a marijuana establishment license applicant.” NRS 453D.200(6).

8 9. On November 8, 2016, by Executive Order 2017-02, Governor Brian Sandoval  
9 established a Task Force composed of 19 members to offer suggestions and proposals for legislative,  
10 regulatory, and executive actions to be taken in implementing BQ2.

11 10. The Task Force’s findings, issued on May 30, 2017, referenced the 2014 licensing  
12 process for issuing Medical Marijuana Establishment Registration Certificates under NRS 453A. The  
13 Task Force recommended that “the qualifications for licensure of a marijuana establishment and the  
14 impartial numerically scored bidding process for retail marijuana stores be maintained as in the medical  
15 marijuana program except for a change in how local jurisdictions participate in selection of locations.”

16 11. Some of the Task Force’s recommendations appear to conflict with BQ2.<sup>7</sup>

17  
18  
19 <sup>7</sup> The Final Task Force report (Exhibit 2009) contained the following statements:

20 The Task Force recommends that retail marijuana ownership interest requirements remain consistent with the  
21 medical marijuana program. . . .  
22 at 2510.

23 The requirement identified by the Task Force at the time was contained in NAC 453A.302(1) which states:

24 Except as otherwise required in subsection 2, the requirements of this chapter concerning owners of medical  
25 marijuana establishments only apply to a person with an aggregate ownership interest of 5 percent or more in a  
26 medical marijuana establishment.

27 The second recommendation of concern is:

28 The Task Force recommends that NRS 453A be changed to address companies that own marijuana establishment  
licenses in which there are owners with less than 5% ownership interest in the company. The statute should be  
amended to:

\*Limit fingerprinting, background checks and renewal of agent cards to owners officers and board members with  
5% or less cumulatively of the company to once every five years;

\*Only require owners officers and board members with 5% or more cumulatively and employees of the company to  
obtain agent registration cards; and

12. During the 2017 legislative session Assembly Bill 422 transferred responsibility for the registration, licensing, and regulation of marijuana establishments from the State of Nevada Division of Public and Behavioral Health to the DoT.<sup>8</sup>

13. On February 27, 2018, the DoT adopted regulations governing the issuance, suspension, or revocation of retail recreational marijuana licenses in LCB File No. R092-17, which were codified in NAC 453D (the “Regulations”).

14. The Regulations for licensing were to be “directly and demonstrably related to the operation of a marijuana establishment.” NRS 453D.200(1)(b). The phrase “directly and demonstrably related to the operation of a marijuana establishment” is subject to more than one interpretation.

---

\*Use the marijuana establishments governing documents to determine who has approval rights and signatory authority for purposes of signing ownership transfers, applications and any other appropriate legal or regulatory documents.

There was Task Force dissent on the recommendation. The concern with this recommendation was that by changing the requirements on fingerprinting and background checks, the state would have less knowledge of when an owner, officer, and board member commits an offense not allowed under current marijuana law, potentially creating a less safe environment in the state.  
at 2515-2516.

<sup>8</sup> Those provisions (a portion of which became NRS 453D.205) are consistent with BQ2:

1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

1           15.     A person holding a medical marijuana establishment registration certificate could apply  
2 for one or more recreational marijuana establishment licenses within the time set forth by the DoT in  
3 the manner described in the application. NAC 453D.268.<sup>9</sup>  
4

5 <sup>9</sup>           Relevant portions of that provision require that application be made

6           . . . by submitting an application in response to a request for applications issued pursuant to NAC 453D.260 which  
7 must include:

8 \*\*\*

9           2.     An application on a form prescribed by the Department. The application must include, without limitation:

- 10           (a) Whether the applicant is applying for a license for a marijuana establishment for a marijuana cultivation  
11 facility, a marijuana distributor, a marijuana product manufacturing facility, a marijuana testing facility or a retail  
12 marijuana store;  
13           (b) The name of the proposed marijuana establishment, as reflected in both the medical marijuana establishment  
14 registration certificate held by the applicant, if applicable, and the articles of incorporation or other documents filed  
15 with the Secretary of State;  
16           (c) The type of business organization of the applicant, such as individual, corporation, partnership, limited-liability  
17 company, association or cooperative, joint venture or any other business organization;  
18           (d) Confirmation that the applicant has registered with the Secretary of State as the appropriate type of business,  
19 and the articles of incorporation, articles of organization or partnership or joint venture documents of the applicant;  
20           (e) The physical address where the proposed marijuana establishment will be located and the physical address of  
21 any co-owned or otherwise affiliated marijuana establishments;  
22           (f) The mailing address of the applicant;  
23           (g) The telephone number of the applicant;  
24           (h) The electronic mail address of the applicant;  
25           (i) A signed copy of the Request and Consent to Release Application Form for Marijuana Establishment License  
26 prescribed by the Department;  
27           (j) If the applicant is applying for a license for a retail marijuana store, the proposed hours of operation during  
28 which the retail marijuana store plans to be available to sell marijuana to consumers;  
          (k) An attestation that the information provided to the Department to apply for the license for a marijuana  
establishment is true and correct according to the information known by the affiant at the time of signing; and  
          (l) The signature of a natural person for the proposed marijuana establishment as described in subsection 1 of NAC  
453D.250 and the date on which the person signed the application.

3           3.     Evidence of the amount of taxes paid, or other beneficial financial contributions made, to this State or its  
political subdivisions within the last 5 years by the applicant or the persons who are proposed to be owners, officers  
or board members of the proposed marijuana establishment.

4           4.     A description of the proposed organizational structure of the proposed marijuana establishment, including,  
without limitation:

- 5           (a) An organizational chart showing all owners, officers and board members of the proposed marijuana  
6 establishment;  
7           (b) A list of all owners, officers and board members of the proposed marijuana establishment that contains the  
8 following information for each person:  
9               (1) The title of the person;  
10               (2) The race, ethnicity and gender of the person;  
11               (3) A short description of the role in which the person will serve for the organization and his or her  
12 responsibilities;  
13               (4) Whether the person will be designated by the proposed marijuana establishment to provide written notice to  
14 the Department when a marijuana establishment agent is employed by, volunteers at or provides labor as a  
15 marijuana establishment agent at the proposed marijuana establishment;  
16               (5) Whether the person has served or is currently serving as an owner, officer or board member for another  
17 medical marijuana establishment or marijuana establishment;  
18               (6) Whether the person has served as an owner, officer or board member for a medical marijuana establishment  
19 or marijuana establishment that has had its medical marijuana establishment registration certificate or license, as  
20 applicable, revoked;



1 NRS 453D.210(6) mandated the DoT to use “an impartial and numerically scored competitive bidding  
2 process” to determine successful applicants where competing applications were submitted.

3 16. NAC 453D.272(1) provides the procedure for when the DoT receives more than one  
4 “complete” application. Under this provision the DoT will determine if the “application is complete and

5 (7) Whether the person has previously had a medical marijuana establishment agent registration card or  
6 marijuana establishment agent registration card revoked;

7 (8) Whether the person is an attending provider of health care currently providing written documentation for the  
8 issuance of registry identification cards or letters of approval;

9 (9) Whether the person is a law enforcement officer;

10 (10) Whether the person is currently an employee or contractor of the Department; and

11 (11) Whether the person has an ownership or financial investment interest in any other medical marijuana  
12 establishment or marijuana establishment.

13 5. For each owner, officer and board member of the proposed marijuana establishment:

14 (a) An attestation signed and dated by the owner, officer or board member that he or she has not been convicted of  
15 an excluded felony offense, and that the information provided to support the application for a license for a  
16 marijuana establishment is true and correct;

17 (b) A narrative description, not to exceed 750 words, demonstrating:

18 (1) Past experience working with governmental agencies and highlighting past experience in giving back to the  
19 community through civic or philanthropic involvement;

20 (2) Any previous experience at operating other businesses or nonprofit organizations; and

21 (3) Any demonstrated knowledge, business experience or expertise with respect to marijuana; and

22 (c) A resume.

23 6. Documentation concerning the size of the proposed marijuana establishment, including, without limitation,  
24 building and general floor plans with supporting details.

25 7. The integrated plan of the proposed marijuana establishment for the care, quality and safekeeping of marijuana  
26 from seed to sale, including, without limitation, a plan for testing and verifying marijuana, a transportation or  
27 delivery plan and procedures to ensure adequate security measures, including, without limitation, building security  
28 and product security.

8. A plan for the business which includes, without limitation, a description of the inventory control system of the  
proposed marijuana establishment to satisfy the requirements of NRS 453D.300 and NAC 453D.426.

9. A financial plan which includes, without limitation:

(a) Financial statements showing the resources of the applicant;

(b) If the applicant is relying on money from an owner, officer or board member, evidence that the person has  
unconditionally committed such money to the use of the applicant in the event the Department awards a license to  
the applicant and the applicant obtains the necessary approvals from the locality to operate the proposed marijuana  
establishment; and

(c) Proof that the applicant has adequate money to cover all expenses and costs of the first year of operation.

10. Evidence that the applicant has a plan to staff, educate and manage the proposed marijuana establishment on a  
daily basis, which must include, without limitation:

(a) A detailed budget for the proposed marijuana establishment, including pre-opening, construction and first-year  
operating expenses;

(b) An operations manual that demonstrates compliance with this chapter;

(c) An education plan which must include, without limitation, providing educational materials to the staff of the  
proposed marijuana establishment; and

(d) A plan to minimize the environmental impact of the proposed marijuana establishment.

11. If the application is submitted on or before November 15, 2018, for a license for a marijuana distributor,  
proof that the applicant holds a wholesale dealer license issued pursuant to chapter 369 of NRS, unless the  
Department determines that an insufficient number of marijuana distributors will result from this limitation.

12. A response to and information which supports any other criteria the Department determines to be relevant,  
which will be specified and requested by the Department at the time the Department issues a request for  
applications which includes the point values that will be allocated to the applicable portions of the application  
pursuant to subsection 2 of NAC 453D.260.

1 in compliance with this chapter and Chapter 453D of NRS, the Department will rank the applications . .  
2 . in order from first to last based on the compliance with the provisions of this chapter and chapter  
3 453D of NRS and on the content of the applications relating to . . .” several enumerated factors. NAC  
4 453D.272(1).

5 17. The factors set forth in NAC 453D.272(1) that are used to rank competing applications  
6 (collectively, the “Factors”) are:

- 7
- 8 (a) Whether the owners, officers or board members have experience operating another kind  
9 of business that has given them experience which is applicable to the operation of a marijuana  
10 establishment;
  - 11 (b) The diversity of the owners, officers or board members of the proposed marijuana  
12 establishment;
  - 13 (c) The educational achievements of the owners, officers or board members of the proposed  
14 marijuana establishment;
  - 15 (d) The financial plan and resources of the applicant, both liquid and illiquid;
  - 16 (e) Whether the applicant has an adequate integrated plan for the care, quality and  
17 safekeeping of marijuana from seed to sale;
  - 18 (f) The amount of taxes paid and other beneficial financial contributions, including, without  
19 limitation, civic or philanthropic involvement with this State or its political subdivisions, by the  
20 applicant or the owners, officers or board members of the proposed marijuana establishment;
  - 21 (g) Whether the owners, officers or board members of the proposed marijuana establishment  
22 have direct experience with the operation of a medical marijuana establishment or marijuana  
23 establishment in this State and have demonstrated a record of operating such an establishment in  
24 compliance with the laws and regulations of this State for an adequate period of time to  
25 demonstrate success;
  - 26 (h) The (unspecified) experience of key personnel that the applicant intends to employ in  
27 operating the type of marijuana establishment for which the applicant seeks a license; and
  - 28 (i) Any other criteria that the Department determines to be relevant.

18. Each of the Factors is within the DoT’s discretion in implementing the application  
process provided for in BQ2. The DoT had a good-faith basis for determining that each of the Factors  
is “directly and demonstrably related to the operation of a marijuana establishment.”

19. The DoT posted the application on its website and released the application for  
recreational marijuana establishment licenses on July 6, 2018.<sup>10</sup>

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<sup>10</sup> The DoT made a change to the application after circulating the first version of the application to delete the  
requirement of a physical location. The modification resulted in a different version of the application bearing the same  
“footer” with the original version remaining available on the DoT’s website.

1           20.     The DoT utilized a question and answer process through a generic email account at  
2 marijuana@tax.state.nv.us to allow applicants to ask questions and receive answers directly from the  
3 Department, which were not consistent with NRS 453D, and that information was not further  
4 disseminated by the DoT to other applicants.

5           21.     In addition to the email question and answer process, the DoT permitted applicants and  
6 their representatives to personally contact the DoT staff about the application process.

7           22.     The application period ran from September 7, 2018 through September 20, 2018.

8           23.     The DoT accepted applications in September 2018 for retail recreational marijuana  
9 licenses and announced the award of conditional licenses in December 2018.

10          24.     The DoT used a listserv to communicate with prospective applicants.

11          25.     The DoT published a revised application on July 30, 2018. This revised application was  
12 sent to all participants in the DoT's listserv directory. The revised application modified a sentence on  
13 attachment A of the application. Prior to this revision, the sentence had read, "Marijuana  
14 Establishment's proposed physical address (this must be a Nevada address and cannot be a P.O. Box)."  
15 The revised application on July 30, 2018, read: "Marijuana Establishment's proposed physical address  
16 if the applicant owns property or has secured a lease or other property agreement (this must be a  
17 Nevada address and not a P.O. Box). Otherwise, the applications are virtually identical.

18          26.     The DoT sent a copy of the revised application through the listserv service used by the  
19 DoT. Not all Plaintiffs' correct emails were included on this listserv service.

20          27.     The July 30, 2018 application, like its predecessor, described how applications were to  
21 be scored. The scoring criteria was divided into identified criteria and non-identified criteria. The  
22 maximum points that could be awarded to any applicant based on these criteria was 250 points.

23          28.     The identified criteria consisted of organizational structure of the applicant (60 points);  
24 evidence of taxes paid to the State of Nevada by owners, officers, and board members of the applicant  
25  
26  
27  
28

1 in the last 5 years (25 points); a financial plan (30 points); and documents from a financial institution  
2 showing unencumbered liquid assets of \$250,000 per location for which an application is submitted.

3 29. The non-identified criteria consisted of documentation concerning the integrated plan of  
4 the proposed marijuana establishment for the care, quality and safekeeping of marijuana from seed to  
5 sale (40 points); evidence that the applicant has a plan to staff, educate and manage the proposed  
6 recreational marijuana establishment on a daily basis (30 points); a plan describing operating  
7 procedures for the electronic verification system of the proposed marijuana establishment and  
8 describing the proposed establishment's inventory control system (20 points); building plans showing  
9 the proposed establishment's adequacy to serve the needs of its customers (20 points); and, a proposal  
10 explaining likely impact of the proposed marijuana establishment in the community and how it will  
11 meet customer needs (15 points).  
12

13 30. An applicant was permitted to submit a single application for all jurisdictions in which it  
14 was applying, and the application would be scored at the same time.  
15

16 31. By September 20, 2018, the DoT received a total of 462 applications.

17 32. In order to grade and rank the applications the DoT posted notices that it was seeking to  
18 hire individuals with specified qualifications necessary to evaluate applications. The DoT interviewed  
19 applicants and made decisions on individuals to hire for each position.

20 33. When decisions were made on who to hire, the individuals were notified that they would  
21 need to register with "Manpower" under a pre-existing contract between the DoT and that company.  
22 Individuals would be paid through Manpower, as their application-grading work would be of a  
23 temporary nature.  
24

25 34. The DoT identified, hired, and trained eight individuals to grade the applications,  
26 including three to grade the identified portions of the applications, three to grade the non-identified  
27  
28

1 portions of the applications, and one administrative assistant for each group of graders (collectively the  
2 “Temporary Employees”).

3 35. It is unclear how the DoT trained the Temporary Employees. While portions of the  
4 training materials were introduced into evidence, testimony regarding the oral training based upon  
5 example applications was insufficient for the Court to determine the nature and extent of the training of  
6 the Temporary Employees.<sup>11</sup>

7  
8 36. NAC 453D.272(1) required the DoT to determine that an Application is “complete and  
9 in compliance” with the provisions of NAC 453D in order to properly apply the licensing criteria set  
10 forth therein and the provisions of the Ballot Initiative and the enabling statute.

11 37. When the DoT received applications, it undertook no effort to determine if the  
12 applications were in fact “complete and in compliance.”

13 38. In evaluating whether an application was “complete and in compliance” the DoT made  
14 no effort to verify owners, officers or board members (except for checking whether a transfer request  
15 was made and remained pending before the DoT).

16  
17 39. For purposes of grading the applicant’s organizational structure and diversity, if an  
18 applicant’s disclosure in its application of its owners, officers, and board members did not match the  
19 DoT’s own records, the DoT did not penalize the applicant. Rather the DoT permitted the grading, and  
20 in some cases, awarded a conditional license to an applicant under such circumstances, and dealt with  
21 the issue by simply informing the winning applicant that its application would have to be brought into  
22 conformity with DoT records.

23  
24 40. The DoT created a Regulation that modified the mandatory BQ2 provision “[t]he  
25 Department shall conduct a background check of each prospective owner, officer, and board member of  
26 a marijuana establishment license applicant” and determined it would only require information on the

27  
28 <sup>11</sup> Given the factual issues related to the grading raised by MM and LivFree, these issues may be subject to additional  
evidentiary proceedings in the assigned department.

1 application from persons “with an aggregate ownership interest of 5 percent or more in a marijuana  
2 establishment.” NAC 453D.255(1).

3 41. NRS 453D.200(6) provides that “[t]he DoT shall conduct a background check of each  
4 prospective owner, officer, and board member of a marijuana establishment license applicant.” The  
5 DoT departed from this mandatory language in NAC 453D.255(1) and made no attempt in the  
6 application process to verify that the applicant’s complied with the mandatory language of the BQ2 or  
7 even the impermissibly modified language.  
8

9 42. The DoT made the determination that it was not reasonable to require industry to  
10 provide every owner of a prospective licensee. The DOT’s determination that only owners of a 5% or  
11 greater interest in the business were required to submit information on the application was not a  
12 permissible regulatory modification of BQ2. This determination violated Article 19, Section 3 of the  
13 Nevada Constitution. The determination was not based on a rational basis.

14 43. The limitation of “unreasonably impracticable” in BQ2<sup>12</sup> does not apply to the  
15 mandatory language of BQ2, but to the Regulations which the DoT adopted.  
16

17 44. The adoption of NAC 453D.255(1), as it applies to the application process is an  
18 unconstitutional modification of BQ2.<sup>13</sup> The failure of the DoT to carry out the mandatory provisions  
19 of NRS 453D.200(6) is fatal to the application process.<sup>14</sup> The DoT’s decision to adopt regulations in  
20 direct violation of BQ2’s mandatory application requirements is violative of Article 19, Section 2(3) of  
21 the Nevada Constitution.  
22

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23 <sup>12</sup> NRS 453D.200(1) provides in part:

24 The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations  
25 that make their operation unreasonably impracticable.

26 <sup>13</sup> For administrative and regulatory proceedings other than the application, the limitation of 5% or greater ownership  
27 appears within the DoT’s discretion.

28 <sup>14</sup> That provision states:

6. The Department shall conduct a background check of each prospective owner, officer, and board member of a  
marijuana establishment license applicant.

1           45.     Given the lack of a robust investigative process for applicants, the requirement of the  
2 background check for each prospective owner, officer, and board member as part of the application  
3 process impedes an important public safety goal in BQ2.

4           46.     Without any consideration as to the voters mandate in BQ2, the DoT determined that  
5 requiring each prospective owner be subject to a background check was too difficult for  
6 implementation by industry. This decision was a violation of the Nevada Constitution, an abuse of  
7 discretion, and arbitrary and capricious.

8  
9           47.     The DoT did not comply with BQ2 by requiring applicants to provide information for  
10 each prospective owner, officer and board member or verify the ownership of applicants applying for  
11 retail recreational marijuana licenses. Instead the DoT issued conditional licenses to applicants who  
12 did not identify each prospective owner, officer and board member.<sup>15</sup>

13           48.     The DoT's late decision to delete the physical address requirement on some application  
14 forms while not modifying those portions of the application that were dependent on a physical location  
15 (i.e. floor plan, community impact, security plan, and the sink locations) after the repeated  
16 communications by an applicant's agent; not effectively communicating the revision; and, leaving the  
17 original version of the application on the website, is evidence of conduct that is a serious issue.

