



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Electronically Filed
Dec 17 2019 08:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 17, 2019

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: In re: D.O.T. LITIGATION

S.C. CASE: 80230

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:

On December 10, 2019 our office submitted a Notice of Appeal packet for the above referenced case noting that the minutes from November 18, 2019 were not included. The minutes have now been completed and are enclosed. Please contact our office at (702) 671-0512 if you have any questions.

Sincerely,

STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, reading "Heather Ungermann".

Heather Ungermann, Deputy Clerk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 18, 2019

A-19-787004-B

In Re: D.O.T. Litigation

November 18, 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:

Bice, Todd L	Attorney
Bult, Adam K.	Attorney
Christiansen, Peter S	Attorney
Dickey, Joshua M.	Attorney
Fetaz, Maximilien D.	Attorney
Gentile, Dominic P.	Attorney
Graf, J. Rusty	Attorney
Gutierrez, Joseph A.	Attorney
Higgins, Brigid M.	Attorney
Holmes, Jeremy D.	Attorney
Hone, Eric D.	Attorney
Kahn, Jared B	Attorney
Kemp, William Simon	Attorney
Koch, David	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
Smith, Jordan T., ESQ	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Christopher Rose for Wellness Connection of Nevada LLC.

Mr. Puzey appeared by telephone.

Court noted, as a background, that as Mr. Shevorski previously represented to everyone that the State would essentially give a tolling period for everyone through June, a trial was set in April to make sure there would be a decision by that date. If anyone has any concerns about the deadline they are to inform the Court.

PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT: Following arguments by Mr. Gentile and Mr. Bice, COURT ORDERED, motion GRANTED. The Plaintiffs are PERMITTED to file the document attached to the Reply. However, this does not preclude anyone from filing motions related to that.

Court asked Mr. Dickey about the status of service on the Defendants in his case, which has the most Defendants. Mr. Dickey advised he believes service has been effectuated on all of them but they are still awaiting responses from many.

PLAINTIFFS' MOTION TO EXTEND INITIAL EXPERT WITNESS DEADLINE ON ORDER SHORTENING TIME...JOINDER TO SERENITY PLAINTIFFS' MOTION TO EXTEND INITIAL EXPERT INITIAL EXPERT WITNESS DEADLINE ON ORDER SHORTENING TIME (FIRST REQUEST): Arguments by Mr. Gentile, Mr. Bice. COURT ORDERED, motion GRANTED.

NEVADA WELLNESS CENTER LLC'S MOTION FOR SUMMARY JUDGMENT... DEPARTMENT OF TAXATION'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT 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: Mr. Parker advised that he had filed a motion for summary judgment. Court noted this was a motion filed on November 5th. Mr. Parker continued, Mr. Bice filed an objection, and Mr. Shell filed a joinder to the opposition; their thought was to add the purported winners to their Complaint, so perhaps instead of that motion going forward, they will file a motion to amend. There being no objection, COURT ORDERED, Mr. Parker's request to amend is GRANTED, as well Mr. Bult's, Mr. Kemp's, Mr. Christiansen's, Mr. Miller's, and Mr. Puzey's requests to AMEND. Everyone present who is a Plaintiff, their request to amend is GRANTED.

COURT ORDERED, Rule 16 conference SET for December 2, 2019. Court directed Mr. Dickey to communicate this to all who contacted his office.

COURT ORDERED, Mr. Koch's motion for protective order on OST set for December 2, 2019.

QUALCAN, PLAINTIFF'S MOTION FOR WRIT OF MANDAMUS, TEMPORARY RESTRAINING ORDER, AND PRELIMINARY INJUNCTION: Mr. Shevorski advised that Mr. Christiansen has a petition for mandamus that is fully briefed. Mr. Christiansen advised that perhaps he would skip a step and also be allowed to amend. COURT GRANTED the request.

NEVADA WELLNESS CENTER'S MOTION FOR HEARING ON OBJECTION TO DISCOVERY COMMISSIONER'S REPORT & RECOMMENDATIONS: Per counsel's request, COURT ORDERED, hearing SET for December 2, 2019.

DP HOLDINGS AND COMPASSIONATE TEAM OF LAS VEGAS, LLC'S MOTION TO DISMISS (FILED IN A787035 ON OCTOBER 1, 2019): Per counsel's request, COURT ORDERED, hearing SET for December 2, 2019.

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: Per counsel's request, COURT ORDERED, hearing SET for December 2, 2019.

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: Per counsel's request, COURT ORDERED, hearing SET for December 9, 2019.

MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS...

...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...

...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...

...DEPARTMENT OF TAXATION'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS AND COUNTERMOTION FOR SUMMARY JUDGMENT...

...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...

...LONE MOUNTAIN PARTNERS, LLC S OPPOSITION TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS AND COUNTERMOTION FOR SUMMARY JUDGMENT...

...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: Mr. Kemp advised this is the issue related to the graders, there are some graders' depositions to be taken and requested MM's motion for summary judgment be CONTINUED to January 13, 2020. COURT SO ORDERED.

Mr. Kemp further advised they would like to file a motion for protective order regarding Rino Tenorio whose deposition is set for the 5th. COURT ORDERED, the OST when submitted will be SET for December 2, 2019 at 9 am.

Per counsel's request, COURT FURTHER ORDERED, the Essence Entities' motion to intervene set for November 22, 2019 in chambers is OFF CALENDAR; however, Clear River's motion will REMAIN on December 16, 2019.

FINALLY, COURT ORDERED, the caption of this case will be In re: D.O.T. and, it is the Court's understanding from Judge Bell that the ETW case (A-19-787004-B) is the LEAD CASE, even though it is not the lowest case number.

Colloquy regarding outstanding order on dissolution from October which has been circulated. Court noted the Law Clerk will pull it and the Court will sign it.

12-2-19 9:00 AM 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...
...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...
...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...
...DP HOLDINGS AND COMPASSIONATE TEAM OF LAS VEGAS, LLC'S MOTION TO DISMISS (FILED IN A787035 ON OCTOBER 1, 2019)...
...NEVADA WELLNESS CENTER'S MOTION FOR HEARING ON OBJECTION TO DISCOVERY COMMISSIONER'S REPORT & RECOMMENDATIONS...
...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
...MANDATORY RULE 16 CONFERENCE

12-9-19 9:00 AM 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

12-16-19 9:00 AM 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...
...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...
...DEFENDANT-INTERVENOR, NEVADA ORGANIC REMEDIES, LLC'S MOTION JOINDER TO VARIOUS MOTIONS TO DISMISS D.H. FLAMINGO'S FIRST AMENDED COMPLAINT...
...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...
...DEFENDANT GREENMART OF NEVADA NLV LLC'S MOTION TO DISMISS FIRST AMENDED COMPLAINT...
...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...
...LONE MOUNTAIN PARTNERS, LLC S JOINDER TO GREENMART OF NEVADA NLV LLC S MOTION TO DISMISS FIRST AMENDED COMPLAINT...
...CLEAR RIVER LLC'S MOTION TO DISMISS FIRST AMENDED COMPLAINT

1-13-20 9:00 AM MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS...
...DEPARTMENT OF TAXATION'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS AND COUNTERMOTION FOR SUMMARY JUDGMENT...
...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...
...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...
...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...

...LONE MOUNTAIN PARTNERS, LLC S OPPOSITION TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS AND COUNTERMOTION FOR SUMMARY JUDGMENT...

... 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