18  
19           49.     Pursuant to NAC 453D.295, the winning applicants received a conditional license that  
20 will not be finalized unless within twelve months of December 5, 2018, the licensees receive a final  
21 inspection of their marijuana establishment.  
22  
23  
24

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25 <sup>15</sup>     Some applicants apparently provided the required information for each prospective owner, officer and board  
26 member. Accepting as truthful these applicants' attestations regarding who their owners, officers, and board members were  
27 at the time of the application, these applications were complete at the time they were filed with reference to NRS  
28 453D.200(6). These entities are Green Therapeutics LLC, Eureka NewGen Farms LLC, Circle S Farms LLC, Deep Roots  
Medical LLC, Pure Tonic Concentrates LLC, Wellness Connection of Nevada LLC, Polaris Wellness Center LLC, and  
TRNVP098 LLC, Clear River LLC, Cheyenne Medical LLC, Essence Tropicana LLC, Essence Henderson LLC, and  
Commerce Park Medical LLC. See Court Exhibit 3 (post-hearing submission by the DoT).

50. The few instances of clear mistakes made by the Temporary Employees admitted in evidence do not, in and of themselves, result in an unfair process as human error occurs in every process.

51. Nothing in NRS 453D or NAC 453D provides for any right to an appeal or review of a decision denying an application for a retail recreational marijuana license.

52. There are an extremely limited number of licenses available for the sale of recreational marijuana.

53. The number of licenses available was set by BQ2 and is contained in NRS 453D.210(5)(d).

54. Since the Court does not have authority to order additional licenses in particular jurisdictions, and because there are a limited number of licenses that are available in certain jurisdictions, injunctive relief is necessary to permit the Plaintiffs, if successful in the NRS 453D.210(6) process, to actually obtaining a license, if ultimately successful in this litigation.

55. The secondary market for the transfer of licenses is limited.<sup>16</sup>

56. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

57. “Any person...whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.” NRS 30.040.

58. A justiciable controversy is required to exist prior to an award of declaratory relief. *Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986).

<sup>16</sup> The testimony elicited during the evidentiary hearing established that multiple changes in ownership have occurred since the applications were filed. Given this testimony, simply updating the applications previously filed would not comply with BO2.



59. NRS 33.010 governs cases in which an injunction may be granted. The applicant must show (1) a likelihood of success on the merits; and (2) a reasonable probability that the non-moving party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy.

60. Plaintiffs have the burden to demonstrate that the DoT's conduct, if allowed to continue, will result in irreparable harm for which compensatory damages is an inadequate remedy.

61. The purpose of a preliminary injunction is to preserve the *status quo* until the matter can be litigated on the merits.

62. In *City of Sparks v. Sparks Mun. Court*, the Supreme Court explained, "[a]s a constitutional violation may be difficult or impossible to remedy through money damages, such a violation may, by itself, be sufficient to constitute irreparable harm." 129 Nev. 348, 357, 302 P.3d 1118, 1124 (2013).

63. Article 19, Section 2 of the Constitution of the State of Nevada provides, in pertinent part:

"1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, **the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.**

...

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article.

1 If the statute or amendment to a statute is rejected by the legislature, or if no action is taken  
2 thereon within 40 days, the secretary of state shall submit the question of approval or  
3 disapproval of such statute or amendment to a statute to a vote of the voters at the next  
4 succeeding general election. If a majority of the voters voting on such question at such election  
5 votes approval of such statute or amendment to a statute, it shall become law and take effect  
6 upon completion of the canvass of votes by the supreme court. **An initiative measure so  
approved by the voters shall not be amended, annulled, repealed, set aside or suspended  
by the legislature within 3 years from the date it takes effect.**

7 (Emphasis added.)

8 64. The Nevada Supreme Court has recognized that “[i]nitiative petitions must be kept  
9 substantively intact; otherwise, the people’s voice would be obstructed. . . [I]nitiative legislation is not  
10 subject to judicial tampering-the substance of an initiative petition should reflect the unadulterated will  
11 of the people and should proceed, if at all, as originally proposed and signed. For this reason, our  
12 constitution prevents the Legislature from changing or amending a proposed initiative petition that is  
13 under consideration.” Rogers v. Heller, 117 Nev. 169, 178, 18 P.3d 1034,1039–40 (2001).

14 65. BQ2 provides, “the Department shall adopt all regulations necessary or convenient to  
15 carry out the provisions of this chapter.” NRS 453D.200(1). This language does not confer upon the  
16 DoT unfettered or unbridled authority to do whatever it wishes without constraint. The DoT was not  
17 delegated the power to legislate amendments because this is initiative legislation. The Legislature itself  
18 has no such authority with regard to NRS 453D until three years after its enactment under the  
19 prohibition of Article 19, Section 2 of the Constitution of the State of Nevada.  
20

21 66. Where, as here, amendment of a voter-initiated law is temporally precluded from  
22 amendment for three years, the administrative agency may not modify the law.

23 67. NRS 453D.200(1) provides that “the Department shall adopt all regulations necessary or  
24 convenient to carry out the provisions of this chapter.” The Court finds that the words “necessary or  
25 convenient” are susceptible to at least two reasonable interpretations. This limitation applies only to  
26 Regulations adopted by the DoT.  
27  
28

1           68.     While the category of diversity is not specifically included in the language of BQ2, the  
2 evidence presented in the hearing demonstrates that a rational basis existed for the inclusion of this  
3 category in the Factors and the application.

4           69.     The DoT's inclusion of the diversity category was implemented in a way that created a  
5 process which was partial and subject to manipulation by applicants.

6           70.     The DoT staff provided various applicants with different information as to what would  
7 be utilized from this category and whether it would be used merely as a tiebreaker or as a substantive  
8 category.  
9

10          71.     Based upon the evidence adduced, the Court finds that the DoT selectively discussed  
11 with applicants or their agents the modification of the application related to physical address  
12 information.

13          72.     The process was impacted by personal relationships in decisions related to the  
14 requirements of the application and the ownership structures of competing applicants. This in and of  
15 itself is insufficient to void the process as urged by some of the Plaintiffs.  
16

17          73.     The DoT disseminated various versions of the 2018 Retail Marijuana Application, one  
18 of which was published on the DoT's website and required the applicant to provide an actual physical  
19 Nevada address for the proposed marijuana establishment, and not a P.O. Box, (*see* Exhibit 5), whereas  
20 an alternative version of the DoT's application form, which was not made publicly available and was  
21 distributed to some, but not all, of the applicants via a DoT listserv service, deleted the requirement that  
22 applicants disclose an actual physical address for their proposed marijuana establishment. *See* Exhibit  
23 5A.  
24

25          74.     The applicants were applying for conditional licensure, which would last for 1 year.  
26 NAC 453D.282. The license was conditional based on the applicant's gaining approval from local  
27  
28

1 authorities on zoning and land use, the issuance of a business license, and the Department of Taxation  
2 inspections of the marijuana establishment.

3 75. The DoT has only awarded conditional licenses which are subject to local government  
4 approval related to zoning and planning and may approve a location change of an existing license, the  
5 public safety aspects of the failure to require an actual physical address can be cured prior to the award  
6 of a final license.

7  
8 76. By selectively eliminating the requirement to disclose an actual physical address for  
9 each and every proposed retail recreational marijuana establishment, the DoT limited the ability of the  
10 Temporary Employees to adequately assess graded criteria such as (i) prohibited proximity to schools  
11 and certain other public facilities, (ii) impact on the community, (iii) security, (iv) building plans, and  
12 (v) other material considerations prescribed by the Regulations.

13 77. The hiring of Temporary Employees was well within the DoT's discretionary power.

14 78. The evidence establishes that the DoT failed to properly train the Temporary  
15 Employees. This is not an appropriate basis for the requested injunctive relief unless it makes the  
16 grading process unfair.

17  
18 79. The DoT failed to establish any quality assurance or quality control of the grading done  
19 by Temporary Employees.<sup>17</sup> This is not an appropriate basis for the requested injunctive relief unless it  
20 makes the grading process unfair.

21 80. The DoT made licensure conditional for one year based on the grant of power to create  
22 regulations that develop "[p]rocedures for the issuance, renewal, suspension, and revocation of a  
23 license to operate a marijuana establishment." NRS 453D.200(1)(a). This was within the DoT's  
24 discretion.  
25  
26  
27

28 <sup>17</sup> The Court makes no determination as to the extent which the grading errors alleged by MM and Live Free may be  
subject to other appropriate writ practice related to those individualized issues by the assigned department.

1           81.     Certain of DoT's actions related to the licensing process were nondiscretionary  
2 modifications of BQ2's mandatory requirements. The evidence establishes DoT's deviations  
3 constituted arbitrary and capricious conduct without any rational basis for the deviation.

4           82.     The DoT's decision to not require disclosure on the application and to not conduct  
5 background checks of persons owning less than 5% prior to award of a conditional license is an  
6 impermissible deviation from the mandatory language of BQ2, which mandated "a background check  
7 of each prospective owner, officer, and board member of a marijuana establishment license applicant."  
8 NRS 453D.200(6).  
9

10          83.     The argument that the requirement for each owner to comply with the application  
11 process and background investigation is "unreasonably impracticable" is misplaced. The limitation of  
12 unreasonably impracticable applied only to the Regulations not to the language and compliance with  
13 BQ2 itself.

14          84.     Under the circumstances presented here, the Court concludes that certain of the  
15 Regulations created by the DoT are unreasonable, inconsistent with BQ2 and outside of any discretion  
16 permitted to the DoT.  
17

18          85.     The DoT acted beyond its scope of authority when it arbitrarily and capriciously  
19 replaced the mandatory requirement of BQ2, for the background check of each prospective owner,  
20 officer and board member with the 5% or greater standard in NAC 453.255(1). This decision by the  
21 DoT was not one they were permitted to make as it resulted in a modification of BQ2 in violation of  
22 Article 19, Section 2(3) of the Nevada Constitution.  
23

24          86.     As Plaintiffs have shown that the DoT clearly violated NRS Chapter 453D, the claims  
25 for declaratory relief, petition for writ of prohibition, and any other related claims is likely to succeed  
26 on the merits.

27          87.     The balance of equities weighs in favor of Plaintiffs.  
28

1 88. “[N]o restraining order or preliminary injunction shall issue except upon the giving of  
2 adequate security by the applicant, in such sum as the court deems proper, for the payment of such  
3 costs and damages as may be incurred or suffered by any party who is found to be wrongfully enjoined  
4 or restrained.” NRCp 65(d).

5 89. The DoT stands to suffer no appreciable losses and will suffer only minimal harm as a  
6 result of an injunction.

7 90. Therefore, a security bond already ordered in the amount of \$400,000 is sufficient for  
8 the issuance of this injunctive relief.<sup>18</sup>

9 91. If any conclusions of law are properly findings of fact, they shall be treated as if  
10 appropriately identified and designated.

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27 <sup>18</sup> As discussed during the preliminary injunction hearing, the Court sets a separate evidentiary hearing on whether to  
28 increase the amount of this bond. That hearing is set for August 29, 2019, at 9:00 a.m.

**ORDER**

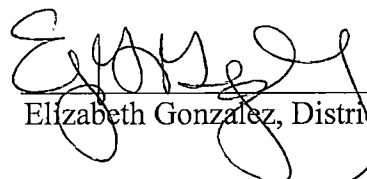
**IT IS HEREBY ADJUDGED ORDERED AND DECREED** that Plaintiffs' Motions for Preliminary Injunction are granted in part.

The State is enjoined from conducting a final inspection of any of the conditional licenses issued in or about December 2018 who did not provide the identification of each prospective owner, officer and board member as required by NRS 453D.200(6) pending a trial on the merits.<sup>19</sup>

The issue of whether to increase the existing bond is set for hearing on August 29, 2019, at 9:00 am.

The parties in A786962 and A787004 are to appear for a Rule 16 conference September 9, 2019, at 9:00 am and submit their respective plans for discovery on an expedited schedule by noon on September 6, 2019.

DATED this 23<sup>rd</sup> day of August 2019.

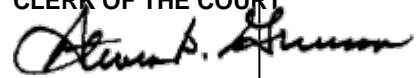
  
Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, this Order was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

  
Dan Kutinac

<sup>19</sup> As Court Exhibit 3 is a post-hearing submission by the DoT, the parties may file objections and/or briefs related to this issue. Any issues related to the inclusion or exclusion from this group will be heard August 29, 2019, at 9:00 am.



1 ANEO

2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

3 ALINA M. SHELL, Nevada Bar No. 11711

4 MCLEATCHIE LAW

5 701 East Bridger Avenue, Suite 520

6 Las Vegas, NV 89101

7 Telephone: (702) 728-5300

8 Email: maggie@nvlitigation.com

9 Counsel for Defendant-Intervenor, GreenMart of Nevada NLV LLC

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**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

MM DEVELOPMENT COMPANY, INC., a  
Nevada Corporation, LIVFREE WELLNESS  
LLC, dba The Dispensary, a Nevada limited  
liability company,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF  
TAXATION; and DOES 1 through 10; and  
ROE CORPORATIONS 1 through 10,  
Defendants,

GREENMART OF NEVADA NLV LLC, a  
Nevada limited liability company,  
Defendant-Intervenor.

SERENITY WELLNESS CENTER, LLC, et  
al.,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF  
TAXATION,  
Defendant,

and

GREENMART OF NEVADA NLV LLC, a  
Nevada limited liability company, et al.  
Defendants-Intervenors.

ETW MANAGEMENT GROUP LLC, a  
Nevada limited liability company; GLOBAL  
HARMONY LLC, a Nevada limited liability  
company; GREEN LEAF FARMS  
HOLDINGS LLC, a Nevada limited liability

Case No.: A-18-785818-W

Dept. No.: VIII

**AMENDED NOTICE OF ENTRY OF  
ORDER**

Case No.: A-19-786962-B

Dept. No.: XI

**AMENDED NOTICE OF ENTRY  
OF ORDER**

Case No.: A-19-787004-B

Dept. No.: XI

**AMENDED NOTICE OF ENTRY OF**



company; GREEN THERAPEUTICS LLC, a Nevada limited liability company; HERBAL CHOICE INC., a Nevada corporation; JUST QUALITY, LLC, a Nevada limited liability company; LIBRA WELLNESS CENTER, LLC, a Nevada limited liability company; ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, a Nevada corporation; NEVCANN LLC, a Nevada limited liability company; RED EARTH LLC, a Nevada limited liability company; THC NEVADA LLC, a Nevada limited liability company; and ZION GARDENS LLC, a Nevada limited liability company,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF TAXATION, a Nevada administrative agency; and DOES 1 through 20; and ROE CORPORATIONS 1 through 20, inclusive

Defendants.

GREENMART OF NEVADA NLV LLC, a Nevada limited liability company,

Defendant-Intervenor.

COMPASSIONATE TEAM OF LAS VEGAS LLC, a Nevada Limited Liability Company;

Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1 through 10; and ROE CORPORATIONS 1 through 10,

Defendants;

GREENMART OF NEVADA NLV LLC, a Nevada limited liability company,

Intervenor Defendant.

HIGH SIERRA HOLISTICS, LLC,

Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF TAXATION; DOES 1-10 and ROE

**ORDER**

Case No.: A-18-786357-W

Dept. No.: XIV

**AMENDED NOTICE OF ENTRY OF ORDER**

Case No.: A-19-787726-C

Dept. No.: XIV

**AMENDED NOTICE OF ENTRY OF ORDER**

CORPORATIONS 1-10,  
Defendants.

GREENMART OF NEVADA NLV LLC, a  
Nevada limited liability company,  
Intervenor Defendant.

NEVADA WELLNESS CENTER, LLC, a  
Nevada limited liability company,  
Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF  
TAXATION; and NEVADA ORGANIC  
REMEDIES, LLC,  
Defendants.

GREENMART OF NEVADA NLV LLC, a  
Nevada limited liability company,  
Intervenor Defendant.

Case No.: A-19-787540-W

Dept. No.: XVIII

**AMENDED NOTICE OF ENTRY OF  
ORDER**

TO: THE PARTIES HERETO AND THEIR RESPECTIVE COUNSEL OF RECORD:  
PLEASE TAKE NOTICE that on the 23<sup>rd</sup> day of August, 2019, the Findings of  
Fact and Conclusions of Law Granting Preliminary Injunction was entered in the above-  
captioned action. A copy of the Findings of Fact and Conclusions of Law Granting  
Preliminary Injunction is attached hereto as **Exhibit 1**.

DATED this the 19<sup>th</sup> day of September, 2019.

*/s/ Margaret A. McLetchie*

MARGARET A. MCLETCHIE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLETCHIE LAW

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Las Vegas, NV 89101

Telephone: (702) 728-5300

Email: maggie@nvlitigation.com

*Counsel for Defendant-Intervenor, GreenMart of Nevada NLV LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of September, 2019, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing AMENDED NOTICE OF ENTRY OF ORDER in *Serenity Wellness Center, LLC, et al. v. State of Nevada, Department of Taxation, et al.*, Clark County District Court Case No. A-19-786962-B, to be served electronically using the Odyssey File & Serve system, to all parties with an email address on record.

This document applies to Case Nos. A-19-786962-B; A-19-785818-W; A-19-787004-B; A-19-787540-W; A-18-786357-W; and A-19-787726-C.

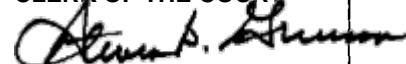
/s/ Pharan Burchfield

An Employee of McLetchie Law

**INDEX OF EXHIBITS TO AMENDED NOTICE OF ENTRY**

Exhibit	Description
1	August 23, 2019 Findings of Fact and Conclusions of Law Granting Preliminary Injunction

# EXHIBIT 1



FFCL

DISTRICT COURT

CLARK COUNTY, NEVADA

SERENITY WELLNESS CENTER, LLC, a Nevada limited liability company, TGIG, LLC, a Nevada limited liability company, NULEAF INCLINE DISPENSARY, LLC, a Nevada limited liability company, NEVADA HOLISTIC MEDICINE, LLC, a Nevada limited liability company, TRYKE COMPANIES SO NV, LLC, a Nevada limited liability company, TRYKE COMPANIES RENO, LLC, a Nevada limited liability company, PARADISE WELLNESS CENTER, LLC, a Nevada limited liability company, GBS NEVADA PARTNERS, LLC, a Nevada limited liability company, FIDELIS HOLDINGS, LLC, a Nevada limited liability company, GRAVITAS NEVADA, LLC, a Nevada limited liability company, NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM, LLC, a Nevada limited liability company, DOE PLAINTIFFS I through X; and ROE ENTITY PLAINTIFFS I through X,

Plaintiff(s),

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION,

Defendant(s).

and

NEVADA ORGANIC REMEDIES, LLC; INTEGRAL ASSOCIATES LLC d/b/a ESSENCE CANNABIS DISPENSARIES, a Nevada limited liability company; ESSENCE TROPICANA, LLC, a Nevada limited liability company; ESSENCE HENDERSON, LLC, a Nevada limited liability company; CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, COMMERCE PARK MEDICAL, LLC, a Nevada limited liability company; and CHEYENNE MEDICAL, LLC, a Nevada limited liability company; LONE MOUNTAIN PARTNERS, LLC, a Nevada

Case No. A-19-786962-B  
Dept. No. 11

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW GRANTING  
PRELIMINARY INJUNCTION

CLERK OF THE COURT

RECEIVED  
AUG 23 2019

1 limited liability partnership; HELPING HANDS  
2 WELLNESS CENTER, INC., a Nevada  
3 corporation; GREENMART OF NEVADA  
4 NLV LLC, a Nevada limited liability company;  
5 and CLEAR RIVER, LLC,

Intervenors.

6 This matter having come before the Court for an evidentiary hearing on Plaintiffs' Motion for  
7 Preliminary Injunction beginning on May 24, 2019, and occurring day to day thereafter until its  
8 completion on August 16, 2019;<sup>1</sup> Dominic P. Gentile, Esq., Vincent Savarese III, Esq., Michael V.  
9 Cristalli, Esq., and Ross J. Miller, Esq., of the law firm Gentile Cristalli Miller Armeni Savarese,  
10 appeared on behalf of Serenity Wellness Center, LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC,  
11 Nevada Holistic Medicine, LLC, Tryke Companies SO NV, LLC, Tryke Companies Reno, LLC,  
12 Paradise Wellness Center, LLC, GBS Nevada Partners, LLC, Fidelis Holdings, LLC, Gravitas Nevada,  
13 LLC, Nevada Pure, LLC, Medifarm, LLC (Case No. A786962-B) (the "Serenity Plaintiffs"); Adam K.  
14 Bult, Esq. and Maximilien D. Fetaz, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP,  
15 appeared on behalf of Plaintiffs ETW Management Group LLC, Global Harmony LLC, Green Leaf  
16 Farms Holdings LLC, Green Therapeutics LLC, Herbal Choice INC., Just Quality, LLC, Libra  
17 Wellness Center, LLC, Rombough Real Estate Inc. dba Mother Herb, NevCann LLC, Red Earth LLC,  
18 THC Nevada LLC, Zion Gardens LLC, and MMOF Vegas Retail, Inc. (Case No. A787004-B) ( the  
19 "ETW Plaintiffs"); William S. Kemp, Esq. and Nathaniel R. Rulis, Esq., of the law firm Kemp, Jones  
20 & Coulthard LLP, appeared on behalf of MM Development Company, Inc. and LivFree Wellness LLC  
21 (Case No. A785818-W) (the "MM Plaintiffs"); Theodore Parker III, Esq., of the law firm Parker  
22 Nelson & Associates, appeared on behalf of Nevada Wellness Center (Case No. A787540-W)  
23 (collectively the "Plaintiffs"); Steven G. Shevorski, Esq., Ketan D. Bhirud, Esq., and Theresa M. Haar,  
24 Esq., of the Office of the Nevada Attorney General, appeared on behalf of the State of Nevada,  
25 Department of Taxation; David R. Koch, Esq., of the law firm Koch & Scow LLC, appeared on behalf

26 <sup>1</sup> Although a preservation order was entered on December 13, 2018, in A785818, no discovery in any case was done  
27 prior to the commencement of the evidentiary hearing, in part due to procedural issues and to statutory restrictions on  
28 disclosure of certain information modified by SB 32 just a few days before the commencement of the hearing. As a result,  
the hearing was much longer than anticipated by any of the participating counsel. In compliance with SB 32, the State  
produced previously confidential information on May 21, 2019. These documents were reviewed for confidentiality by the  
Defendants in Intervention and certain redactions were made prior to production consistent with the protective order entered  
on May 24, 2019.

1 of Nevada Organic Remedies, LLC; Brigid M. Higgins, Esq. and Rusty Graf, Esq., of the law firm  
2 Black & Lobello, appeared on behalf of Clear River, LLC; Eric D. Hone, Esq., of the law firm H1 Law  
3 Group, appeared on behalf of Lone Mountain Partners, LLC; Alina M. Shell, Esq., of the law firm  
4 McLetchie Law, appeared on behalf of GreenMart of Nevada NLV LLC; Jared Kahn, Esq., of the law  
5 firm JK Legal & Consulting, LLC, appeared on behalf of Helping Hands Wellness Center, Inc.; and  
6 Joseph A. Gutierrez, Esq., of the law firm Maier Gutierrez & Associates, and Philip M. Hymanson,  
7 Esq., of the law firm Hymanson & Hymanson; Todd Bice, Esq. and Jordan T. Smith, Esq. of the law  
8 firm Pisanelli Bice; and Dennis Prince, Esq. of the Prince Law Group appeared on behalf of Integral  
9 Associates LLC d/b/a Essence Cannabis Dispensaries, Essence Tropicana, LLC, Essence Henderson,  
10 LLC, CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace, Commerce Park Medical, LLC, and  
11 Cheyenne Medical, LLC (the “Essence/Thrive Entities”). The Court, having read and considered the  
12 pleadings filed by the parties; having reviewed the evidence admitted during the evidentiary hearing;  
13 and having heard and carefully considered the testimony of the witnesses called to testify; having  
14 considered the oral and written arguments of counsel, and with the intent of deciding the Motion for a  
15 Preliminary Injunction,<sup>2</sup> makes the following preliminary findings of fact and conclusions of law:

### 16 ***PROCEDURAL POSTURE***

17 Plaintiffs are a group of unrelated commercial entities who applied for, but did not receive,  
18 licenses to operate retail recreational marijuana establishments in various local jurisdictions throughout  
19 the state. Defendant is Nevada’s Department of Taxation (“DoT”), which is the administrative agency  
20 responsible for issuing the licenses. Some successful applicants for licensure intervened as Defendants.

21 The Serenity Plaintiffs filed a Motion for Preliminary Injunction on March 19, 2019, asking for  
22 a preliminary injunction to:

- 23 a. Enjoin the denial of Plaintiffs applications;
- 24 b. Enjoin the enforcement of the licenses granted;
- 25 c. Enjoin the enforcement and implementation of NAC 453D;

26  
27 <sup>2</sup> The findings made in this Order are preliminary in nature based upon the limited evidence presented after very  
28 limited discovery permitted on an expedited basis and may be modified based upon additional evidence presented to the  
Court at the ultimate trial of the business court matters.

- 1 d. An order restoring the *status quo ante* prior to the DoT's adoption of NAC 453D;  
2 and  
3 e. Several orders compelling discovery.

4 This Court reviewed the Serenity Plaintiffs' Motion for Preliminary Injunction and at a hearing on  
5 April 22, 2019, invited Plaintiffs in related cases, not assigned to Business Court, to participate in the  
6 evidentiary hearing on the Motion for Preliminary Injunction being heard in Department 11 for the  
7 purposes of hearing and deciding the Motions for Preliminary Injunction.<sup>3</sup>

8 ***PRELIMINARY STATEMENT***

9 The Attorney General's Office was forced to deal with a significant impediment at the early  
10 stages of the litigation. This inability to disclose certain information was outside of its control because  
11 of confidentiality requirements that have now been slightly modified by SB 32. Although the parties  
12 stipulated to a protective order on May 24, 2019, many documents produced in preparation for the  
13 hearing and for discovery purposes were heavily redacted because of the highly competitive nature of  
14 the industry and sensitive financial and commercial information being produced.

15 All parties agree that the language of an initiative takes precedence over any regulation that is in  
16 conflict and that an administrative agency has some discretion in determining how to implement the  
17 initiative. The Court gives deference to the agency in establishing those regulations and creating the  
18 framework required to implement those provisions in conformity with the initiative.

19  
20  
21 <sup>3</sup> The complaints filed by the parties participating in the hearing seek declaratory relief, injunctive relief and writs of  
22 mandate, among other claims. The motions and joinders seeking injunctive relief which have been reviewed by the Court in  
conjunction with this hearing include:

23 A786962-B Serenity: Serenity Plaintiffs' Motion for Preliminary Injunction filed 3/19/19 (Joinder to Motion by  
24 Compassionate Team: 5/17; Joinder to Motion by ETW: 5/6 (filed in A787004); and Joinder to Motion by Nevada  
25 Wellness: 5/10 (filed in A787540)); Opposition by the State filed 5/9/19 (Joinder by Essence/Thrive Entities: 5/23);  
26 Opposition by Nevada Organic Remedies: 5/9 (Joinder by Lone Mountain: 5/13; Joinder by Helping Hands: 5/21; and  
Joinder by Essence/Thrive Entities: 5/23). Application for TRO on OST filed 5/9/19 (Joinder by Compassionate Team:  
5/17; and Joinder by ETW: 5/10 (filed in A787004)); Opposition by Nevada Organic Remedies: 5/9 (Joinder by Clear River:  
5/9); Opposition by Essence/Thrive Entities: 5/10 (Joinder by GreenMart: 5/10; Joinder by Lone Mountain: 5/11; and  
Joinder by helping Hands: 5/12).

27 A785818-W MM Development: MM Plaintiffs' Motion for Preliminary Injunction or Writ of Mandamus filed 5/9/19  
28 (Joinder by Serenity: 5/20 (filed in A786962); Joinder by ETW: 5/6 (filed in A787004 and A785818); and Joinder by  
Nevada Wellness: 5/10 (filed in A787540)).



1 The initiative to legalize recreational marijuana, Ballot Question 2 ("BQ2"), went to the voters  
2 in 2016. The language of BQ2 is independent of any regulations that were adopted by the DoT. The  
3 Court must balance the mandatory provisions of BQ2 (which the DoT did not have discretion to  
4 modify);<sup>4</sup> those provisions with which the DoT was granted some discretion in implementation;<sup>5</sup> and  
5 the inherent discretion of an administrative agency to implement regulations to carry out its statutory  
6 duties. The Court must give great deference to those activities that fall within the discretionary  
7 functions of the agency. Deference is not given where the actions of the DoT were in violation of BQ2  
8 or were arbitrary and capricious.

### 9 FINDINGS OF FACT

10 1. Nevada allows voters to amend its Constitution or enact legislation through the initiative  
11 process. Nevada Constitution, Article 19, Section 2.

12 <sup>4</sup> Article 19, Section 2(3) provides the touchstone for the mandatory provisions:

13 . . . . An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or  
14 suspended by the Legislature within 3 years from the date it takes effect.

15 <sup>5</sup> NRS 453D.200(1) required the adoption of regulations for the licensure and oversight of recreational marijuana  
16 cultivation, manufacturing/production, sales and distribution, but provides the DoT discretion in exactly what those  
17 regulations would include.

18 . . . the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter.  
19 The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations  
20 that make their operation unreasonably impracticable. The regulations shall include:

- 21 (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana  
22 establishment;
- 23 (b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana  
24 establishment;
- 25 (c) Requirements for the security of marijuana establishments;
- 26 (d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21  
27 years of age;
- 28 (e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-  
resistant packaging;
- (f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana  
establishments including a numerical indication of potency based on the ratio of THC to the weight of a product  
intended for oral consumption;
- (g) Requirements for record keeping by marijuana establishments;
- (h) Reasonable restrictions on signage, marketing, display, and advertising;
- (i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;
- (j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another  
qualified person and to enable a licensee to move the location of its establishment to another suitable location;
- (k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and  
marijuana establishments at the same location;
- (l) Procedures to establish the fair market value at wholesale of marijuana; and
- (m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any  
violation of the provisions of NRS 453D.300.

1           2.       In 2000, the voters amended Nevada's Constitution to allow for the possession and use  
2 of marijuana to treat various medical conditions. Nevada Constitution, Article 4, Section 38(1)(a). The  
3 initiative left it to the Legislature to create laws "[a]uthoriz[ing] appropriate methods for supply of the  
4 plant to patients authorized to use it." Nevada Constitution, Article 4, Section 38(1)(e).

5           3.       For several years prior to the enactment of BQ2, the regulation of medical marijuana  
6 dispensaries had not been taken up by the Legislature. Some have argued in these proceedings that the  
7 delay led to the framework of BQ2.

8           4.       In 2013, Nevada's legislature enacted NRS 453A, which allows for the cultivation and  
9 sale of medical marijuana. The Legislature described the requirements for the application to open a  
10 medical marijuana establishment. NRS 453A.322. The Nevada Legislature then charged the Division of  
11 Public and Behavioral Health with evaluating the applications. NRS 453A.328.

12           5.       The materials circulated to voters in 2016 for BQ2 described its purpose as the  
13 amendment of the Nevada Revised Statutes as follows:  
14

15               Shall the *Nevada Revised Statutes* be amended to allow a person, 21 years old or older, to  
16 purchase, cultivate, possess, or consume a certain amount of marijuana or concentrated  
17 marijuana, as well as manufacture, possess, use, transport, purchase, distribute, or sell marijuana  
18 paraphernalia; impose a 15 percent excise tax on wholesale sales of marijuana; require the  
19 regulation and licensing of marijuana cultivators, testing facilities, distributors, suppliers, and  
20 retailers; and provide for certain criminal penalties?

21           6.       BQ2 was enacted by the Nevada Legislature and is codified at NRS 453D.<sup>6</sup>

22           7.       BQ2 specifically identified regulatory and public safety concerns:

23               The People of the State of Nevada proclaim that marijuana should be regulated in a manner  
24 similar to alcohol so that:

25               (a) Marijuana may only be purchased from a business that is licensed by the State of  
26 Nevada;

27               (b) Business owners are subject to a review by the State of Nevada to confirm that the  
28 business owners and the business location are suitable to produce or sell marijuana;

             (c) Cultivating, manufacturing, testing, transporting and selling marijuana will be strictly  
controlled through State licensing and regulation;

<sup>6</sup> As the provisions of BQ2 and the sections NRS 453D currently in effect (with the exception of NRS 453D.205) are identical, for ease of reference the Court cites to BQ2 as enacted by the Nevada Legislature in NRS 453D.

- 1 (d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;  
2 (e) Individuals will have to be 21 years of age or older to purchase marijuana;  
3 (f) Driving under the influence of marijuana will remain illegal; and  
4 (g) Marijuana sold in the State will be tested and labeled.

5 NRS 453D.020(3).

6 8. BQ2 mandated the DoT to “conduct a background check of each prospective owner,  
7 officer, and board member of a marijuana establishment license applicant.” NRS 453D.200(6).

8 9. On November 8, 2016, by Executive Order 2017-02, Governor Brian Sandoval  
9 established a Task Force composed of 19 members to offer suggestions and proposals for legislative,  
10 regulatory, and executive actions to be taken in implementing BQ2.

11 10. The Task Force’s findings, issued on May 30, 2017, referenced the 2014 licensing  
12 process for issuing Medical Marijuana Establishment Registration Certificates under NRS 453A. The  
13 Task Force recommended that “the qualifications for licensure of a marijuana establishment and the  
14 impartial numerically scored bidding process for retail marijuana stores be maintained as in the medical  
15 marijuana program except for a change in how local jurisdictions participate in selection of locations.”

16 11. Some of the Task Force’s recommendations appear to conflict with BQ2.<sup>7</sup>

17  
18  
19 <sup>7</sup> The Final Task Force report (Exhibit 2009) contained the following statements:

20 The Task Force recommends that retail marijuana ownership interest requirements remain consistent with the  
21 medical marijuana program. . . .  
22 at 2510.

23 The requirement identified by the Task Force at the time was contained in NAC 453A.302(1) which states:

24 Except as otherwise required in subsection 2, the requirements of this chapter concerning owners of medical  
25 marijuana establishments only apply to a person with an aggregate ownership interest of 5 percent or more in a  
26 medical marijuana establishment.

27 The second recommendation of concern is:

28 The Task Force recommends that NRS 453A be changed to address companies that own marijuana establishment  
licenses in which there are owners with less than 5% ownership interest in the company. The statute should be  
amended to:

\*Limit fingerprinting, background checks and renewal of agent cards to owners officers and board members with  
5% or less cumulatively of the company to once every five years;

\*Only require owners officers and board members with 5% or more cumulatively and employees of the company to  
obtain agent registration cards; and

12. During the 2017 legislative session Assembly Bill 422 transferred responsibility for the registration, licensing, and regulation of marijuana establishments from the State of Nevada Division of Public and Behavioral Health to the DoT.<sup>8</sup>

13. On February 27, 2018, the DoT adopted regulations governing the issuance, suspension, or revocation of retail recreational marijuana licenses in LCB File No. R092-17, which were codified in NAC 453D (the “Regulations”).

14. The Regulations for licensing were to be “directly and demonstrably related to the operation of a marijuana establishment.” NRS 453D.200(1)(b). The phrase “directly and demonstrably related to the operation of a marijuana establishment” is subject to more than one interpretation.

---

\*Use the marijuana establishments governing documents to determine who has approval rights and signatory authority for purposes of signing ownership transfers, applications and any other appropriate legal or regulatory documents.

There was Task Force dissent on the recommendation. The concern with this recommendation was that by changing the requirements on fingerprinting and background checks, the state would have less knowledge of when an owner, officer, and board member commits an offense not allowed under current marijuana law, potentially creating a less safe environment in the state.  
at 2515-2516.

<sup>8</sup> Those provisions (a portion of which became NRS 453D.205) are consistent with BQ2:

1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

1           15.     A person holding a medical marijuana establishment registration certificate could apply  
2 for one or more recreational marijuana establishment licenses within the time set forth by the DoT in  
3 the manner described in the application. NAC 453D.268.<sup>9</sup>  
4

5 <sup>9</sup>           Relevant portions of that provision require that application be made

6           . . . by submitting an application in response to a request for applications issued pursuant to NAC 453D.260 which  
7 must include:

8 \*\*\*

9           2.     An application on a form prescribed by the Department. The application must include, without limitation:

- 10           (a) Whether the applicant is applying for a license for a marijuana establishment for a marijuana cultivation  
11 facility, a marijuana distributor, a marijuana product manufacturing facility, a marijuana testing facility or a retail  
12 marijuana store;  
13           (b) The name of the proposed marijuana establishment, as reflected in both the medical marijuana establishment  
14 registration certificate held by the applicant, if applicable, and the articles of incorporation or other documents filed  
15 with the Secretary of State;  
16           (c) The type of business organization of the applicant, such as individual, corporation, partnership, limited-liability  
17 company, association or cooperative, joint venture or any other business organization;  
18           (d) Confirmation that the applicant has registered with the Secretary of State as the appropriate type of business,  
19 and the articles of incorporation, articles of organization or partnership or joint venture documents of the applicant;  
20           (e) The physical address where the proposed marijuana establishment will be located and the physical address of  
21 any co-owned or otherwise affiliated marijuana establishments;  
22           (f) The mailing address of the applicant;  
23           (g) The telephone number of the applicant;  
24           (h) The electronic mail address of the applicant;  
25           (i) A signed copy of the Request and Consent to Release Application Form for Marijuana Establishment License  
26 prescribed by the Department;  
27           (j) If the applicant is applying for a license for a retail marijuana store, the proposed hours of operation during  
28 which the retail marijuana store plans to be available to sell marijuana to consumers;  
          (k) An attestation that the information provided to the Department to apply for the license for a marijuana  
          establishment is true and correct according to the information known by the affiant at the time of signing; and  
          (l) The signature of a natural person for the proposed marijuana establishment as described in subsection 1 of NAC  
          453D.250 and the date on which the person signed the application.

3           3.     Evidence of the amount of taxes paid, or other beneficial financial contributions made, to this State or its  
political subdivisions within the last 5 years by the applicant or the persons who are proposed to be owners, officers  
or board members of the proposed marijuana establishment.

4           4.     A description of the proposed organizational structure of the proposed marijuana establishment, including,  
without limitation:

- 5           (a) An organizational chart showing all owners, officers and board members of the proposed marijuana  
6 establishment;  
7           (b) A list of all owners, officers and board members of the proposed marijuana establishment that contains the  
8 following information for each person:  
9               (1) The title of the person;  
10               (2) The race, ethnicity and gender of the person;  
11               (3) A short description of the role in which the person will serve for the organization and his or her  
12 responsibilities;  
13               (4) Whether the person will be designated by the proposed marijuana establishment to provide written notice to  
14 the Department when a marijuana establishment agent is employed by, volunteers at or provides labor as a  
15 marijuana establishment agent at the proposed marijuana establishment;  
16               (5) Whether the person has served or is currently serving as an owner, officer or board member for another  
17 medical marijuana establishment or marijuana establishment;  
18               (6) Whether the person has served as an owner, officer or board member for a medical marijuana establishment  
19 or marijuana establishment that has had its medical marijuana establishment registration certificate or license, as  
20 applicable, revoked;

1 NRS 453D.210(6) mandated the DoT to use “an impartial and numerically scored competitive bidding  
2 process” to determine successful applicants where competing applications were submitted.

3 16. NAC 453D.272(1) provides the procedure for when the DoT receives more than one  
4 “complete” application. Under this provision the DoT will determine if the “application is complete and

5 (7) Whether the person has previously had a medical marijuana establishment agent registration card or  
6 marijuana establishment agent registration card revoked;

7 (8) Whether the person is an attending provider of health care currently providing written documentation for the  
8 issuance of registry identification cards or letters of approval;

9 (9) Whether the person is a law enforcement officer;

10 (10) Whether the person is currently an employee or contractor of the Department; and

11 (11) Whether the person has an ownership or financial investment interest in any other medical marijuana  
12 establishment or marijuana establishment.

13 5. For each owner, officer and board member of the proposed marijuana establishment:

14 (a) An attestation signed and dated by the owner, officer or board member that he or she has not been convicted of  
15 an excluded felony offense, and that the information provided to support the application for a license for a  
16 marijuana establishment is true and correct;

17 (b) A narrative description, not to exceed 750 words, demonstrating:

18 (1) Past experience working with governmental agencies and highlighting past experience in giving back to the  
19 community through civic or philanthropic involvement;

20 (2) Any previous experience at operating other businesses or nonprofit organizations; and

21 (3) Any demonstrated knowledge, business experience or expertise with respect to marijuana; and

22 (c) A resume.

23 6. Documentation concerning the size of the proposed marijuana establishment, including, without limitation,  
24 building and general floor plans with supporting details.

25 7. The integrated plan of the proposed marijuana establishment for the care, quality and safekeeping of marijuana  
26 from seed to sale, including, without limitation, a plan for testing and verifying marijuana, a transportation or  
27 delivery plan and procedures to ensure adequate security measures, including, without limitation, building security  
28 and product security.

8. A plan for the business which includes, without limitation, a description of the inventory control system of the  
proposed marijuana establishment to satisfy the requirements of NRS 453D.300 and NAC 453D.426.

9. A financial plan which includes, without limitation:

(a) Financial statements showing the resources of the applicant;

(b) If the applicant is relying on money from an owner, officer or board member, evidence that the person has  
unconditionally committed such money to the use of the applicant in the event the Department awards a license to  
the applicant and the applicant obtains the necessary approvals from the locality to operate the proposed marijuana  
establishment; and

(c) Proof that the applicant has adequate money to cover all expenses and costs of the first year of operation.

10. Evidence that the applicant has a plan to staff, educate and manage the proposed marijuana establishment on a  
daily basis, which must include, without limitation:

(a) A detailed budget for the proposed marijuana establishment, including pre-opening, construction and first-year  
operating expenses;

(b) An operations manual that demonstrates compliance with this chapter;

(c) An education plan which must include, without limitation, providing educational materials to the staff of the  
proposed marijuana establishment; and

(d) A plan to minimize the environmental impact of the proposed marijuana establishment.

11. If the application is submitted on or before November 15, 2018, for a license for a marijuana distributor,  
proof that the applicant holds a wholesale dealer license issued pursuant to chapter 369 of NRS, unless the  
Department determines that an insufficient number of marijuana distributors will result from this limitation.

12. A response to and information which supports any other criteria the Department determines to be relevant,  
which will be specified and requested by the Department at the time the Department issues a request for  
applications which includes the point values that will be allocated to the applicable portions of the application  
pursuant to subsection 2 of NAC 453D.260.

1 in compliance with this chapter and Chapter 453D of NRS, the Department will rank the applications . .  
2 . in order from first to last based on the compliance with the provisions of this chapter and chapter  
3 453D of NRS and on the content of the applications relating to . . .” several enumerated factors. NAC  
4 453D.272(1).

5 17. The factors set forth in NAC 453D.272(1) that are used to rank competing applications  
6 (collectively, the “Factors”) are:

- 7
- 8 (a) Whether the owners, officers or board members have experience operating another kind  
9 of business that has given them experience which is applicable to the operation of a marijuana  
10 establishment;
  - 11 (b) The diversity of the owners, officers or board members of the proposed marijuana  
12 establishment;
  - 13 (c) The educational achievements of the owners, officers or board members of the proposed  
14 marijuana establishment;
  - 15 (d) The financial plan and resources of the applicant, both liquid and illiquid;
  - 16 (e) Whether the applicant has an adequate integrated plan for the care, quality and  
17 safekeeping of marijuana from seed to sale;
  - 18 (f) The amount of taxes paid and other beneficial financial contributions, including, without  
19 limitation, civic or philanthropic involvement with this State or its political subdivisions, by the  
20 applicant or the owners, officers or board members of the proposed marijuana establishment;
  - 21 (g) Whether the owners, officers or board members of the proposed marijuana establishment  
22 have direct experience with the operation of a medical marijuana establishment or marijuana  
23 establishment in this State and have demonstrated a record of operating such an establishment in  
24 compliance with the laws and regulations of this State for an adequate period of time to  
25 demonstrate success;
  - 26 (h) The (unspecified) experience of key personnel that the applicant intends to employ in  
27 operating the type of marijuana establishment for which the applicant seeks a license; and
  - 28 (i) Any other criteria that the Department determines to be relevant.

18. Each of the Factors is within the DoT’s discretion in implementing the application  
process provided for in BQ2. The DoT had a good-faith basis for determining that each of the Factors  
is “directly and demonstrably related to the operation of a marijuana establishment.”

19. The DoT posted the application on its website and released the application for  
recreational marijuana establishment licenses on July 6, 2018.<sup>10</sup>

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<sup>10</sup> The DoT made a change to the application after circulating the first version of the application to delete the  
requirement of a physical location. The modification resulted in a different version of the application bearing the same  
“footer” with the original version remaining available on the DoT’s website.

1           20.     The DoT utilized a question and answer process through a generic email account at  
2 marijuana@tax.state.nv.us to allow applicants to ask questions and receive answers directly from the  
3 Department, which were not consistent with NRS 453D, and that information was not further  
4 disseminated by the DoT to other applicants.

5           21.     In addition to the email question and answer process, the DoT permitted applicants and  
6 their representatives to personally contact the DoT staff about the application process.

7           22.     The application period ran from September 7, 2018 through September 20, 2018.

8           23.     The DoT accepted applications in September 2018 for retail recreational marijuana  
9 licenses and announced the award of conditional licenses in December 2018.

10          24.     The DoT used a listserv to communicate with prospective applicants.

11          25.     The DoT published a revised application on July 30, 2018. This revised application was  
12 sent to all participants in the DoT's listserv directory. The revised application modified a sentence on  
13 attachment A of the application. Prior to this revision, the sentence had read, "Marijuana  
14 Establishment's proposed physical address (this must be a Nevada address and cannot be a P.O. Box)."  
15 The revised application on July 30, 2018, read: "Marijuana Establishment's proposed physical address  
16 if the applicant owns property or has secured a lease or other property agreement (this must be a  
17 Nevada address and not a P.O. Box). Otherwise, the applications are virtually identical.

18          26.     The DoT sent a copy of the revised application through the listserv service used by the  
19 DoT. Not all Plaintiffs' correct emails were included on this listserv service.

20          27.     The July 30, 2018 application, like its predecessor, described how applications were to  
21 be scored. The scoring criteria was divided into identified criteria and non-identified criteria. The  
22 maximum points that could be awarded to any applicant based on these criteria was 250 points.

23          28.     The identified criteria consisted of organizational structure of the applicant (60 points);  
24 evidence of taxes paid to the State of Nevada by owners, officers, and board members of the applicant  
25  
26  
27  
28



1 in the last 5 years (25 points); a financial plan (30 points); and documents from a financial institution  
2 showing unencumbered liquid assets of \$250,000 per location for which an application is submitted.

3 29. The non-identified criteria consisted of documentation concerning the integrated plan of  
4 the proposed marijuana establishment for the care, quality and safekeeping of marijuana from seed to  
5 sale (40 points); evidence that the applicant has a plan to staff, educate and manage the proposed  
6 recreational marijuana establishment on a daily basis (30 points); a plan describing operating  
7 procedures for the electronic verification system of the proposed marijuana establishment and  
8 describing the proposed establishment's inventory control system (20 points); building plans showing  
9 the proposed establishment's adequacy to serve the needs of its customers (20 points); and, a proposal  
10 explaining likely impact of the proposed marijuana establishment in the community and how it will  
11 meet customer needs (15 points).  
12

13 30. An applicant was permitted to submit a single application for all jurisdictions in which it  
14 was applying, and the application would be scored at the same time.  
15

16 31. By September 20, 2018, the DoT received a total of 462 applications.

17 32. In order to grade and rank the applications the DoT posted notices that it was seeking to  
18 hire individuals with specified qualifications necessary to evaluate applications. The DoT interviewed  
19 applicants and made decisions on individuals to hire for each position.

20 33. When decisions were made on who to hire, the individuals were notified that they would  
21 need to register with "Manpower" under a pre-existing contract between the DoT and that company.  
22 Individuals would be paid through Manpower, as their application-grading work would be of a  
23 temporary nature.  
24

25 34. The DoT identified, hired, and trained eight individuals to grade the applications,  
26 including three to grade the identified portions of the applications, three to grade the non-identified  
27  
28

1 portions of the applications, and one administrative assistant for each group of graders (collectively the  
2 “Temporary Employees”).

3 35. It is unclear how the DoT trained the Temporary Employees. While portions of the  
4 training materials were introduced into evidence, testimony regarding the oral training based upon  
5 example applications was insufficient for the Court to determine the nature and extent of the training of  
6 the Temporary Employees.<sup>11</sup>

7  
8 36. NAC 453D.272(1) required the DoT to determine that an Application is “complete and  
9 in compliance” with the provisions of NAC 453D in order to properly apply the licensing criteria set  
10 forth therein and the provisions of the Ballot Initiative and the enabling statute.

11 37. When the DoT received applications, it undertook no effort to determine if the  
12 applications were in fact “complete and in compliance.”

13 38. In evaluating whether an application was “complete and in compliance” the DoT made  
14 no effort to verify owners, officers or board members (except for checking whether a transfer request  
15 was made and remained pending before the DoT).

16  
17 39. For purposes of grading the applicant’s organizational structure and diversity, if an  
18 applicant’s disclosure in its application of its owners, officers, and board members did not match the  
19 DoT’s own records, the DoT did not penalize the applicant. Rather the DoT permitted the grading, and  
20 in some cases, awarded a conditional license to an applicant under such circumstances, and dealt with  
21 the issue by simply informing the winning applicant that its application would have to be brought into  
22 conformity with DoT records.

23  
24 40. The DoT created a Regulation that modified the mandatory BQ2 provision “[t]he  
25 Department shall conduct a background check of each prospective owner, officer, and board member of  
26 a marijuana establishment license applicant” and determined it would only require information on the

27  
28 <sup>11</sup> Given the factual issues related to the grading raised by MM and LivFree, these issues may be subject to additional  
evidentiary proceedings in the assigned department.

1 application from persons “with an aggregate ownership interest of 5 percent or more in a marijuana  
2 establishment.” NAC 453D.255(1).

3 41. NRS 453D.200(6) provides that “[t]he DoT shall conduct a background check of each  
4 prospective owner, officer, and board member of a marijuana establishment license applicant.” The  
5 DoT departed from this mandatory language in NAC 453D.255(1) and made no attempt in the  
6 application process to verify that the applicant’s complied with the mandatory language of the BQ2 or  
7 even the impermissibly modified language.

8 42. The DoT made the determination that it was not reasonable to require industry to  
9 provide every owner of a prospective licensee. The DOT’s determination that only owners of a 5% or  
10 greater interest in the business were required to submit information on the application was not a  
11 permissible regulatory modification of BQ2. This determination violated Article 19, Section 3 of the  
12 Nevada Constitution. The determination was not based on a rational basis.

13 43. The limitation of “unreasonably impracticable” in BQ2<sup>12</sup> does not apply to the  
14 mandatory language of BQ2, but to the Regulations which the DoT adopted.

15 44. The adoption of NAC 453D.255(1), as it applies to the application process is an  
16 unconstitutional modification of BQ2.<sup>13</sup> The failure of the DoT to carry out the mandatory provisions  
17 of NRS 453D.200(6) is fatal to the application process.<sup>14</sup> The DoT’s decision to adopt regulations in  
18 direct violation of BQ2’s mandatory application requirements is violative of Article 19, Section 2(3) of  
19 the Nevada Constitution.

20  
21  
22 <sup>12</sup> NRS 453D.200(1) provides in part:

23 The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations  
24 that make their operation unreasonably impracticable.

25 <sup>13</sup> For administrative and regulatory proceedings other than the application, the limitation of 5% or greater ownership  
26 appears within the DoT’s discretion.

27 <sup>14</sup> That provision states:

28 6. The Department shall conduct a background check of each prospective owner, officer, and board member of a  
marijuana establishment license applicant.

1           45.     Given the lack of a robust investigative process for applicants, the requirement of the  
2 background check for each prospective owner, officer, and board member as part of the application  
3 process impedes an important public safety goal in BQ2.

4           46.     Without any consideration as to the voters mandate in BQ2, the DoT determined that  
5 requiring each prospective owner be subject to a background check was too difficult for  
6 implementation by industry. This decision was a violation of the Nevada Constitution, an abuse of  
7 discretion, and arbitrary and capricious.

8  
9           47.     The DoT did not comply with BQ2 by requiring applicants to provide information for  
10 each prospective owner, officer and board member or verify the ownership of applicants applying for  
11 retail recreational marijuana licenses. Instead the DoT issued conditional licenses to applicants who  
12 did not identify each prospective owner, officer and board member.<sup>15</sup>

13           48.     The DoT's late decision to delete the physical address requirement on some application  
14 forms while not modifying those portions of the application that were dependent on a physical location  
15 (i.e. floor plan, community impact, security plan, and the sink locations) after the repeated  
16 communications by an applicant's agent; not effectively communicating the revision; and, leaving the  
17 original version of the application on the website, is evidence of conduct that is a serious issue.

18  
19           49.     Pursuant to NAC 453D.295, the winning applicants received a conditional license that  
20 will not be finalized unless within twelve months of December 5, 2018, the licensees receive a final  
21 inspection of their marijuana establishment.  
22  
23  
24

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25 <sup>15</sup>     Some applicants apparently provided the required information for each prospective owner, officer and board  
26 member. Accepting as truthful these applicants' attestations regarding who their owners, officers, and board members were  
27 at the time of the application, these applications were complete at the time they were filed with reference to NRS  
28 453D.200(6). These entities are Green Therapeutics LLC, Eureka NewGen Farms LLC, Circle S Farms LLC, Deep Roots  
Medical LLC, Pure Tonic Concentrates LLC, Wellness Connection of Nevada LLC, Polaris Wellness Center LLC, and  
TRNVP098 LLC, Clear River LLC, Cheyenne Medical LLC, Essence Tropicana LLC, Essence Henderson LLC, and  
Commerce Park Medical LLC. See Court Exhibit 3 (post-hearing submission by the DoT).

50. The few instances of clear mistakes made by the Temporary Employees admitted in evidence do not, in and of themselves, result in an unfair process as human error occurs in every process.

51. Nothing in NRS 453D or NAC 453D provides for any right to an appeal or review of a decision denying an application for a retail recreational marijuana license.

52. There are an extremely limited number of licenses available for the sale of recreational marijuana.

53. The number of licenses available was set by BQ2 and is contained in NRS 453D.210(5)(d).

54. Since the Court does not have authority to order additional licenses in particular jurisdictions, and because there are a limited number of licenses that are available in certain jurisdictions, injunctive relief is necessary to permit the Plaintiffs, if successful in the NRS 453D.210(6) process, to actually obtaining a license, if ultimately successful in this litigation.

55. The secondary market for the transfer of licenses is limited.<sup>16</sup>

56. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

57. “Any person...whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.” NRS 30.040.

58. A justiciable controversy is required to exist prior to an award of declaratory relief. *Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986).

<sup>16</sup> The testimony elicited during the evidentiary hearing established that multiple changes in ownership have occurred since the applications were filed. Given this testimony, simply updating the applications previously filed would not comply with BO2.

1           59.     NRS 33.010 governs cases in which an injunction may be granted. The applicant must  
2 show (1) a likelihood of success on the merits; and (2) a reasonable probability that the non-moving  
3 party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is  
4 an inadequate remedy.

5           60.     Plaintiffs have the burden to demonstrate that the DoT's conduct, if allowed to continue,  
6 will result in irreparable harm for which compensatory damages is an inadequate remedy.

7           61.     The purpose of a preliminary injunction is to preserve the *status quo* until the matter can  
8 be litigated on the merits.  
9

10          62.     In *City of Sparks v. Sparks Mun. Court*, the Supreme Court explained, "[a]s a  
11 constitutional violation may be difficult or impossible to remedy through money damages, such a  
12 violation may, by itself, be sufficient to constitute irreparable harm." 129 Nev. 348, 357, 302 P.3d  
13 1118, 1124 (2013).

14          63.     Article 19, Section 2 of the Constitution of the State of Nevada provides, in pertinent  
15 part:  
16

17           "1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the  
18 limitations of section 6 of this article, **the people reserve to themselves the power to propose,**  
19 **by initiative petition, statutes and amendments to statutes and amendments to this**  
20 **constitution, and to enact or reject them at the polls.**

21           ...

22           3. If the initiative petition proposes a statute or an amendment to a statute, the person who  
23 intends to circulate it shall file a copy with the secretary of state before beginning circulation  
24 and not earlier than January 1 of the year preceding the year in which a regular session of the  
25 legislature is held. After its circulation, it shall be filed with the secretary of state not less than  
26 30 days prior to any regular session of the legislature. The circulation of the petition shall cease  
27 on the day the petition is filed with the secretary of state or such other date as may be prescribed  
28 for the verification of the number of signatures affixed to the petition, whichever is earliest. The  
secretary of state shall transmit such petition to the legislature as soon as the legislature  
convenes and organizes. The petition shall take precedence over all other measures except  
appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted  
or rejected by the legislature without change or amendment within 40 days. If the proposed  
statute or amendment to a statute is enacted by the legislature and approved by the governor in  
the same manner as other statutes are enacted, such statute or amendment to a statute shall  
become law, but shall be subject to referendum petition as provided in section 1 of this article.

1 If the statute or amendment to a statute is rejected by the legislature, or if no action is taken  
2 thereon within 40 days, the secretary of state shall submit the question of approval or  
3 disapproval of such statute or amendment to a statute to a vote of the voters at the next  
4 succeeding general election. If a majority of the voters voting on such question at such election  
5 votes approval of such statute or amendment to a statute, it shall become law and take effect  
6 upon completion of the canvass of votes by the supreme court. **An initiative measure so  
approved by the voters shall not be amended, annulled, repealed, set aside or suspended  
by the legislature within 3 years from the date it takes effect.**

7 (Emphasis added.)

8 64. The Nevada Supreme Court has recognized that “[i]nitiative petitions must be kept  
9 substantively intact; otherwise, the people’s voice would be obstructed. . . [I]nitiative legislation is not  
10 subject to judicial tampering-the substance of an initiative petition should reflect the unadulterated will  
11 of the people and should proceed, if at all, as originally proposed and signed. For this reason, our  
12 constitution prevents the Legislature from changing or amending a proposed initiative petition that is  
13 under consideration.” Rogers v. Heller, 117 Nev. 169, 178, 18 P.3d 1034,1039–40 (2001).

14 65. BQ2 provides, “the Department shall adopt all regulations necessary or convenient to  
15 carry out the provisions of this chapter.” NRS 453D.200(1). This language does not confer upon the  
16 DoT unfettered or unbridled authority to do whatever it wishes without constraint. The DoT was not  
17 delegated the power to legislate amendments because this is initiative legislation. The Legislature itself  
18 has no such authority with regard to NRS 453D until three years after its enactment under the  
19 prohibition of Article 19, Section 2 of the Constitution of the State of Nevada.  
20

21 66. Where, as here, amendment of a voter-initiated law is temporally precluded from  
22 amendment for three years, the administrative agency may not modify the law.

23 67. NRS 453D.200(1) provides that “the Department shall adopt all regulations necessary or  
24 convenient to carry out the provisions of this chapter.” The Court finds that the words “necessary or  
25 convenient” are susceptible to at least two reasonable interpretations. This limitation applies only to  
26 Regulations adopted by the DoT.  
27  
28

1           68.     While the category of diversity is not specifically included in the language of BQ2, the  
2 evidence presented in the hearing demonstrates that a rational basis existed for the inclusion of this  
3 category in the Factors and the application.

4           69.     The DoT's inclusion of the diversity category was implemented in a way that created a  
5 process which was partial and subject to manipulation by applicants.

6           70.     The DoT staff provided various applicants with different information as to what would  
7 be utilized from this category and whether it would be used merely as a tiebreaker or as a substantive  
8 category.  
9

10          71.     Based upon the evidence adduced, the Court finds that the DoT selectively discussed  
11 with applicants or their agents the modification of the application related to physical address  
12 information.

13          72.     The process was impacted by personal relationships in decisions related to the  
14 requirements of the application and the ownership structures of competing applicants. This in and of  
15 itself is insufficient to void the process as urged by some of the Plaintiffs.  
16

17          73.     The DoT disseminated various versions of the 2018 Retail Marijuana Application, one  
18 of which was published on the DoT's website and required the applicant to provide an actual physical  
19 Nevada address for the proposed marijuana establishment, and not a P.O. Box, (*see* Exhibit 5), whereas  
20 an alternative version of the DoT's application form, which was not made publicly available and was  
21 distributed to some, but not all, of the applicants via a DoT listserv service, deleted the requirement that  
22 applicants disclose an actual physical address for their proposed marijuana establishment. *See* Exhibit  
23 5A.  
24

25          74.     The applicants were applying for conditional licensure, which would last for 1 year.  
26 NAC 453D.282. The license was conditional based on the applicant's gaining approval from local  
27  
28



1 authorities on zoning and land use, the issuance of a business license, and the Department of Taxation  
2 inspections of the marijuana establishment.

3 75. The DoT has only awarded conditional licenses which are subject to local government  
4 approval related to zoning and planning and may approve a location change of an existing license, the  
5 public safety aspects of the failure to require an actual physical address can be cured prior to the award  
6 of a final license.

7  
8 76. By selectively eliminating the requirement to disclose an actual physical address for  
9 each and every proposed retail recreational marijuana establishment, the DoT limited the ability of the  
10 Temporary Employees to adequately assess graded criteria such as (i) prohibited proximity to schools  
11 and certain other public facilities, (ii) impact on the community, (iii) security, (iv) building plans, and  
12 (v) other material considerations prescribed by the Regulations.

13 77. The hiring of Temporary Employees was well within the DoT's discretionary power.

14 78. The evidence establishes that the DoT failed to properly train the Temporary  
15 Employees. This is not an appropriate basis for the requested injunctive relief unless it makes the  
16 grading process unfair.

17  
18 79. The DoT failed to establish any quality assurance or quality control of the grading done  
19 by Temporary Employees.<sup>17</sup> This is not an appropriate basis for the requested injunctive relief unless it  
20 makes the grading process unfair.

21 80. The DoT made licensure conditional for one year based on the grant of power to create  
22 regulations that develop "[p]rocedures for the issuance, renewal, suspension, and revocation of a  
23 license to operate a marijuana establishment." NRS 453D.200(1)(a). This was within the DoT's  
24 discretion.  
25  
26  
27

28 <sup>17</sup> The Court makes no determination as to the extent which the grading errors alleged by MM and Live Free may be  
subject to other appropriate writ practice related to those individualized issues by the assigned department.

1           81.     Certain of DoT's actions related to the licensing process were nondiscretionary  
2 modifications of BQ2's mandatory requirements. The evidence establishes DoT's deviations  
3 constituted arbitrary and capricious conduct without any rational basis for the deviation.

4           82.     The DoT's decision to not require disclosure on the application and to not conduct  
5 background checks of persons owning less than 5% prior to award of a conditional license is an  
6 impermissible deviation from the mandatory language of BQ2, which mandated "a background check  
7 of each prospective owner, officer, and board member of a marijuana establishment license applicant."  
8 NRS 453D.200(6).  
9

10          83.     The argument that the requirement for each owner to comply with the application  
11 process and background investigation is "unreasonably impracticable" is misplaced. The limitation of  
12 unreasonably impracticable applied only to the Regulations not to the language and compliance with  
13 BQ2 itself.  
14

15          84.     Under the circumstances presented here, the Court concludes that certain of the  
16 Regulations created by the DoT are unreasonable, inconsistent with BQ2 and outside of any discretion  
17 permitted to the DoT.

18          85.     The DoT acted beyond its scope of authority when it arbitrarily and capriciously  
19 replaced the mandatory requirement of BQ2, for the background check of each prospective owner,  
20 officer and board member with the 5% or greater standard in NAC 453.255(1). This decision by the  
21 DoT was not one they were permitted to make as it resulted in a modification of BQ2 in violation of  
22 Article 19, Section 2(3) of the Nevada Constitution.  
23

24          86.     As Plaintiffs have shown that the DoT clearly violated NRS Chapter 453D, the claims  
25 for declaratory relief, petition for writ of prohibition, and any other related claims is likely to succeed  
26 on the merits.

27          87.     The balance of equities weighs in favor of Plaintiffs.  
28

1           88.     “[N]o restraining order or preliminary injunction shall issue except upon the giving of  
2 adequate security by the applicant, in such sum as the court deems proper, for the payment of such  
3 costs and damages as may be incurred or suffered by any party who is found to be wrongfully enjoined  
4 or restrained.” NRCp 65(d).

5           89.     The DoT stands to suffer no appreciable losses and will suffer only minimal harm as a  
6 result of an injunction.

7           90.     Therefore, a security bond already ordered in the amount of \$400,000 is sufficient for  
8 the issuance of this injunctive relief.<sup>18</sup>

9           91.     If any conclusions of law are properly findings of fact, they shall be treated as if  
10 appropriately identified and designated.

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27 <sup>18</sup> As discussed during the preliminary injunction hearing, the Court sets a separate evidentiary hearing on whether to  
28 increase the amount of this bond. That hearing is set for August 29, 2019, at 9:00 a.m.

**ORDER**

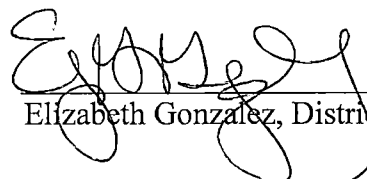
**IT IS HEREBY ADJUDGED ORDERED AND DECREED** that Plaintiffs' Motions for Preliminary Injunction are granted in part.

The State is enjoined from conducting a final inspection of any of the conditional licenses issued in or about December 2018 who did not provide the identification of each prospective owner, officer and board member as required by NRS 453D.200(6) pending a trial on the merits.<sup>19</sup>

The issue of whether to increase the existing bond is set for hearing on August 29, 2019, at 9:00 am.

The parties in A786962 and A787004 are to appear for a Rule 16 conference September 9, 2019, at 9:00 am and submit their respective plans for discovery on an expedited schedule by noon on September 6, 2019.

DATED this 23<sup>rd</sup> day of August 2019.

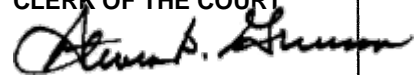
  
Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, this Order was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

  
Dan Kutinac

<sup>19</sup> As Court Exhibit 3 is a post-hearing submission by the DoT, the parties may file objections and/or briefs related to this issue. Any issues related to the inclusion or exclusion from this group will be heard August 29, 2019, at 9:00 am.



**ORD**  
THEODORE PARKER, III, ESQ.  
Nevada Bar No. 4716  
**PARKER, NELSON & ASSOCIATES, CHTD.**  
2460 Professional Court, Suite 200  
Las Vegas, Nevada 89128  
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Email: [tparker@pnalaw.net](mailto:tparker@pnalaw.net)

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

SERENITY WELLNESS CENTER, LLC, a Nevada limited liability company, TGIG, LLC, a Nevada limited liability company, NULEAF INCLINE DISPENSARY, LLC, a Nevada limited liability company, NEVADA HOLISTIC MEDICINE, LLC, a Nevada limited liability company, TRYKE COMPANIES SO NV, LLC a Nevada limited liability company, TRYKE COMPANIES RENO, LLC, a Nevada limited liability company, PARADISE WELLNESS CENTER, LLC, a Nevada limited liability company, GBS NEVADA PARTNERS, LLC, a Nevada limited liability company, FIDELIS HOLDINGS, LLC, a Nevada limited liability company, GRAVITAS NEVADA, LLC, a Nevada limited liability company, NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM, LLC, a Nevada limited liability company; DOE PLAINTIFFS I through X; and ROE ENTITIES I through X,

Plaintiffs,

v.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION,  
Defendant.

Defendants.

CASE NO.: A-19-786962-B  
DEPT. NO.: XI

DATE OF HEARING: October 28, 2019  
TIME OF HEARING: 9:00 am

**ORDER REGARDING NEVADA  
WELLNESS CENTER, LLC'S MOTION  
TO AMEND FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW ISSUED ON  
AUGUST 23, 2019, PURSUANT TO  
NRCP 52**

1 NEVADA WELLNESS CENTER, LLC, a  
2 Nevada Limited Liability Company,  
Plaintiff,

CASE NO.: A-19-787540-W  
DEPT. NO.: XVIII

3 STATE OF NEVADA, DEPARTMENT OF  
4 TAXATION; and DOES I through X; and ROE  
5 CORPORATIONS I through X, inclusive,

Defendants.

6 MM DEVELOPMENT COMPANY, INC., a  
7 Nevada corporation; LIVFREE WELLNESS  
8 LLC, dba The Dispensary, a Nevada limited  
liability company,

CASE NO.: A-18-785818-W  
DEPT. NO.: VIII

9 Plaintiffs,

10 v.

11 STATE OF NEVADA, DEPARTMENT OF  
12 TAXATION; and DOES 1 through 10; and  
ROE CORPORATIONS 1 through 10.

Defendants

13 ETW MANAGEMENT GROUP LLC, a  
14 Nevada limited liability company; GLOBAL  
HARMONY LLC, a Nevada limited liability  
15 company; GREEN LEAF FARMS HOLDINGS  
16 LLC, a Nevada limited liability company;  
GREEN THERAPEUTICS LLC, a Nevada  
17 limited liability company; HERBAL CHOICE  
18 INC., a Nevada corporation; JUST QUALITY,  
LLC, a Nevada limited liability company;  
19 LIBRA WELLNESS CENTER, LLC, a Nevada  
limited liability company; ROMBOUGH  
20 REAL ESTATE INC. dba MOTHER HERB, a  
Nevada corporation; NEVCANN LLC, a  
21 Nevada limited liability company; RED  
EARTH LLC, a Nevada limited liability  
22 company; THC NEVADA LLC, a Nevada  
limited liability company; ZION GARDENS  
23 LLC, a Nevada limited liability company; and  
MMOF VEGAS RETAIL, INC., a Nevada  
corporation,

CASE NO.: A-19-787004-B  
DEPT. NO.:

24 Plaintiffs,

25 v.

26 STATE OF NEVADA, DEPARTMENT OF  
TAXATION, a Nevada administrative agency;  
27 DOES 1 through 20, inclusive; and ROE  
CORPORATIONS 1 through 20, inclusive,  
28 Defendants.

1  
2 **ORDER REGARDING NEVADA WELLNESS CENTER, LLC'S MOTION TO AMEND**  
3 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW ISSUED ON AUGUST 23, 2019,**  
4 **PURSUANT TO NRCP 52**

5 Plaintiff, NEVADA WELLNESS CENTER, LLC (hereinafter "NWC") having filed an  
6 Motion to Amend the Findings of Facts and Conclusions of Law issued August 23, 2019, pursuant  
7 to NRCP 52, good cause appearing, it is hereby ORDERED, ADJUDGED and DECREED as  
8 follows:

9 ORDERED that Motion is Denied.

10 DATED this 4 day of November, 2019.

11   
12 DISTRICT JUDGE

13  
14 Respectfully submitted by:

15 **PARKER, NELSON & ASSOCIATES, CHTD.**

16  
17   
18 THEODORE PARKER, III., ESQ.

19 Nevada Bar No. 4716

20 **PARKER, NELSON & ASSOCIATES, CHTD.**

21 2460 Professional Court, Suite 200

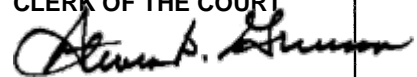
22 Las Vegas, Nevada 89128

23 Telephone: (702) 868-8000

24 Facsimile: (702) 868-8001

25 Email: [tparker@pnalaw.net](mailto:tparker@pnalaw.net)

26 *Attorneys for Plaintiff*  
27



1 **NOTC**  
2 THEODORE PARKER, III, ESQ.  
3 Nevada Bar No. 4716  
4 **PARKER, NELSON & ASSOCIATES, CHTD.**  
5 2460 Professional Court, Suite 200  
6 Las Vegas, Nevada 89128  
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9 Email: [tparker@pnalaw.net](mailto:tparker@pnalaw.net)

10 *Attorneys for Plaintiff*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 SERENITY WELLNESS CENTER, LLC, a  
14 Nevada limited liability company, TGIG, LLC,  
15 a Nevada limited liability company, NULEAF  
16 INCLINE DISPENSARY, LLC, a Nevada  
17 limited liability company, NEVADA  
18 HOLISTIC MEDICINE, LLC, a Nevada  
19 limited liability company, TRYKE  
20 COMPANIES SO NV, LLC a Nevada limited  
21 liability company, TRYKE COMPANIES  
22 RENO, LLC, a Nevada limited liability  
23 company, PARADISE WELLNESS CENTER,  
24 LLC, a Nevada limited liability company, GBS  
25 NEVADA PARTNERS, LLC, a Nevada  
26 limited liability company, FIDELIS  
27 HOLDINGS, LLC, a Nevada limited liability  
28 company, GRAVITAS NEVADA, LLC, a  
Nevada limited liability company, NEVADA  
PURE, LLC, a Nevada limited liability  
company, MEDIFARM, LLC, a Nevada limited  
liability company; DOE PLAINTIFFS I through  
X; and ROE ENTITIES I through X,

Plaintiffs,

v.

THE STATE OF NEVADA, DEPARTMENT  
OF TAXATION,  
Defendant.

Defendants.

CASE NO.: A-19-786962-B  
DEPT. NO.: XI

DATE OF HEARING: October 28, 2019  
TIME OF HEARING: 9:00 am

**NOTICE OF ENTRY OF ORDER**  
**REGARDING NEVADA WELLNESS**  
**CENTER, LLC'S MOTION TO AMEND**  
**FINDINGS OF FACTS AND**  
**CONCLUSIONS OF LAW ISSUED ON**  
**AUGUST 23, 2019, PURSUANT TO**  
**NRCP 52**



1 NEVADA WELLNESS CENTER, LLC, a  
2 Nevada Limited Liability Company,  
3 Plaintiff,

CASE NO.: A-19-787540-W  
DEPT. NO.: XVIII

3 STATE OF NEVADA, DEPARTMENT OF  
4 TAXATION; and DOES I through X; and ROE  
5 CORPORATIONS I through X, inclusive,

6 Defendants.

6 MM DEVELOPMENT COMPANY, INC., a  
7 Nevada corporation; LIVFREE WELLNESS  
8 LLC, dba The Dispensary, a Nevada limited  
9 liability company,

CASE NO.: A-18-785818-W  
DEPT. NO.: VIII

9 Plaintiffs,

10 v.

10 STATE OF NEVADA, DEPARTMENT OF  
11 TAXATION; and DOES 1 through 10; and  
12 ROE CORPORATIONS 1 through 10.

13 Defendants

13 ETW MANAGEMENT GROUP LLC, a  
14 Nevada limited liability company; GLOBAL  
15 HARMONY LLC, a Nevada limited liability  
16 company; GREEN LEAF FARMS HOLDINGS  
17 LLC, a Nevada limited liability company;  
18 GREEN THERAPEUTICS LLC, a Nevada  
19 limited liability company; HERBAL CHOICE  
20 INC., a Nevada corporation; JUST QUALITY,  
21 LLC, a Nevada limited liability company;  
22 LIBRA WELLNESS CENTER, LLC, a Nevada  
23 limited liability company; ROMBOUGH  
24 REAL ESTATE INC. dba MOTHER HERB, a  
25 Nevada corporation; NEVCANN LLC, a  
26 Nevada limited liability company; RED  
27 EARTH LLC, a Nevada limited liability  
28 company; THC NEVADA LLC, a Nevada  
limited liability company; ZION GARDENS  
LLC, a Nevada limited liability company; and  
MMOF VEGAS RETAIL, INC., a Nevada  
corporation,

CASE NO.: A-19-787004-B  
DEPT. NO.:

24 Plaintiffs,

25 v.

25 STATE OF NEVADA, DEPARTMENT OF  
26 TAXATION, a Nevada administrative agency;  
27 DOES 1 through 20, inclusive; and ROE  
28 CORPORATIONS 1 through 20, inclusive,  
Defendants.

1  
2  
3 **NOTICE OF ENTRY OF ORDER REGARDING NEVADA WELLNESS CENTER,**  
4 **LLC'S MOTION TO AMEND FINDINGS OF FACTS AND CONCLUSIONS OF LAW**  
5 **ISSUED ON AUGUST 23, 2019, PURSUANT TO NRCP 52**

6 PLEASE TAKE NOTICE that an **ORDER REGARDING NEVADA WELLNESS**  
7 **CENTER, LLC'S MOTION TO AMEND FINDINGS OF FACTS AND CONCLUSIONS OF**  
8 **LAW ISSUED ON AUGUST 23, 2019, PURSUANT TO NRCP 52**, a true and correct copy of  
9 which is attached hereto, was entered to the Court on the 5<sup>th</sup>, day of November, 2019.

10 DATED this 10 day of November, 2019.

11 **PARKER, NELSON & ASSOCIATES, CHTD.**

12   
13 **THEODORE PARKER, III, ESQ.**

14 Nevada Bar No. 4716

15 **PARKER, NELSON & ASSOCIATES, CHTD.**

16 2460 Professional Court, Suite 200

17 Las Vegas, Nevada 89128

18 Telephone: (702) 868-8000

19 Facsimile: (702) 868-8001

20 Email: [tparker@pnlaw.net](mailto:tparker@pnlaw.net)

21 *Attorneys for Plaintiff*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to N.R.C.P. 5(b), I certify that I am an employee of the law office of PARKER,  
3 NELSON & ASSOCIATES, CHTD., and that on this 16<sup>th</sup> day of November, 2019, I served a true  
4 and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER REGARDING NEVADA**  
5 **WELLNESS CENTER, LLC'S MOTION TO AMEND FINDINGS OF FACTS AND**  
6 **CONCLUSIONS OF LAW ISSUED ON AUGUST 23, 2019, PURSUANT TO**  
7 **NRCP 52** on the party(s) set forth below by:

- 8
- 9 ☐ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the  
United States Mail, at Las Vegas, NV, postage prepaid, following ordinary business practices.
- 10 ☐ Facsimile transmission, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26,  
11 by faxing a true and correct copy of the same to each party addressed as follows:
- 12 ☐ By E-mail: by electronic mail delivering the document(s) listed above to the e-mail address(es) set  
13 forth below on this date before 5:00 p.m.
- 14 ☒ By EFC: by electronic filing with the Court delivering the document(s) listed above via E-file & E-  
15 serve (Odyssey) filing system.

16 *(All Parties on the Electronic Service List)*

17   
18 \_\_\_\_\_  
19 An employee of PARKER, NELSON & ASSOCIATES, CHTD.  
20  
21  
22  
23  
24  
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27  
28



1 **ORD**  
2 THEODORE PARKER, III, ESQ.  
3 Nevada Bar No. 4716  
4 **PARKER, NELSON & ASSOCIATES, CHTD.**  
5 2460 Professional Court, Suite 200  
6 Las Vegas, Nevada 89128  
7 Telephone: (702) 868-8000  
8 Facsimile: (702) 868-8001  
9 Email: [tparker@pnalaw.net](mailto:tparker@pnalaw.net)

10 *Attorneys for Plaintiff*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 SERENITY WELLNESS CENTER, LLC, a  
14 Nevada limited liability company, TGIG, LLC,  
15 a Nevada limited liability company, NULEAF  
16 INCLINE DISPENSARY, LLC, a Nevada  
17 limited liability company, NEVADA  
18 HOLISTIC MEDICINE, LLC, a Nevada  
19 limited liability company, TRYKE  
20 COMPANIES SO NV, LLC a Nevada limited  
21 liability company, TRYKE COMPANIES  
22 RENO, LLC, a Nevada limited liability  
23 company, PARADISE WELLNESS CENTER,  
24 LLC, a Nevada limited liability company, GBS  
25 NEVADA PARTNERS, LLC, a Nevada  
26 limited liability company, FIDELIS  
27 HOLDINGS, LLC, a Nevada limited liability  
28 company, GRAVITAS NEVADA, LLC, a  
Nevada limited liability company, NEVADA  
PURE, LLC, a Nevada limited liability  
company, MEDIFARM, LLC, a Nevada limited  
liability company; DOE PLAINTIFFS I through  
X; and ROE ENTITIES I through X,

Plaintiffs,

v.

THE STATE OF NEVADA, DEPARTMENT  
OF TAXATION,  
Defendant.

Defendants.

CASE NO.: A-19-786962-B  
DEPT. NO.: XI

DATE OF HEARING: October 28, 2019  
TIME OF HEARING: 9:00 am

**ORDER REGARDING NEVADA  
WELLNESS CENTER, LLC'S MOTION  
TO AMEND FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW ISSUED ON  
AUGUST 23, 2019, PURSUANT TO  
NRCP 52**

1 NEVADA WELLNESS CENTER, LLC, a  
2 Nevada Limited Liability Company,  
Plaintiff,

CASE NO.: A-19-787540-W  
DEPT. NO.: XVIII

3 STATE OF NEVADA, DEPARTMENT OF  
4 TAXATION; and DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,

5  
6 Defendants.

6 MM DEVELOPMENT COMPANY, INC., a  
7 Nevada corporation; LIVFREE WELLNESS  
8 LLC, dba The Dispensary, a Nevada limited  
liability company,

CASE NO.: A-18-785818-W  
DEPT. NO.: VIII

9 Plaintiffs,

10 v.

11 STATE OF NEVADA, DEPARTMENT OF  
TAXATION; and DOES 1 through 10; and  
ROE CORPORATIONS 1 through 10.

12 Defendants

13 ETW MANAGEMENT GROUP LLC, a  
14 Nevada limited liability company; GLOBAL  
HARMONY LLC, a Nevada limited liability  
15 company; GREENLEAF FARMS HOLDINGS  
LLC, a Nevada limited liability company;  
16 GREEN THERAPEUTICS LLC, a Nevada  
limited liability company; HERBAL CHOICE  
17 INC., a Nevada corporation; JUST QUALITY,  
LLC, a Nevada limited liability company;  
18 LIBRA WELLNESS CENTER, LLC, a Nevada  
limited liability company; ROMBOUGH  
19 REAL ESTATE INC. dba MOTHER HERB, a  
Nevada corporation; NEVCANN LLC, a  
20 Nevada limited liability company; RED  
EARTH LLC, a Nevada limited liability  
21 company; THC NEVADA LLC, a Nevada  
limited liability company; ZION GARDENS  
22 LLC, a Nevada limited liability company; and  
MMOF VEGAS RETAIL, INC., a Nevada  
23 corporation,

CASE NO.: A-19-787004-B  
DEPT. NO.:

24 Plaintiffs,

25 v.

26 STATE OF NEVADA, DEPARTMENT OF  
TAXATION, a Nevada administrative agency;  
DOES 1 through 20, inclusive; and ROE  
27 CORPORATIONS 1 through 20, inclusive,  
28 Defendants.

1  
2 **ORDER REGARDING NEVADA WELLNESS CENTER, LLC'S MOTION TO AMEND**  
3 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW ISSUED ON AUGUST 23, 2019,**  
4 **PURSUANT TO NRCP 52**

5 Plaintiff, NEVADA WELLNESS CENTER, LLC (hereinafter "NWC") having filed an  
6 Motion to Amend the Findings of Facts and Conclusions of Law issued August 23, 2019, pursuant  
7 to NRCP 52, good cause appearing, it is hereby ORDERED, ADJUDGED and DECREED as  
8 follows:

9 ORDERED that Motion is Denied.

10 DATED this 4 day of November, 2019.

11   
12 DISTRICT JUDGE

13  
14 Respectfully submitted by:

15 **PARKER, NELSON & ASSOCIATES, CHTD.**

16  
17   
18 THEODORE PARKER, III., ESQ.

19 Nevada Bar No. 4716

20 **PARKER, NELSON & ASSOCIATES, CHTD.**

21 2460 Professional Court, Suite 200

22 Las Vegas, Nevada 89128

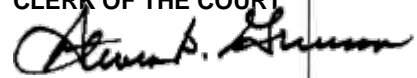
23 Telephone: (702) 868-8000

24 Facsimile: (702) 868-8001

25 Email: [tparker@pnalaw.net](mailto:tparker@pnalaw.net)

26 *Attorneys for Plaintiff*  
27

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KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
Telephone: (702) 385-6000  
*Attorneys for Plaintiffs*  
*MM Development Company, Inc. &*  
*LivFree Wellness, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

IN RE D.O.T. Litigation

Case No.: A-19-787004-B  
Dept. No.: IX

**CONSOLIDATED WITH:**

A-18-785818-W  
A-18-786357-W  
A-19-786962-B  
A-19-787035-C  
A-19-787540-W  
A-19-787726-C  
A-19-801416-B

**ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE  
WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

**Date of Hearing:** Oct. 28, 2019  
**Time of Hearing:** 9:00 a.m.

Plaintiffs, MM Development Company, Inc. ("MM Development") and LivFree Wellness LLC, dba The Dispensary ("LivFree"), filed a Motion to Alter or Amend Findings of Fact and Conclusions of Law (the "Motion") on September 24, 2019, which came on for hearing on October 28, 2019. After reviewing the papers and pleadings on file herein, and hearing the arguments of counsel, the Court finds and orders as follows:

///

///

///

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 Plaintiffs' Motion to Alter or Amend Findings of Fact and Conclusions of Law is  
2 DENIED.

3 IT IS SO ORDERED.

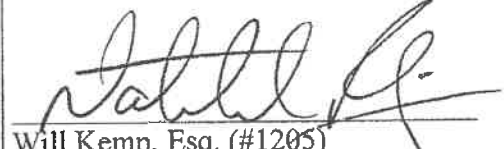
4 DATED this 22 day of November, 2019

5  
6 

ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

7  
8 Respectfully Submitted by:

9 KEMP, JONES & COULTHARD, LLP

10   
11  
12 Will Kemp, Esq. (#1205)  
13 Nathanael R. Rulis, Esq. (#11259)  
14 3800 Howard Hughes Parkway, 17th Floor  
15 Las Vegas, Nevada 89169  
16 *Attorneys for Plaintiff*





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Las Vegas, Nevada 89169  
Telephone: (702) 385-6000  
*Attorneys for Plaintiffs*  
*MM Development Company, Inc. &*  
*LivFree Wellness, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

IN RE D.O.T. Litigation

Case No.: A-19-787004-B  
Dept. No.: IX

**CONSOLIDATED WITH:**

A-18-785818-W  
A-18-786357-W  
A-19-786962-B  
A-19-787035-C  
A-19-787540-W  
A-19-787726-C  
A-19-801416-B

**NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY,  
INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

TO: All parties herein; and

TO: Their respective counsel;

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an Order Denying  
MM Development Company, Inc.'s and Livfree Wellness, LLC's Motion to Alter or Amend

///

///

///

Findings of Fact and Conclusions of law was entered in the above entitled matter on November 22, 2019.

A copy of said Order is attached hereto.

Dated this 22th day of November, 2019.

KEMP JONES & COULTHARD, LLP

/s/ Nathanael Rulis

Will Kemp, Esq. (#1205)

Nathanael R. Rulis, Esq. (#11259)

3800 Howard Hughes Parkway, 17<sup>th</sup> Floor

Las Vegas, Nevada 89169

*Attorneys for Plaintiff*

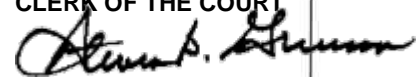
**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of November, 2019, the foregoing **NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW** was served on all parties by electronic submission via the court's e-filing system.

/s/ Ali Augustine

An employee of Kemp, Jones & Coulthard, LLP

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
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kjc@kempjones.com



Will Kemp, Esq. (#1205)  
Nathanael R. Rulis, Esq. (#11259)  
[n.rulis@kempjones.com](mailto:n.rulis@kempjones.com)  
KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
Telephone: (702) 385-6000  
*Attorneys for Plaintiffs*  
*MM Development Company, Inc. &*  
*LivFree Wellness, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

IN RE D.O.T. Litigation

Case No.: A-19-787004-B  
Dept. No.: IX

**CONSOLIDATED WITH:**

A-18-785818-W  
A-18-786357-W  
A-19-786962-B  
A-19-787035-C  
A-19-787540-W  
A-19-787726-C  
A-19-801416-B

**ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE  
WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

**Date of Hearing:** Oct. 28, 2019  
**Time of Hearing:** 9:00 a.m.

Plaintiffs, MM Development Company, Inc. ("MM Development") and LivFree Wellness LLC, dba The Dispensary ("LivFree"), filed a Motion to Alter or Amend Findings of Fact and Conclusions of Law (the "Motion") on September 24, 2019, which came on for hearing on October 28, 2019. After reviewing the papers and pleadings on file herein, and hearing the arguments of counsel, the Court finds and orders as follows:

///

///

///

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 Plaintiffs' Motion to Alter or Amend Findings of Fact and Conclusions of Law is  
2 DENIED.

3 IT IS SO ORDERED.

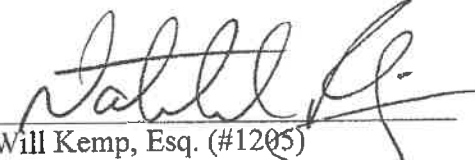
4 DATED this 22 day of November, 2019

5  
6 

ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

7  
8 Respectfully Submitted by:

9 KEMP, JONES & COULTHARD, LLP

10   
11  
12 Will Kemp, Esq. (#1205)  
13 Nathanael R. Rulis, Esq. (#11259)  
14 3800 Howard Hughes Parkway, 17th Floor  
15 Las Vegas, Nevada 89169  
16 Attorneys for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**April 01, 2019**

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A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**April 01, 2019      10:15 AM      Minute Order**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, motions to intervene originally set for April 5, 2019 in chambers RESET on the oral calendar for Monday, April 15, 2019.

4-15-19      9:00 AM      NEVADA ORGANIC REMEDIES, LLC'S MOTION TO INTERVENE...  
...INTEGRAL ASSOCIATES LLC'S MOTION TO INTERVENE AS DEFENDANTS...  
...LONE MOUNTAIN PARTNERS, LLC'S MOTION TO INTERVENE

Courtroom 3-E

CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service List and placing a copy in the attorney folder for the Office of the Attorney General. / dr 4-1-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**April 15, 2019**

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A-19-787004-B	ETW Management Group LLC, Plaintiff(s) vs. Nevada Dept of Taxation, Defendant(s)
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**April 15, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Bhirud, Ketan D.	Attorney
Bult, Adam K.	Attorney
Gutierrez, Joseph A.	Attorney
Hone, Eric D.	Attorney
Koch, David	Attorney
Werbicky, Robert E.	Attorney

**JOURNAL ENTRIES**

- NEVADA ORGANIC REMEDIES, LLC'S MOTION TO INTERVENE...  
...LONE MOUNTAIN PARTNERS, LLC'S MOTION TO INTERVENE...  
...INTEGRAL ASSOCIATES LLC'S MOTION TO INTERVENE AS DEFENDANTS

Matter heard with A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation.

Also present were counsel in A-19-786962-B: Attorneys Dominic Gentile, Michael Cristalli, and Vincent Savarese for the Plaintiffs, Attorney Jared Kahn for the Intervenor Defendant Helping Hands Wellness Center, Inc., and Attorney Alina Shell for Intervenor Defendant GreenMart of Nevada NLV LLC.

Mr. Gentile appeared by telephone.

Court thanked counsel for the email identifying all the related cases. Colloquy regarding the DH Flamingo case, A-19-787035-C. Court noted it was included in the list.

Counsel further advised a stipulation will be submitted to the Court moving the Motion for Preliminary Injunction in A-19-786962-B two weeks from May 6. Mr. Savarese noted they have not yet agreed. Court advised it will be out of the jurisdiction on May 20 so it can hear the motion on May 13, June 3, or May 24. Per parties' agreement, a stipulation will be submitted moving the motion for preliminary injunction to May 24.

COURT ORDERED, motions to intervene in the instant case are GRANTED.

4-22-19      9:00 AM      STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**April 22, 2019**

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A-19-787004-B	ETW Management Group LLC, Plaintiff(s) vs. Nevada Dept of Taxation, Defendant(s)
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<b>April 22, 2019</b>	<b>9:00 AM</b>	<b>Status Check</b>
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<b>HEARD BY:</b> Gonzalez, Elizabeth	<b>COURTROOM:</b> RJC Courtroom 03E
--------------------------------------	-------------------------------------

**COURT CLERK:** Dulce Romea

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bhirud, Ketan D.	Attorney
	Bult, Adam K.	Attorney
	Gutierrez, Joseph A.	Attorney
	Hone, Eric D.	Attorney
	Koch, David	Attorney
	Pope, David J.	Attorney
	Werbicky, Robert E.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED:

A-19-786962-B - Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case):

Attorney Dominic Gentile and Attorney Michael Cristalli for the Plaintiffs; Attorney Jared Kahn for Intervenor Defendant Helping Hands Wellness Center, Inc.; Attorney Alina Shell for Intervenor Defendant GreenMart of Nevada NLV LLC.

Mr. Kahn participated by telephone.

A-18-785818-W - MM Development Company, Inc. vs. State of Nevada, Department of Taxation (Department IX case):



Attorney William Kemp and Attorney Nathanael Rulis for the Plaintiffs

A-18-786357-W - Compassionate Team of Las Vegas LLC vs. Nevada Department of Taxation (Department XIV case);

Attorney Daniel Simon for the Plaintiff

A-19-787035-C - D H Flamingo Inc vs. State Ex Rel Department of Taxation (Department VI case);

Attorney Kelly Stout for the Plaintiffs

A-19-787540-W - Nevada Wellness Center, LLC vs. State of Nevada, Department of Taxation (Department XVIII case);

Attorney Theodore Parker for the Plaintiff

A-19-787726-C - High Sierra Holistics vs. State of Nevada Department of Taxation (Department XIV case)

Attorney James Puzey for the Plaintiff

COURT advised today is a scheduling conference; these matters have been put on calendar because this Court has the lowest business court case (A-19-786962-B Serenity Wellness), the one with the motion for preliminary injunction.

Mr. Kemp advised there are also cases in Washoe County and Lyon County; MM Development is the lowest case of all the cases locally; it is assigned to Department IX and has been administered by senior judges, although he understands Judge Silva will be the new judge in Department IX; he had informed Mr. Werbicky that they would not be opposed to coordination in general; however, the problem is that some cases are not in business court and they have a lot of missing parties; he will be filing an answer in a different case, and the proposition there is that even after a motion for coordination is granted a peremptory challenge may be filed; every time you coordinate you get a new bump which violates 48.1; the only way around that is to have a stipulation between all parties to go to one judge and keep that judge. Court stated its goal is to get the preliminary injunction hearing in the instant case finished and since this Court's ruling may affect all the people here today the Court is inviting everyone to participate; the Court is not consolidating the cases for the exact reason that counsel is identifying which could result in multiple things down the road.

Mr. Kemp advised he supports the motion for preliminary injunction and can participate and submit briefing through Mr. Gentile; he points that out because they are already in the discovery process and have taken 6 depositions.

At Ms. Stout's request for clarification, Court stated that at this point it is only planning to coordinate for purposes of the preliminary injunction hearing because of the primarily constitutional and business issue that is woven throughout all the cases. Mr. Bult advised he is probably in the same spot as Mr. Kemp and will help Mr. Gentile. Court noted if everyone is going to be relying on Mr. Gentile then that means all will be asking questions at the preliminary injunction hearing, which will

triple the time if there are going to be witnesses. Mr. Bult further advised his only concern right now is a briefing schedule.

Mr. Parker advised they were before the Discovery Commissioner a week and a half ago, and Nevada Wellness received a report and recommendation in their favor allowing them certain discovery; so, they may submit briefing which includes that additional discovery. Mr. Bhirud stated he would prefer to respond to one opposition although he would rather not have 7 different rulings either. As to whether parties will have witnesses at the hearing, Court stated it will be up to counsel. Mr. Bhirud added he would prefer that one or two attorneys on the Plaintiffs' side take the lead.

Mr. Koch advised they had stipulated to May 2nd for the opposition; he is not sure if with regards to the hearing fact witnesses would help, because the motion for preliminary injunction as written is really legal argument regarding statutes.

Court noted its only concern is that it was unclear when it read the briefing in Serenity Wellness - because it stopped reading before granting a motion to exceed page limit - if there is an argument that it is unconstitutional as applied, if that is the case, they probably need witnesses.

Upon Mr. Puzey's inquiry, Court stated it does not intend to have the cases in Washoe and Lyon counties come here unless those judges want it to; if those judges and parties want to participate this Court will be happy to have them participate on May 24th; the cases here have the approval of the Chief Judge for coordination given the status of some of the departments they are assigned to. Mr. Bhirud advised the State will stipulate to bring those cases here. Mr. Puzey replied they are not yet prepared to enter into that stipulation today. Court stated it will let counsel discuss that amongst themselves.

Mr. Kemp further advised there are two applications pending in Reno for new licenses which are currently not on the Washoe County agenda but could be put on the agenda on 5 days' notice; there is some concern that they could be heard as early as next week, which would be before the preliminary injunction hearing; if noticed, they will ask Mr. Gentile to take appropriate action to prevent those applications from becoming somehow moot. Court stated counsel can do whatever they want; the Court will sign an OST.

Ms. Stout requested further clarification; her clients have sought slightly different relief and she wants to clarify whether the action that would be taken with respect to the motion for preliminary injunction here would not prevent other parties from seeking a preliminary injunction in other cases. Court stated yes if seeking on a different basis, but if the same basis as the instant case then it would be done here.

Colloquy between Court and counsel regarding briefing. Per parties' STIPULATION, COURT ORDERED:

Other Plaintiffs to make a decision by May 6, 2019 on whether they are formally joining the motion

for preliminary injunction in A-19-786962-B (Serenity Wellness) and adding to some of the facts and raising new issues;

Opposition DUE by May 9, 2019;

Reply brief DUE by May 22, 2019 at noon.

Ms. Stout advised that to the extent this proceeding would prevent her clients from raising a preliminary injunction seeking similar relief later on they would have to OBJECT under EDCR 2.50 and 1.61. COURT SO NOTED. Mr. Bhirud inquired as to whether the Court would prefer to have a motion for preliminary injunction by D H Flamingo filed here. COURT NOTED, if something happens and counsel thinks it needs to be done differently; no one has filed a formal motion to coordinate or consolidate. The Court has invited participation in the preliminary injunction hearing of all interested parties in order to avoid potentially conflicting rulings.

COURT FURTHER NOTED that on May 6th, the date for the other Plaintiff's elections, if there are any other issues that are unanticipated or beyond the pale the Court can discuss those with the parties on a conference call; if there are any discovery disputes that relate to the preliminary injunction hearing the Court can also do this on a conference call.

After the May 24th hearing matter will be set for Rule 16 conference.

5-24-19      9:00 AM      PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN  
DEPARTMENT XI

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 13, 2019**

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A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**May 13, 2019**

**9:00 AM**

**Motion to Consolidate**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Bhirud, Ketan D.	Attorney
Bult, Adam K.	Attorney
Chance, Travis F	Attorney
Gutierrez, Joseph A.	Attorney
Haar, Theresa M.	Attorney
Hone, Eric D.	Attorney
Koch, David	Attorney
Pope, David J.	Attorney
Shevorski, Steven G.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney Dominic Gentile, Michael Cristalli, and Vincent Savarese for the Plaintiffs in A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation and A-19-794473-C - Serenity Wellness Center, LLC vs. The City of Las Vegas; Attorney Brigid Higgins for Intervenor Defendant Clear River, LLC in A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation; Attorney Jared Kahn for Intervenor Defendant Helping Hands Wellness Center, Inc. in A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation, and Attorney Alina Shell for Proposed Intervenor Defendant GreenMart of Nevada NLV LLC.

Philip Peckman, Mitchell Britten, and Dave Brown, Client Representatives for Thrive Cannabis

Marketplace, introduced by Mr. Gutierrez.

Attorney William Kemp and Attorney Nathanael Rulis for the Plaintiffs in A-18-785818-W - MM Development Company, Inc. vs. State of Nevada, Department of Taxation (Department VIII case);

Attorney Dennis Kennedy for the Plaintiffs in A-19-787035-C - D H Flamingo Inc vs. State Ex Rel Department of Taxation (Department VI case);

Attorney Theodore Parker for the Plaintiff in A-19-787540-W - Nevada Wellness Center, LLC vs. State of Nevada, Department of Taxation (Department XVIII case);

Attorney Philip Byrnes for the Defendant in A-19-794473-C - Serenity Wellness Center, LLC vs. The City of Las Vegas, Nevada (Department I case);

Attorney Adam Fulton for the Plaintiff in A-19-786888-J - ACC Enterprises, LLC vs. Nevada Department of Taxation (Department XXX case).

Matter heard with A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation and A-19-794473-C Serenity Wellness Center, LLC vs. The City of Las Vegas, Nevada.

STATE'S MOTION TO CONSOLIDATE in A-19-787004-B ETW Management: Argument in support of the motion by Mr. Shevorski, joinder by Mr. Koch to the State's Motion, and arguments in opposition by Mr. Kennedy and Mr. Fulton. COURT ORDERED, given the unique issues in A787035 related to the appeal and in A786888 related to the mailing issues, the Court will NOT COORDINATE those issues in this department. However, the Court will GRANT the motion to the extent it seeks coordination of all the issues related to the preliminary injunction hearing scheduled next Friday (May 24, 2019).

Court noting the Governor signed SB32 last Friday inquired whether it will impact any of the issues or exchange of information that needs to happen before the preliminary injunction hearing next Friday. Mr. Kemp advised the Department of Taxation filed a supplemental group of materials on their website on Friday that raises even more questions; he thinks it will help the process and speed up the preliminary injunction hearing but does not solve the issue.

PROPOSED MOTION FOR ORDER COMPELLING PRODUCTION OF PRESERVED ELECTRONICALLY STORED INFORMATION in A-19-787004-B ETW Management: Per parties' agreement, Motion SET for Thursday, May 16, 2019 at 9 am. Order Shortening Time signed in open court and returned to counsel for filing.

PLAINTIFFS' MOTION TO CONSOLIDATE ON ORDER SHORTENING TIME: Mr. Gentile argued in support of consolidating A-19-786962-B Serenity Wellness Center vs. State of Nevada Department of Taxation with A-19-794473-C Serenity Wellness Center, LLC vs. The City of Las Vegas, noting they had to file a lawsuit against the City quickly; it makes sense to consolidate these cases as they are

identical. Mr. Byrnes advised the City has not received anything in this case but received a copy of the complaint this morning; however, the City also filed this morning a Notice of Removal to Federal Court. COURT NOTED it cannot act today if a notice of removal has been filed.

DISCUSSION REGARDING PRELIMINARY INJUNCTION HEARING ON MAY 24, 2019: Court stated it does not care as to what the parties decide on a consolidated date for the oppositions as the Court will read all the briefing; Plaintiffs' reply brief DUE May 22nd. Mr. Shevorski advised that with respect to the motion filed by MM Development their oppositions are due on the 20th. Colloquy regarding suspended rules and counting days. Court noted 14 days from May 6th, the date of service of the motion. Mr. Shevorski advised it is his preference not to have any witnesses on May 24. Mr. Gentile advised that he would like to call witnesses; there has been a good deal of coordination of the attorneys sitting at his table, and he has 3 experts; he also anticipates the hearing will not be completed in one day; 2 of his experts are flying in. Mr. Kemp estimated 2.5 to 3 days for the hearing, depending on how much argument there will be, and advised he is calling one limited witness. Mr. Bult advised he may have one limited witness as well. Mr. Parker advised he is in trial the week of May 27 in federal court in Reno; however, he does have 1 witness in the instant case and anticipated the hearing taking 3 days. COURT TRAILED the matter for the parties to confer on a number of days.

Matter RECALLED.

APPLICATION FOR TEMPORARY RESTRAINING ORDER (A-19-786962-B - Serenity Wellness Center's application against Defendant-Intervenor CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace) : Following arguments by Mr. Gentile and Mr. Gutierrez, COURT ORDERED, after evaluating the balance of hardships and likelihood of success on the merits, the Court GRANTS the TRO in limited respect PREVENTING Thrive from beginning operations at the 3500 Sahara location until after the preliminary injunction hearing which the Court SETS as the same time as the Motion for Preliminary Injunction on May 24, 2019. BOND SET at \$150,000, amount of a half month's rent.

Following further discussion on the estimated length and scope of the hearing(s), COURT NOTED it will SET ASIDE May 24th to the 31st. COURT FURTHER DIRECTED anyone to obtain Mr. Parker's confirmation via email to all parties, since he will be in trial, that he will be fine with everyone else proceeding after his one witness.

5-16-19 9:00 AM MOTION FOR ORDER COMPELLING PRODUCTION OF PRESERVED ELECTRONICALLY STORED INFORMATION ON ORDER SHORTENING TIME

5-24-19 9:00 AM PRELIMINARY INJUNCTION HEARING IN A1-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS

6-7-19 CHAMBERS GREENMART OF NEVADA NLV LLC'S MOTION TO INTERVENE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 16, 2019**

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A-19-787004-B	ETW Management Group LLC, Plaintiff(s) vs. Nevada Dept of Taxation, Defendant(s)
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**May 16, 2019**

**9:00 AM**

**Motion to Compel**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Bhirud, Ketan D.	Attorney
Bult, Adam K.	Attorney
Gutierrez, Joseph A.	Attorney
Haar, Theresa M.	Attorney
Hone, Eric D.	Attorney
Koch, David	Attorney
Pope, David J.	Attorney
Shevorski, Steven G.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney William Kemp and Attorney Nathanael Rulis for the Plaintiffs in A-18-785818-W - MM Development Company, Inc. vs. State of Nevada, Department of Taxation (Department VIII case);

Attorney Michael Cristalli and Attorney Dominic Gentile for the Plaintiffs in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case);

Attorney Rusty Graf, Attorney Brigid Higgins, and Attorney Tisha Black for Clear River, LLC, Intervenor Defendant, in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case);

Attorney Alina Shell for Intervenor Defendant GreenMart of Nevada NLV LLC in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case).

Matter heard with A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case).

Court inquired of Mr. Kemp whether a search protocol was developed when the mirror order was signed in his case. Mr. Kemp advised no, it was just a blanket download; they did not download the State's servers that the applications were on, but the State did preserve those; the key thing here is the 15 laptops used by the graders. Mr. Kemp further advised there was a control copy, the State's copy, and what is supposed to be his copy; no searches have been done by him.

DEFENDANT/INTERVENOR, CLEAR RIVER, LLC'S, ORDER SHORTENING TIME ON MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENA and JOINDERS thereto in A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation (Department XI case): Arguments by Mr. Graf, Mr. Koch, Mr. Kemp, Mr. Gentile, and Mr. Shevorski. Upon Court's inquiry, Mr. Shevorski advised they have not yet done the searches subject to 16.1 in the MM case as the information is subject to security protocols; however, it has been preserved; they have produced their 16.1 and have not heard objections from the other side that their 16.1 was inadequate.

Mr. Pope advised that when Judge Bailus was leaving, he said that all he was doing was preserving the information and the parties could fight about it later as to what could be released or not, what was confidential or not; the order even says the Plaintiffs were not to get the information until there was a process; MM wanted copying and then wanted forensic imaging, which requires special software and a lot of time to convert the information into something people are able to look at; money and time are involved; they did not have a vendor; the Department of Taxation I.T. staff thought they had to copy the drives, but when it came to forensic imaging, they had to find someone and the only vendor they could find who could do it was the Washoe County Sheriff's Department through the State's investigative department; he does not know what program but he is working on finding out what platform; their forensic specialist is "Kristy Funsaco" (phonetic), who is an investigator in their office, a State employee, and an expert in this area. Mr. Shevorski concurred searches have not been done but they have made their 16.1 disclosures to Mr. Kemp.

Court noting the issue of privilege inquired if the State is in a position to do the redactions to the applications so only limited information is provided. Mr. Pope responded they are not as it would take a couple of employees one year to do that; procedurally they could give back the applicants their apps and have them redact the apps themselves. Mr. Graf replied it appears there has to be a methodology on what information gets disseminated and a methodology of contacting 400 or so applicants. Mr. Graf further argued as to how the State does their evaluations.

COURT ORDERED, with respect to the motion for protective order, for those entities that are parties, the State will RELEASE the applications to those participating in this case.



Those entities may provide appropriate redactions with a privilege log; however, the sections on diversity and financial will not be redacted; those two categories will be produced in unredacted form.

There will also be an attorney's eyes only (AEO) protective order that also allows the Plaintiffs' statistician expert only to review that information.

The production, with redactions, will be DONE by Tuesday (May 21, 2019). Thus, the State will do it expeditiously.

After looking at that, if the Plaintiffs have any supplement they are to file that by Thursday morning (May 23, 2019).

MOTION FOR ORDER COMPELLING PRODUCTION OF PRESERVED ELECTRONICALLY STORED INFORMATION ON ORDER SHORTENING TIME in A-19-787004-B - ETW Management Group LLC vs. Nevada Dept of Taxation (Department XI case): Statement by Mr. Kemp as to what had happened in the hearing before Judge Bailus which lasted 7 hours, noting that he offered to pay for the State's independent computer consultant. Colloquy regarding possible vendors. Further argument by Mr. Kemp as to 16.1 disclosures being filed but that the hard drives and cellphones have not been provided. Mr. Kemp asked for the 15 hard drives and 3 state cellphones, stating he could take it from there and make them AEO. Mr. Rulis advised HOLO could be a vendor.

COURT ORDERED, the images originally designated as the Plaintiffs' copy will be DELIVERED to HOLO and it will be at Plaintiffs' expense, not at State expense; platform will be provided by HOLO.

Custodian list as well as search terms will be PROVIDED to all parties and to HOLO by 10 am tomorrow, May 17;

If anyone has an objection to a custodian or search term, it needs to be made by 2 pm tomorrow by email with a copy to the Law Clerk so the Court can conduct a conference call;

If there are unobjected to custodians and search terms HOLO will begin the search process;

If there is an issue related to a privilege that a party thinks they need to review, the party has 24 hours from the identification of the document by HOLO or when HOLO makes it available on the platform to either make a claim of privilege and review the document, order redactions, agree with redactions, or whatever.

Any document to which there is no claim of privilege made will be released so it can be obtained in time for the hearing;

Upon Mr. Koch's inquiry, Court concurred anything not part of M1 through 4 is not privileged, so the Court is ordering that as well as the diversity and financial sections.

All witnesses for the May 24th hearing must be identified by Thursday, May 23rd, at 3 pm; counsel need not say when the witnesses will be called and can work together on a schedule.

Court further directed counsel to contact HOLO that they have a big job coming.

5-24-19            9:00 AM            PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN  
DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION  
FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS

6-7-19            CHAMBERS            GREENMART OF NEVADA NLV LLC'S MOTION TO INTERVENE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 24, 2019**

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A-19-787004-B	ETW Management Group LLC, Plaintiff(s) vs. Nevada Dept of Taxation, Defendant(s)
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**May 24, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Alan Castle

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Preliminary Injunction Hearing (Serenity Wellness against Defendant-Intervenor CPCM Holdings, LLC d/b/a Thrive Cannabis Marketplace)

FILED IN A-19-786962-B (Coordinated Cases - A-18-785818-W, A-19-787004-B, A-19-787540-W, A-19-787726-C)

**APPEARANCES:**

Cristalli, Michael Attorney for Plaintiff  
Gentile, Dominic P. Attorney for Plaintiff  
Miller, Ross J. Attorney for Plaintiff  
Savarese, Vincent Attorney for Plaintiff

Bhirud, Ketan D. Attorney for Defendant  
Shevorski, Steven G. Attorney for Defendant  
Haar, Theresa M. Attorney for Defendant

Graf, J. Rusty Attorney for Intervenor Defendant  
Higgins, Brigid M. Attorney for Intervenor Defendant

Shell, Alina Attorney for Intervenor Defendant

Kahn, Jared B. Attorney for Intervenor Defendant

Hone, Eric D. Attorney for Intervenor Defendant

Gutierrez, Joseph A. Attorney for Intervenor Defendant

Hymanson, Philip M. Attorney for Intervenor Defendant

Koch, David Attorney for Intervenor Defendant

Wight, Brody R. Attorney for Intervenor Defendant

Rulis, Nathanael R. Attorney for Other Plaintiff

Kemp, William Attorney for Other Plaintiff

**APPEARANCES CONTINUED:**

William Kemp, Esq. and Nathanael Rulis, counsel for Livfree Wellness LLC; counsel for Livfree Wellness LLC (A-18-785818-W)

Adam Bult, Esq. and Maximillien Fetaz, Esq., counsel for Green Therapeutics LLC, ETW Management Group, LLC (A-19-787004-B)

Theodore Parker, Esq. and Mahogany Turfley, Esq., counsel for Nevada Wellness Center, LLC (A-19-787540-W)

Upon Court's inquiry, exhibits presented and Stipulated exhibits admitted. (See worksheets)  
Opening statements by counsel. Testimony presented. (See worksheets)

Colloquy regarding scheduling. No objection noted. Proposed Findings of Fact, Conclusions of Law are to be submitted to the Court by Wednesday (May 26, 2019) at noon. Court recessed for the day. Court advised parties Court will entertain Motion to Compel next date.

5/28/19 9:45 a.m. Further Proceedings: Preliminary Injunction Hearing

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 28, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**May 28, 2019**

**9:45 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 28, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**May 28, 2019**

**1:00 PM**

**Motion to Compel**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED to May 29, 2019.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 29, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**May 29, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

CLERK'S NOTE: Court's Exhibit 1 to the Motion to Compel Hearing on today's date LODGED with the Vault under A-19-787004-B. / dr

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 30, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**May 30, 2019**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**May 31, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**May 31, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 07, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 07, 2019**

**3:00 AM**

**Motion to Intervene**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Intervene is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 6-10-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 10, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 10, 2019**

**10:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 11, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 11, 2019**

**9:15 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 18, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 18, 2019**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 19, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 19, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 20, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 20, 2019**

**9:15 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**June 28, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**June 28, 2019**

**3:00 AM**

**Motion to Seal/Redact  
Records**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Michaela Tapia

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Although no opposition to the motion to seal Ex A-F to the motion to compel has been filed; it does not appear that portions of the exhibits should have been designated as confidential by the producing parties and are not appropriate for sealing. Counsel for producing parties to be prepared to address the individual pages within each exhibit. COURT ORDERED, matter CONTINUED for in-person hearing.

CONTINUED TO: 7/1/19 10:00 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 01, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 01, 2019**

**10:00 AM**

**Motion to Seal/Redact  
Records**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Michaela Tapia

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS...MOTION FOR ORDER TO SEAL EXHIBITS A-F ATTACHED TO PLAINTIFFS' MOTION TO COMPEL ON ORDER SHORTENING TIME

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 01, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 01, 2019**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Michaela Tapia

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

CLERK'S NOTE: Minutes completed by Dulce Romea on behalf of Michaela Tapia.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 10, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 10, 2019**

**1:00 PM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 11, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 11, 2019**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 12, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 12, 2019**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 15, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 15, 2019**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

COURT ORDERED, the motion to seal in A-19-787004-B will be continued to July 18, 2019 at 9:30 am. Court DIRECTED Mr. Koch to provide the documents with the proposed redaction.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 18, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 18, 2019**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS...MOTION FOR ORDER TO SEAL EXHIBITS A-F ATTACHED TO PLAINTIFFS' MOTION TO COMPEL ON ORDER SHORTENING TIME

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

CLERK'S NOTE: As the Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time was not addressed, the motion is CONTINUED to Tuesday, July 23rd at 1 pm. Parties notified via electronic mail. / dr

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 23, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

<b>July 23, 2019</b>	<b>1:00 PM</b>	<b>Motion to Seal/Redact Records</b>	<b>Motion for Order to Seal Exhibits A-F Attached to Plaintiffs' Motion to Compel on Order Shortening Time</b>
----------------------	----------------	--	--

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** April Watkins

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hone, Eric D.	Attorney
	Koch, David	Attorney
	Shevorski, Steven G.	Attorney

**JOURNAL ENTRIES**

- See all pending motions dated July 23, 2019



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**July 23, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**July 23, 2019**

**1:00 PM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** April Watkins

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- MOTION FOR ORDER TO SEAL EXHIBITS A-F ATTACHED TO PLTFS' MOTION TO COMPEL ON ORDER SHORTENING TIME FILED IN A-19-787004-B...DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER, INC'S MOTION FOR SUMMARY JUDGMENT (CLAIMS 1-3)...CLEAR RIVER LLC'S JOINDER TO DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER INC'S MOTION FOR SUMMARY JUDGMENT (CLAIMS 1-3)..DEFT/INTERVENOR GREENMART OF NEVADA NLV, LLC'S JOINDER TO DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER, INC'S MOTION FOR SUMMARY JUDGMENT (CLAIMS 1-3)...JOINDER TO DEFT/INTERVENOR HELPING HANDS WELLNESS CENTER, INC'S MOTION FOR SUMMARY JUDGMENT FILED IN A-19-786962-B

See appearances and minutes under A-19-786962-B Serenity Wellness Center, LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 13, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**August 13, 2019**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 14, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**August 14, 2019**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO  
MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION  
OR FOR WRIT OF MANDAMUS

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada  
Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 15, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**August 15, 2019**

**9:15 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**August 16, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**August 16, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PRELIMINARY INJUNCTION HEARING IN A-19-786962-B IN DEPARTMENT XI...JOINDER TO MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS

See appearances and minutes under A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation on today's date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**September 09, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**September 09, 2019      9:00 AM**

**Mandatory Rule 16  
Conference**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bice, Todd L	Attorney
	Bult, Adam K.	Attorney
	Fetaz, Maximilien D.	Attorney
	Gutierrez, Joseph A.	Attorney
	Hone, Eric D.	Attorney
	Koch, David	Attorney
	Prince, Dennis M	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Shell, Alina	Attorney
	Shevorski, Steven G.	Attorney
	Smith, Jordan T., ESQ	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney Dominic Gentile and Attorney John Hunt for the Plaintiffs in A-19-786962-B - Serenity Wellness Center LLC vs. State of Nevada Department of Taxation; Attorney Rusty Graf and Attorney Brigid Higgins for Clear River LLC; Attorney Jared Kahn for Helping Hands Wellness Center.

Court acknowledged objections and joint proposal and noted that it wants this matter done by the December final inspection deadline; however, the parties' proposed schedule is through January. Mr.

Shevorski advised he lost two of his people; one went to Washington and one got a promotion, so he is literally the only one left; from the State's perspective, he cannot get this done by the deadline. Mr. Bult stated that in terms of the ETW Plaintiffs they would like to get this done but they understand the State's position. Mr. Koch requested that the date not be a hard deadline because of the trial being after that. COURT ORDERED, matter CONTINUED for the State to provide an answer; Department of Taxation to make the determination whether or not there are extenuating circumstances; if there are the Court will be willing to move the date beyond the December deadline, but if not unfortunately the Court will have to make Mr. Shevoski's life difficult.

Mr. Gentile advised they have mediation next Monday (September 16, 2019) at 9 am.

9-13-19      10:00 AM      MANDATORY RULE 16 CONFERENCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**September 13, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**September 13, 2019      10:00 AM      Motion to Compel**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Alice Jacobson

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Colloquy between the Court and counsel regarding a Settlement Conference. COURT ORDERED, Motion to Compel DENIED. Court instructed that a Demand be sent by Plaintiff by 9/18/19.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**September 16, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**September 16, 2019      9:00 AM      Motion for Order  
Extending Time**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bice, Todd L	Attorney
	Bult, Adam K.	Attorney
	Gutierrez, Joseph A.	Attorney
	Hone, Eric D.	Attorney
	Koch, David	Attorney
	McLetchie, Margaret A.	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Shevorski, Steven G.	Attorney
	Smith, Jordan T., ESQ	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney John Hunt, Attorney Dominic Gentile, and Attorney Ross Miller for the Plaintiffs; Attorney Jared Kahn for Intervenor Defendant Helping Hands Wellness Center, Inc.; Attorney Rusty Graf for Intervenor Defendant Clear River, LLC in A-19-786962-B Serenity Wellness Center LLC vs. State of Nevada Department of Taxation.

Attorney Theodore Parker for the Plaintiff in A-19-787540-W - Nevada Wellness Center, LLC vs. State of Nevada, Department of Taxation (Department XVIII case).

Court noted Mr. Kemp posted in A785818 and that there may be an impact but the Court does not

know what that would be; the Court will not make a decision because of the pending request to extend; the Court will not address the matter until a written motion is filed by the Defendants. Mr. Bult advised he believes the Plaintiffs' Joint motion is moot as of the filing of Friday. Mr. Gentile added their position is that it is moot but the Court may disagree. Court noted it does not have anything before it to tell whether it would agree with that or not as no one has briefed the issue. Mr. Koch stated it sounds like the Plaintiffs are withdrawing the motion. Court noted if someone files a motion the Court will deal with it.

2-20-20      9:15 AM      PRE TRIAL CONFERENCE

3-10-20      9:00 AM      CALENDAR CALL

3-16-20      1:30 PM      BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**October 29, 2019**

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A-19-787004-B	ETW Management Group LLC, Plaintiff(s) vs. Nevada Dept of Taxation, Defendant(s)
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<b>October 29, 2019</b>	<b>8:06 AM</b>	<b>Minute Order</b>
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**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Michaela Tapia

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Based on the consolidation order, all cases below are set for a Status Check on Monday, November 4, 2019 at 9:00 a.m.

MM Development Company, Inc., et al. v. State  
of Nevada, Department of Taxation  
A-18-785818-W, Dept. VIII

Compassionate Team of Las Vegas LLC v.  
Nevada Department of Taxation  
A-18-786357-W, Dept. XIV

Serenity Wellness Center LLC, et al. v. State of  
Nevada, Department of Taxation  
A-19-786962-B, Dept. XI

ETW Management Group LLC, et al. v. State of  
Nevada, Department of Taxation  
A-19-787004-B, Dept. XI

DH Flamingo, Inc., et al. v. State ex rel  
Department of Taxation, et al.  
A-19-787035-C, Dept. VI

Nevada Wellness Center, Inc. v. State of  
Nevada, Department of Taxation  
A-19-787540-W, Dept. XVIII

High Sierra Holistics, LLC v. State of Nevada,  
Department of Taxation  
A-19-787726-C, Dept. XIV

Qualcan, LLC v. State of Nevada, Department  
of Taxation  
A-19-801416-B, Dept. XIII

FURTHER, Motion for Leave to File Second Amended Complaint in case A786962 is set for 11/4 at  
9:00 a.m.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey  
File & Serve. /mt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**October 29, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**October 29, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 17A

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

Bice, Todd L	Attorney
Bult, Adam K.	Attorney
Hone, Eric D.	Attorney
Koch, David	Attorney
Prince, Dennis M	Attorney
Shell, Alina	Attorney
Shevorski, Steven G.	Attorney

**JOURNAL ENTRIES**

- JOINT MOTION TO CONSOLIDATE ON AN ORDER SHORTENING TIME AND JOINT PARTIAL OPPOSITION TO DEFENDANTS IN INTERVENTION, CPCM HOLDINGS, LLC D.B.A THRIVE CANNABIS MARKETPLACE, AND CHEYENNE MEDICAL LLC'S MOTION TO CONSOLIDATE...JOINT PARTIAL OPPOSITION TO DEFENDANT'S IN INTERVENTION, CPCM HOLDINGS, LLC D.B.A THRIVE CANNABIS MARKETPLACE, COMMERCE PARK LLC, AND CHEYENNE MEDICAL LLC'S MOTION TO CONSOLIDATE.

Appearances Continued: Dominic Gentile, Esq. on behalf of Serenity Plaintiffs; William Kemp, Esq. on behalf of MM Development and LivFree; Ross Miller, Esq. on behalf of Serenity; Mahogany Turfley, Esq. on behalf of Nevada Wellness Center; Peter Christiansen, Esq. and Whitney Barrett, Esq. on behalf of Qualcan; Benjamin Miller, Esq. on behalf of Passionate Team Las Vegas; Rusty Graf, Esq. and Brigid Higgins, Esq. on behalf of Clear River LLC; Dennis Kennedy, Esq. and Stephanie Glantz,

Esq. on behalf of DH Flamingo; Alicia Ashcraft, Esq. on behalf of Franklin Bioscience, WaveSeer of NV and Harvest of NV; Jared Kahn, Esq. on behalf of Helping Hands Wellness Center; and Theodore Parker, Esq. on behalf of Nevada Wellness Center appearing via Courtcall.

Argument by Mr. Bult for cases to be consolidated and assigned to Department 11 noting 25 of 30 Plaintiff's have brought this motion before this Court with the desire to have Judge Gonzalez continue to hear cases that she is already presided over for 5-6 months. Argument in support by Mr. Gentile for Serenity's case to remain in front of Judge Gonzalez. Argument by Mr. Kennedy for the consolidation to be denied noting the DH Flamingo case is different than all of the other cases here in that a motion to consolidate was filed in A787035 and denied by Judge Gonzalez, this case cannot be heard in business court, and parties are only seeking to be sent back to the tax commission for a hearing. Extensive argument by Mr. Bice in support of consolidation and in opposition of these matters being sent to Department 11 on behalf of Essence. Argument by Mr. Prince noting this Court was aware of proceedings in front of Judge Gonzalez and had regular conversations with Judge Gonzalez. Court clarified conversations with Judge Gonzalez and Judge Atkin for the record. Further argument by Mr. Prince in opposition requesting this motion be denied and allowing Judge Atkin to proceed. Argument in opposition by Mr. Koch noting there is no basis for these cases to be sent to Judge Gonzalez other than the preliminary injunction. Argument in opposition by Mr. Miller noting his client has the resources to run a dispensary however they do not have the resources to be placed into a complex litigation case and requested their case not be consolidated. Further argument by Mr. Kennedy and Mr. Bult.

Court noted, it understands the concerns that have been raised in that this is a rather unique situation and the Court does feel that some of these issues arise from having a department that did not have a regularly assigned Judge; However from a court management perspective, having a Judge who has spent a significant amount of time on the case it makes more sense for the case to remain with that Judge. COURT FINDS, consolidation is appropriate and while it understands the concerns regarding forum shopping the concern of this Court is of a court administration issue and having had a Judge who has spent the amount of time that Judge Gonzalez has spent on the case it makes more sense for the case to remain with her. Additionally, the Court believes the reason Judge Gonzalez coordinated the cases is because she did not have the ability to consolidate them because of the rule. COURT ORDERED, motion to consolidate in Department 11 GRANTED. Mr. Bult to prepare the order.

CLERK'S NOTE: Subsequent to the hearing Court clarified the following cases shall be consolidated: A-18-785818, A-18-786357, A-19-786962, A-19-787004, A-19-787035, A-19-787540, A-19-787726, and A-19-801416. ke 10/31/19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 12, 2019**

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A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**November 12, 2019      9:00 AM**

**All Pending Motions**

**HEARD BY:** Denton, Mark R.

**COURTROOM:** RJC Courtroom 03D

**COURT CLERK:** Madalyn Kearney

**RECORDER:** Jennifer Gerold

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barrett, Whitney	Attorney
	Bice, Todd L	Attorney
	Bult, Adam K.	Attorney
	Fetaz, Maximilien D.	Attorney
	Graf, J. Rusty	Attorney
	Gutierrez, Joseph A.	Attorney
	Hone, Eric D.	Attorney
	Kahn, Jared B	Attorney
	Kennedy, Dennis L.	Attorney
	Koch, David	Attorney
	Parker, Theodore	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Shell, Alina	Attorney
	Shevorski, Steven G.	Attorney

**JOURNAL ENTRIES**

- JOINT EMERGENCY MOTION TO STRIKE PEREMPTORY CHALLENGE ON ORDER  
SHORTENING TIME...JOINDER TO JOINT EMERGENCY MOTION TO STRIKE PEREMPTORY  
CHALLENGE ON ORDER SHORTENING TIME

Christopher Rose, Esq. present for Wellness Connection of Nevada LLC. Ben Miller, Esq. present for

Compassionate Team of Las Vegas LLC. Amanda Handy, Esq. present telephonically for Bioneva Innovations of Carson City LLC. Ross Miller, Esq. present for Serenity Wellness Center LLC.

Following arguments by Mr. Kemp, Mr. Bice, Mr. Hunt, and Mr. Kennedy, COURT ORDERED, Joint Emergency Motion to Strike Peremptory Challenge on Order Shortening Time and Joinder GRANTED WITHOUT PREJUDICE to Mr. Kennedy's contentions regarding severance. Mr. Kemp to prepare the order. Mr. Koch advised the upcoming hearings on November 18th will need to be reset with the other department. Mr. Kennedy requested the Court stay the order 30 days to give him time to file a writ petition. Mr. Kemp, Mr. Bice, Mr. Hunt, and Mr. Parker argued in opposition to the request for stay. Court directed Mr. Kennedy to seek a stay with Judge Gonzalez. Mr. Kennedy requested Mr. Kemp include that in the order. Court so noted.

CLERK'S NOTE: All upcoming hearing dates presently scheduled in Department XIII have been vacated and are to be reset in Department XI. /mk 11/12/19



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**November 15, 2019**

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A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**November 15, 2019      10:30 AM      Telephonic Conference**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bice, Todd L	Attorney
	Christiansen, Peter S	Attorney
	Fetaz, Maximilien D.	Attorney
	Graf, J. Rusty	Attorney
	Gutierrez, Joseph A.	Attorney
	Higgins, Brigid M.	Attorney
	Holmes, Jeremy D.	Attorney
	Hone, Eric D.	Attorney
	Hunt, John A	Attorney
	Kahn, Jared B	Attorney
	Koch, David	Attorney
	MILLER, BEN	Attorney
	Miller, Ross J.	Attorney
	Parker, Theodore	Attorney
	Puzey, James W.	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Shell, Alina	Attorney
	Shevorski, Steven G.	Attorney
	Smith, Jordan T., ESQ	Attorney
	Zimmerman, Jamie, ESQ	Attorney

**JOURNAL ENTRIES**

PRINT DATE: 12/10/2019

Page 53 of 60

Minutes Date: April 01, 2019

- APPEARANCES CONTINUED: Attorney Christopher Rose for Wellness Connection of Nevada LLC.

Counsel for D H Flamingo did not participate in this call. Law Clerk advised they did not respond to her email.

Court noted it has received Judge Denton's order; additionally, the Law Clerk has indicated that Mr. Koch submitted a motion for protective order on OST. Mr. Rulis stated they were the ones that set that deposition and they have sent an amended notice setting the deposition back to December 10 and 11. COURT STATED it will sign the OST on Monday (November 18, 2019) in court.

COURT FURTHER NOTED that when the peremptory challenge was filed, it did not appear that the motion to extend was decided in the interim. Mr. Hunt requested that motion be heard on Monday. COURT SO ORDERED.

COURT FURTHER NOTED two groups of motions for summary judgment: (1) Nevada Wellness Center's with counter motion; (2) MM Development with counter motion. Mr. Rulis stated they were open to finding a date for those that would not be Monday. COURT STATED it will talk about the scheduling of those motions on Monday then.

COURT FURTHER NOTED Mr. Koch's writ to move him to Tier 2. Mr. Koch requested another day that would not be Monday. COURT SO NOTED.

COURT FURTHER NOTED DH Flamingo's anti-SLAPP motion. Mr. Koch advised they had circulated a request and the indication was that the motion would be heard at the same time as MM's motion for summary judgment.

COURT FURTHER NOTED a motion to file a second amended complaint. Mr. Fetaz advised that was Serenity's motion. COURT ORDERED, MOTION WILL BE HEARD on Monday, November 18.

COURT FURTHER NOTED an application for TRO. Mr. Shevorski advised that was Qualcan's. Mr. Christiansen advised the motion has been briefed and he would be happy to move it as well. COURT STATED it will discuss scheduling of that motion on Monday as well.

Upon Court's inquiry, Mr. Christiansen confirmed he would like another Rule 16 conference in one or two weeks from Monday given the consolidation. COURT STATED it will discuss scheduling the conference on Monday as well.

Mr. Smith advised they have a pending motion to intervene. Mr. Parker advised it was previously before Judge Holthus and there was also a motion granted by the discovery commissioner regarding cellphone(s) and information they wanted the State to preserve; there was an Objection to that by the State that was never ruled on.

Mr. Miller advised his side also had a pending motion to dismiss which they are also willing to move; it is not an anti-SLAPP motion. COURT NOTED it will discuss scheduling of that motion on Monday

Finally, Mr. Puzey advised he is in Reno and requested to appear telephonically on Monday. Court granted the request and directed counsel to arrange it with the Law Clerk.

COURT FURTHER DIRECTED anyone to contact Bailey Kennedy and inform them of what transpired today. Mr. Rulis advised that while they were on the call he emailed the firm.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 02, 2019**

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A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

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**December 02, 2019      9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ashcraft, Alicia R.	Attorney
	Barrett, Whitney	Attorney
	Bice, Todd L	Attorney
	Bult, Adam K.	Attorney
	Fetaz, Maximilien D.	Attorney
	Funk, John R.	Attorney
	Gamble, Clarence E., ESQ	Attorney
	Gentile, Dominic P.	Attorney
	Glantz, Stephanie J.	Attorney
	Gutierrez, Joseph A.	Attorney
	Holmes, Jeremy D.	Attorney
	Hone, Eric D.	Attorney
	Hunt, John A	Attorney
	Kahn, Jared B	Attorney
	Kemp, William Simon	Attorney
	Kennedy, Dennis L.	Attorney
	Koch, David	Attorney
	Lovelock, Nicole E.	Attorney
	MILLER, BEN	Attorney
	Miller, Ross J.	Attorney
	Parker, Theodore	Attorney
	Prince, Dennis M	Attorney

Puzey, James W.	Attorney
Rulis, Nathanael R., ESQ	Attorney
Shell, Alina	Attorney
Shevorski, Steven G.	Attorney

## JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Michelle Miller, Managing Member of Miller Farms; Attorney Robert Warns for Rino Tenorio.

Ms. Miller, Mr. Puzey, Ms. Shell, and Mr. Funk appeared by telephone.

Following arguments by counsel, COURT ORDERED as follows:

MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER...

...LONE MOUNTAIN PARTNERS LLC'S JOINDER TO NEVADA ORGANICS' MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER...

...ESSENCE ENTITIES' JOINDER TO DEFENDANT-INTERVENOR/COUNTERCLAIMANT NEVADA ORGANIC REMEDIES LLC'S MOTION FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER...

...DEFENDANT GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION ON ORDER SHORTENING TIME FOR PROTECTIVE ORDER REGARDING SCOPE OF INQUIRY AT DEPOSITION OF DANETTE KLUEVER: Motion GRANTED IN PART. Deposition limited to one day, with the following scope: training and guidelines provided by the Department to the temporary employees who do fall under the discretionary function, their experience, their interaction with any other employees of D.O.T. and any others related to the grading and application process. Court GRANTS limited inquiry into the mathematical errors and limited inquiry into the subjective issue.

PLAINTIFF/COUNTER DEFENDANTS MOTION FOR PROTECTIVE ORDER REGARDING RINO TENORIO: For purposes of the deposition, motion GRANTED.

NEVADA WELLNESS CENTER'S MOTION FOR HEARING ON OBJECTION TO DISCOVERY COMMISSIONER'S REPORT & RECOMMENDATIONS: Objection OVER RULED.

PLAINTIFFS/PETITIONERS/COUNTER-DEFENDANTS D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S SPECIAL MOTION TO DISMISS MM DEVELOPMENT COMPANY, INC.'S COUNTERCLAIM PURSUANT TO NRS 41.660 [ANTI-SLAPP] AND REQUEST FOR ATTORNEYS' FEES, COSTS, AND DAMAGES PURSUANT TO NRS 41.670: Motion DENIED. The issues of the statement being made and the knowledge at the time the statement was made are issue that need some discretionary judgment as opposed to accepting anyone's word at their deposition. The counter claim will be limited to statements made at the Governor's Inaugural Ball but not to any of the other

communications with law enforcement or administrative agencies; they are to either be stricken or an amendment is to be done to delete those. Mr. Kennedy requested the order say "stricken". COURT SO ORDERED.

DP HOLDINGS AND COMPASSIONATE TEAM OF LAS VEGAS, LLC'S MOTION TO DISMISS (FILED IN A787035 ON OCTOBER 1, 2019): Motion GRANTED WITHOUT PREJUDICE for Mr. Kennedy to amend if he needs to.

MANDATORY RULE 16 CONFERENCE: Court noted it anticipates having a decision prior to the conditions being met in June and inquired about the status of discovery. Mr. Kemp advised MM has taken the lead and detailed the schedule of upcoming depositions. Mr. Parker noted they are also interested in the records to be extracted from the phones. Mr. Miller advised his side is in alignment with the timeline and that they have two experts. Mr. Bult advised discovery on all successful applicants was served 4 to 5 weeks ago. Mr. Rose advised D H Flamingo did not serve the Defendants they named and then coordination happened; he is just concerned about now being named in this case. Mr. Prince requested a March rebuttal disclosure deadline. Mr. Holmes advised they were named in the DH Flamingo case, but are pretty small fish.

COURT ORDERED, anyone who has not made initial disclosures needs to make them in 2 weeks if they decide to participate. Mr. Gamble requested prior discovery. COURT FURTHER ORDERED, discovery be made available immediately to newly appearing parties, including discovery from the evidentiary hearing. Court noted the transcripts are filed in A786962.

COURT ORDERED as follows:

Initial expert disclosures where a party bears the burden of proof DUE by January 17, 2020;

Rebuttal expert disclosures where a party does not bear the burden of proof DUE by February 14, 2020;

Discovery cut-off SET for and dispositive motions and motions in limine TO BE FILED by March 13, 2020.

The April 20, 2020 trial date (previously set in A786962) will STAND.

New trial setting order will ISSUE.

COURT FURTHER DIRECTED that discovery responses be produced to newly participating parties if they desire it, and that it may be appropriate to set up an electronic depository subject to the current protective order because of the confidential nature of much of the applications. If the parties have any questions, the Court is available to address them via conference call.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**December 09, 2019**

---

A-19-787004-B      ETW Management Group LLC, Plaintiff(s)  
vs.  
Nevada Dept of Taxation, Defendant(s)

---

**December 09, 2019      9:00 AM      Petition for Writ of  
Mandamus**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bice, Todd L	Attorney
	Fetaz, Maximilien D.	Attorney
	Kahn, Jared B	Attorney
	Kemp, William Simon	Attorney
	Koch, David	Attorney
	Miller, Ross J.	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Schwarz, Joel Z.	Attorney
	Shell, Alina	Attorney
	Shevorski, Steven G.	Attorney

**JOURNAL ENTRIES**

- Following arguments by Mr. Koch, Mr. Shevorski, and Mr. Kemp, COURT ORDERED, petition DENIED because it is procedurally inappropriate. There is another avenue for the relief; the appeal for the injunction is already pending before the Nevada Supreme Court.

Court inquired as whether counsel have heard any word on the request for expedited handling. Mr. Koch advised they made that request one month ago and have not heard back.

Ms. Shell advised the court did issue an order to show cause which they need to address, and that is

due before Christmas.

COURT DIRECTED Mr. Shevorski to prepare a procedural order for today.



## EXHIBIT(S) LIST

**Case No.: A-19-787004-B**

Hearing Date:

**MAY 29, 2019 – PLAINTIFF'S  
MOTION TO COMPEL**

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

**Court Clerk: DULCE ROMEA**

Plaintiff: **ETW MANAGEMENT GROUP LLC**

Recorder: **JILL HAWKINS**

**Counsel for Plaintiff**

**ETW:**

ADAM BULT, ESQ.;

**VS.**

MAXIMILIEN FETZ, ESQ.

Defendant: **NEVADA DEPT OF TAXATION**

### Counsel for Defendant

**NV Dept of Taxation:**

STEVEN SHEVORSKI, ESQ.;

KETAN BHIRUD, ESQ.; THERESA HAAR, ESQ.

*See minutes for additional appearances.*

## HEARING BEFORE THE COURT

## COURT'S EXHIBITS

[illegible]



**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**THEODORE PARKER, III, ESQ.**  
**2460 PROFESSIONAL CT., SUITE 200**  
**LAS VEGAS, NV 89128**

**DATE: December 10, 2019**  
**CASE: A-19-787004-B**  
**(CONSOLIDATED)**

**RE CASE:** In re: DOT Litigation

**NOTICE OF APPEAL FILED:** December 6, 2019

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

**PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

---

***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION; NOTICE OF ENTRY; AMENDED NOTICE OF ENTRY OF ORDER; ORDER REGARDING NEVADA WELLNESS CENTER, LLC'S MOTION TO AMEND FINDINGS OF FACTS AND CONCLUSIONS OF LAW ISSUED ON AUGUST 23, 2019, PURSUANT TO NRCP 52; NOTICE OF ENTRY OF ORDER REGARDING NEVADA WELLNESS CENTER, LLC'S MOTION TO AMEND FINDINGS OF FACTS AND CONCLUSIONS OF LAW ISSUED ON AUGUST 23, 2019, PURSUANT TO NRCP 52; ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW; NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIV FREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

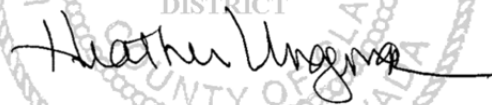
In re: DOT Litigation,

Case No: A-19-787004-B  
*Consolidated with A-18-785818-W,  
A-18-786357-W, A-19-786962-B,  
A-19-787035-C, A-19-787540-W,  
A-19-787726-C & A-19-801416-B*  
Dept No: XI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 10 day of December 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk  
A-19-787004-B



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

December 10, 2019

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: In re: DOT Litigation

D.C. CASE: A-19-787004-B c/w A-18-785818-W, A-18-786357-W, A-19-786962-B, A-19-787035-C,  
A-19-787540-W, A-19-787726-C & A-19-801416-B

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed December 10, 2019. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

November 18, 2019

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk