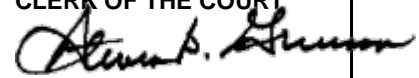


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Electronically Filed  
10/9/2020 4:46 PM  
Steven D. Grierson  
CLERK OF THE COURT



Electronically Filed  
Oct 15 2020 09:04 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TRYKE COMPANIES SO NV, LLC, a  
Nevada limited liability company,

Plaintiff,

vs.

MM DEVELOPMENT COMPANY, INC.,  
dba PLANET 13, a Nevada corporation;  
DOES I through C, inclusive; and ROE  
BUSINESS ENTITIES I through C,  
inclusive,

Defendants.

Case No.: A-19-804883-C

Dept. No.: 24

**MM DEVELOPMENT COMPANY,  
INC.'S PROTECTIVE NOTICE OF  
APPEAL**

**PROTECTIVE NOTICE OF APPEAL**

Please take note that Defendant MM Development Company, Inc. ("Planet 13"), by and through counsel of record, KEMP JONES, LLP hereby appeals to the Nevada Supreme Court from the Order Granting Plaintiff Tryke Companies SO NV LLC'S ("Reef") Motion for Preliminary Injunction, entered in this action on September 11, 2020, attached hereto as **Exhibit 1**, as well as all orders, rulings, or decisions relating thereto, and any other order, ruling, or decision made appealable by the same.

Planet 13 acknowledges that this Protective Notice of Appeal is likely premature in light of its pending Motion for Reconsideration of the Court's Order Granting Plaintiff's Motion for Preliminary Injunction or, in the Alternative, Motion to Amend Pursuant to NRCP 52(b) or, in

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1 the Alternative, Motion for Clarification on Order Shortening Time before the District Court.  
2 However, Planet 13 files this Notice out of an abundance of caution to preserve all rights.

3 DATED this 9th day of October, 2020.

4 **KEMP JONES, LLP**

5 /s/ Nathanael Rulis

6 Will Kemp, Esq. (#1205)

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of October, 2020, I served a true and correct copy of the foregoing **MM DEVELOPMENT COMPANY, INC.'S PROTECTIVE NOTICE OF APPEAL** via the Court's electronic filing system only, pursuant to the Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties currently on the electronic service list.

/s/ Ali Augustine  
An employee of Kemp Jones, LLP

# **Exhibit 1**



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

TRYKE COMPANIES SO NV, LLC, a Nevada  
limited liability company,

Plaintiff,

vs.

MM DEVELOPMENT COMPANY, INC., dba  
PLANET 13, a Nevada corporation; DOES I  
through C, inclusive; and ROE BUSINESS  
ENTITIES, I through C, inclusive,

Defendants.

CASE NO.: A-19-804883-C  
DEPT. NO.: 24

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW, AND  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

NOTICE IS HEREBY GIVEN that on the 10<sup>th</sup> day of September 2020 Findings of Fact,  
Conclusions of Law, and Order Granting Plaintiff's Motion for Preliminary Injunction was  
entered.

///

///

///

1 A copy of the Findings of Fact, Conclusions of Law, and Order is attached hereto.

2 DATED this 11<sup>th</sup> day of September 2020.

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20 *Tryke Companies SO NV, LLC*

21 **CERTIFICATE OF SERVICE**

22 The undersigned, an employee of H1 Law Group, hereby certifies that on the 11<sup>th</sup> day of  
23 September 2020, she caused a copy of the foregoing to be transmitted by electronic service in  
24 accordance with Administrative Order 14.2, to all interested parties, through the Court's

25 **Odyssey E-File & Serve:**

26 

27 Karen M. Morrow, an Employee of H1 LAW GROUP



*Heather S. Hume*  
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

TRYKE COMPANIES SO NV, LLC, a Nevada  
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Plaintiff,

vs.

MM DEVELOPMENT COMPANY, INC., dba  
PLANET 13, a Nevada corporation; DOES I  
through C, inclusive; and ROE BUSINESS  
ENTITIES, I through C, inclusive,

Defendants.

CASE NO.: A-19-804883-C  
DEPT. NO.: 24

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

This matter having come before the Court for hearing on Plaintiff's (1) Motion for Preliminary Injunction; and (2) Application for Order Shortening Time on September 3, 2020; Paul A. Conant of the Conant Law Firm and Eric Hone and Joel Z. Schwarz of the H1 Law Group appeared on behalf of Plaintiff Tryke Companies SO NV, LLC ("Tryke" or "Reef



Dispensary,” the brand name of its marijuana dispensary); Nathanael Rulis of the Kemp Jones law firm appeared on behalf of MM Development Company, Inc. (“MM Development” or “Planet 13,” the brand name of its marijuana dispensary). The Court, having read and considered the motion, opposition, and reply on file herein, including the declarations and exhibits thereto; having considered the oral arguments of counsel at the hearing; for the reasons set forth on the record at the hearing; and for good cause appearing, the Court makes the following preliminary findings of fact and conclusions of law:

### **FINDINGS OF FACT**

1. Since 2016, Plaintiff Tryke has operated the Nevada-licensed “Reef Dispensary” marijuana dispensary located at 3400 Western Avenue, Las Vegas, Nevada 89109. Defendant MM Development Company, Inc. is a competing company that in late 2018 opened its “Planet 13” marijuana dispensary fewer than 900 feet from Reef dispensary.

2. Within a short time after Planet 13 opened, in early 2019, a customer alerted Tryke that he had summoned an Uber with Tryke’s Reef dispensary as the destination specified in the Uber software application but, instead of taking him to Reef, the Uber driver took him to a nearby competitor dispensary called “Planet 13”.

3. Later, on a separate occasion, an Uber driver informed Reef that another dispensary pays “kickbacks” to drivers to bring passengers to shop there, and that if Reef will not also pay kickbacks, then drivers will take passengers to a dispensary that does.

4. Tryke has received similar statements from other Lyft and Uber drivers as well, including by voicemail, since that initial Uber driver interaction.

5. Aware that patrons of Uber, Lyft, and other rideshare services are required to enter their chosen destination as part of the ride scheduling process, and thus drivers are provided the passenger’s chosen destination prior to ever picking them up, Tryke engaged in further investigation as to suspected unlawful diversion.

6. Tryke conducted a random “secret shopper” sampling of Uber and Lyft rides in Las Vegas between August 9 and September 17, 2019 to confirm that unlawful diversion was, in fact, occurring.





1           7.       The results of Tryke’s “secret shopper” sampling of 30 rides revealed no less than  
2 20 separate occasions where a passenger had pre-selected Tryke’s Reef dispensary as the final  
3 destination, but the passenger was diverted to Planet 13 instead.

4           8.       Tryke has obtained two Driver Diversion Incident Report Forms from two non-  
5 Tryke passengers of Uber and Lyft, who had similar experiences of diversion to Planet 13 as  
6 those reported in Tryke’s “secret shopper” investigation.

7           9.       Postings on the Las Vegas discussion board of [www.uberpeople.net](http://www.uberpeople.net) are consistent  
8 with Tryke’s “secret shopper” sampling and demonstrate that rideshare service drivers divert  
9 passengers who have specified Reef Dispensary as their destination to Planet 13 instead.

10          10.      Planet 13 operates a program of paying transportation services company drivers  
11 “kickbacks” or “commissions” in exchange for dropping passengers off at Planet 13. Planet 13  
12 advertises this program to drivers on the web-based application called “KickBack”.

13          11.      Planet 13’s program appeared to be suspended or discontinued earlier this year as  
14 of the time of the Covid-19 pandemic, during which time the Nevada dispensaries were closed  
15 other than for delivery services. Upon the reopening of marijuana dispensaries, however, Planet  
16 13’s program also resumed. As of August 19, 2020, Planet 13 continues to advertise that it pays  
17 rideshare service drivers “kickbacks” for diverting customers to Planet 13 on the KickBack  
18 application.

19          12.      Unlike taxicab drivers who may pick up passengers who do not have a  
20 preconceived destination, rideshare service drivers get their passengers through their respective  
21 software applications. The passenger is required to enter both their pickup location and their  
22 chosen destination when ordering the ride. It is only after this required information is entered  
23 that the driver is notified of the ride requested. Thus, rideshare service drivers are always  
24 already given both the passenger’s location and destination before the driver even meets the  
25 passenger.

26          13.      Planet 13’s program financially incentivizes and pays rideshare service drivers for  
27 unlawfully diverting Reef Dispensary-bound customers to Planet 13 instead. The drivers divert  
28 and alter a passenger’s previously selected destination by means of disparaging and/or



1 providing false information regarding Reef Dispensary, cajoling and/or pressuring the passenger  
2 to go to Planet 13 instead, and/or simply dropping the passenger off at Planet 13 instead of the  
3 specified destination of Reef Dispensary.

4 14. On June 24, 2019, prior to commencing this action, Tryke notified Planet 13 that  
5 its kickback program resulted in payments to drivers for improper diversion, disparagement, and  
6 interference with Reef Dispensary's business. Despite Tryke's request, Planet 13 has refused to  
7 discontinue or modify its program to eliminate payments for diversion.

8 15. If any of the Findings of Fact are properly conclusions of law, they shall be  
9 treated as though appropriately identified and designated.

## 10 **CONCLUSIONS OF LAW**

### 11 **Preliminary Injunction Standard**

12 16. In Nevada, the standards for a preliminary injunction are set forth in NRS 33.010.  
13 A preliminary injunction may be granted where: (1) the party seeking such relief enjoys a  
14 reasonable likelihood of success on the merits of at least one claim, and (2) the party's conduct  
15 to be enjoined, if permitted to continue, will result in irreparable harm for which compensatory  
16 damages are an inadequate remedy. *See Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029,  
17 1029 (1987); *Sobel v. Capital Management Consultants, Inc.*, 102 Nev. 444, 446, 726 P.2d 335,  
18 337 (1986).

19 17. Nevada courts may also consider two additional factors: (3) the relative interest of  
20 the parties – how much damage the plaintiff will suffer if injunctive relief is denied versus the  
21 hardship to the defendant if injunctive relief is granted, and (4) the interest the public may have  
22 in the litigation, if any. *See Home Finance Co. v. Balcom*, 61 Nev. 301, 127 P.2d 389 (1942);  
23 *Ellis v. McDaniel*, 95 Nev. 455, 596 P.2d 222 (1979).

### 24 **Plaintiff Is Likely to Succeed on the Merits**

25 18. Nevada law requires only that a moving party demonstrate a "reasonable  
26 probability" of success on the merits, not an overwhelming likelihood, to obtain injunctive  
27 relief. *See Dixon v. Thatcher*, 103 Nev. 414, 742 P.2d 1029 (1987).

28 ///



1           19. Under Nevada law, unlawful “diversion” occurs if a transportation services  
2 company driver deceives or attempts to deceive “any passenger who rides or desires to ride” in  
3 the driver’s vehicle, or conveys or attempts to convey “any passenger to a destination other than  
4 the one directed by the passenger.” NRS 706A.280(2)(a) and (b) and NAC 706.552(1).

5           20. In Nevada, the elements for a claim of wrongful interference with prospective  
6 economic advantage are: “(1) a prospective contractual relationship between the plaintiff and a  
7 third party; (2) the defendant’s knowledge of this prospective relationship; (3) the intent to harm  
8 the plaintiff by preventing the relationship; (4) the absence of privilege or justification by the  
9 defendant; and (5) actual harm to the plaintiff as a result of the defendant’s conduct.” *Las*  
10 *Vegas-Tonopah-Reno Stage Line, Inc. v. Gray Line Tours of Southern Nevada*, 106 Nev. 283,  
11 287, 792 P.2d 386, 388 (Nev. 1990).

12           21. “[T]he intent element for an intentional interference with prospective economic  
13 advantage claim does not require a specific intent to hurt the plaintiff, but instead, requires only  
14 an intent to interfere with the prospective contractual relationship.” *Hitt v. Ruthe*, Case No.  
15 65239, 2015 WL 4068435 (Nev. Ct. App. June 24, 2015) (citing *Las Vegas-Tonopah-Reno*  
16 *Stage Line, Inc. v. Gray Line Tours of S. Nev.*, 106 Nev. 283, 287-88, 792 P.2d 386, 388  
17 (1990)).

18           22. Tryke has prospective economic and contractual relationships with customers that  
19 request a rideshare service to take them to the Reef Dispensary. Planet 13 is aware of this  
20 relationship and, through its kickback program, Planet 13 purposefully incentivizes rideshare  
21 drivers as its agents and/or co-conspirators whom it pays to unlawfully divert these customers  
22 away from Reef Dispensary and to Planet 13 instead. Planet 13 has failed to claim any  
23 legitimate privilege or justification for its conduct, which is harming Tryke.

24           23. In Nevada, a claim for civil conspiracy may be established under the following  
25 rules:

26           (1) An act lawful when done by one individual may become an actionable wrong if  
27 done by a number of persons acting in concert, if the result injures the party against  
28 whom the action is directed;

28 ///



1 (2) An act lawful when done by one individual may be the subject of an actionable  
2 civil conspiracy when it is done with the intention of injuring another or when,  
3 although done to benefit the conspirators, its natural consequence is the oppression  
4 of an individual; and

5 (3) An act lawful when done by one individual, because justified by his rights,  
6 becomes actionable when done by a combination of persons actuated by malice if  
7 harm results to another.

8 *Hubbard Business Plaza v. Lincoln Liberty Life*, 596 F. Supp. 344, 346 (D. Nev 1984).

9 24. Tryke satisfies the first rule for civil conspiracy because, while Planet 13 claims it  
10 does not “direct” action against Reef Dispensary, Planet 13’s co-conspirators (the rideshare  
11 service drivers) do, as demonstrated by their own statements and conduct in the record.

12 25. Tryke satisfies the second rule for civil conspiracy because the injury to Reef  
13 Dispensary is the “natural consequence” of the oppression of passengers’ stated intentions and  
14 the prospective relationship with Reef Dispensary.

15 26. Tryke satisfies the third rule for civil conspiracy because it provided Planet 13  
16 with actual notice that its kickback program resulted in payments to drivers for improper  
17 diversion, disparagement, and interference with Reef Dispensary’s business, and Planet 13  
18 nonetheless continued to operate its program without alteration, thereby establishing malice.

19 27. Tryke is likely to succeed on the merits of its claims for tortious interference with  
20 prospective economic relations and civil conspiracy.

21 28. Because Tryke is likely to succeed on the merits of its claims, this factor weighs  
22 in favor of granting injunctive relief.

23 **Plaintiff Will Suffer Irreparable Harm**  
24 **If the Preliminary Injunction Is Not Granted**

25 29. Irreparable harm is an injury “for which compensatory damage is an inadequate  
26 remedy.” *Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029, 1029 (1987). Generally, harm  
27 is ‘irreparable’ if it cannot adequately be remedied by compensatory damages.” *Hamm v.*  
28 *Arrowcreek Homeowners’ Ass’n*, 124 Nev. 28, 183 P.2d 895, 901 (2008). “[A]n injury is not  
fully compensable by money damages if the nature of the plaintiff’s loss would make damages  
difficult to calculate.” *Basicomputer Corp. v. Scott*, 973 F.2d 507, 511 (6th Cir. 1992).



1           30.     Injunctive relief is proper where “it is essential to preserve a business or property  
2 interest.” *Guion v. Terra Marketing of Nevada, Inc.*, 90 Nev. 237, 240, 523 P.2d 847, 848  
3 (1974). Additionally, courts have recognized “the difficulty in calculating money damages to  
4 redress the loss of a client relationship that ‘would produce an indeterminate amount of business  
5 in years to come.’” *Excellence Cmty. Mgmt. v. Gilmore*, 131 Nev. 347, 351 P.3d 720 (2015)  
6 (quoting *Ticor Title Ins. Co. v. Cohen*, 173 F.3d 63, 69 (2d Cir. 1999)).

7           31.     The Nevada Supreme Court has “determined that ‘acts committed without just  
8 cause which unreasonably interfere with a business or destroy its credit or profits, may do an  
9 irreparable injury.’” *State, Dep’t of Bus. & Indus., Fin. Institutions Div. v. Nevada Ass’n Servs.,*  
10 *Inc.*, 128 Nev. 362, 370, 294 P.3d 1223, 1228 (2012) (quoting *Sobol v. Capital*  
11 *Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986)); *see also Guion v. Terra Marketing*  
12 *of Nevada, Inc.*, 90 Nev. 237, 523 P.2d 847 (1974) (actions that interfere with a business “or  
13 destroy its custom, its credit or its profits, do an irreparable injury and thus authorize the  
14 issuance of an injunction.”).

15           32.     Planet 13’s actions are causing substantial damage and irreparable harm to  
16 Tryke’s sales and customer acquisitions that cannot be fully ascertained or redressed solely  
17 through money damages. This harm extends beyond mere financial damage caused by the  
18 inevitable decrease in sales. Planet 13’s actions will also lead to the irremediable loss of Tryke’s  
19 brand value, consumer loyalty, and inherent goodwill of the dispensary itself.

20           33.     The damage caused by Planet 13 is exceptionally difficult to quantify in dollars  
21 because it involves harm to reputation and to customer relations.

22           34.     Because Tryke will suffer irreparable harm if a preliminary injunction is not  
23 granted, this factor weighs in favor of granting injunctive relief.

24                   **The Balance of the Equities Is in Plaintiff’s Favor and a**  
25                   **Preliminary Injunction Is in the Public Interest**

26           35.     In granting a preliminary injunction, courts may “weigh the potential hardships to  
27 the relative parties, and others, and the public interest.” *Univ. & Cmty. Coll. Sys. of Nevada v.*  
28 *Nevadans for Sound Gov’t*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004).

39. Because the balance of hardships and public interest weigh in favor of Tryke, all factors weigh in favor of issuing a preliminary injunction.

## ///



1 43. If any of the Conclusions of Law are properly findings of fact, they shall be  
2 treated as though appropriately identified and designated.

3 **ORDER**

4 **IT IS HEREBY ADJUDGED, ORDERED, AND DECREED** that Plaintiff's Motion  
5 for Preliminary Injunction is GRANTED.

6 IT IS FURTHER ORDERED:

7 1. Defendant Planet 13 is enjoined from paying any fee or commission to rideshare  
8 service drivers in exchange for the drivers bringing passengers to Planet 13 rather than another  
9 cannabis dispensary; and

10 2. Defendant Planet 13 is enjoined from advertising to rideshare service drivers that  
11 Planet 13 will provide compensation to drivers in exchange for the drivers bringing passengers to  
12 Planet 13 rather than another cannabis dispensary.  
13

  
DISTRICT COURT JUDGE  
DATED this \_\_\_\_ day of September 2020.

14 Submitted by:

15 H1 LAW GROUP  
16  
17 

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27 Tryke Companies SO NV, LLC  
28

BBB 62A 02D4 A3A2  
Jim Crockett  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Tryke Companies SO NV, LLC,  
Plaintiff(s)

CASE NO: A-19-804883-C

7 vs.

DEPT. NO. Department 24

8  
9 MM Development Company,  
Inc., Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Findings of Fact, Conclusions of Law and Order was served via the  
court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

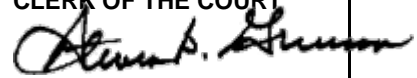
15 Service Date: 9/10/2020

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*MM Development Company, Inc.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TRYKE COMPANIES SO NV, LLC, a  
Nevada limited liability company,

Plaintiff,

vs.

MM DEVELOPMENT COMPANY, INC.,  
dba PLANET 13, a Nevada corporation;  
DOES I through C, inclusive; and ROE  
BUSINESS ENTITIES I through C,  
inclusive,

Defendants.

Case No.: A-19-804883-C

Dept. No.: 24

**MM DEVELOPMENT COMPANY,  
INC.'S CASE APPEAL STATEMENT**

**1. Name of appellants filing this Case Appeal Statement:**

MM Development Company, Inc. ("Planet 13").

**2. Identify the judge issuing the decision, judgment or order appealed from:**

Honorable Jim Crockett.

**3. Identify each appellant and the name and address of counsel for each appellant:**

MM Development Company, Inc. ("Planet 13"):

KEMP JONES, LLP  
Will Kemp, Esq.  
Nathanael R. Rulis, Esq.  
Ian P. McGinn, Esq.  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169

1       **4. Identify each respondent and the name and address of appellate counsel if known,**  
2       **for each respondent (if the name of a respondent’s appellate counsel is unknown, indicate**  
3       **as much and provide the name and address of that respondent’s trial counsel):**

4               Tryke Companies SO NV LLC (“Reef”):

5               H1 LAW GROUP  
6               Eric D. Hone, Esq.  
7               Joel Z. Schwarz, Esq.  
8               Jamie L. Zimmerman, Esq.  
9               Moorea L. Katz, Esq.  
10              701 N. Green Valley Parkway, Suite 200  
11              Henderson, Nevada 89074

12              CONANT LAW FIRM  
13              Paul A. Conant, Esq. (*pro hac vice*)  
14              2398 East Camelback Road  
15              Phoenix, Arizona 85016

16       **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**  
17       **licensed to practice law in Nevada, and if so, whether the district court granted that attorney**  
18       **permission to appear under SCR 42 (attach a copy of any district court order granting such**  
19       **permission):**

20              Paul A. Conant, counsel for Reef, is not licensed in Nevada. The District Court  
21              Order Admitting to Practice regarding Mr. Conant’s request to appear pursuant to  
22              SCR 42 was entered on March 4, 2020, and is attached hereto as **Exhibit 1**.

23       **6. Indicate whether appellant was represented by appointed or retained counsel in the**  
24       **district court:**

25              Appellant was represented by retained counsel in the district court.

26       **7. Indicate whether appellant is represented by appointed or retained counsel on this**  
27       **appeal:**

28              Appellant is represented by retained counsel on appeal.

**8. Indicate whether appellant was granted leave to proceed in forma pauperis, and**  
      **the date of entry of the district court order granting such leave:**

      Appellant did not request leave to proceed in forma pauperis.

**9. Indicate the date of proceedings commenced in the district court:**

      November 5, 2019.

**10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:**

At issue in this action is Planet 13's compensation program, which compensates taxicab and rideshare drivers who bring passengers to Planet 13, as is customary in the retail cannabis and several other industries in Las Vegas. On November 5, 2019, Reef initiated this action against Planet 13 alleging claims for 1) civil conspiracy, 2) aiding and abetting; and 3) intentional interference with economic advantage. All of Reef's claims arise out of its allegations that compensation provided by Planet 13 to taxicab and rideshare drivers dropping off passengers at Planet 13 is done with the intent to promote diversion.

On August 24, 2020, nearly ten months after filing its Complaint, Reef moved for a preliminary injunction on an Order Shortening Time. The hearing on the motion for preliminary injunction was held on September 3, 2020. The District Court granted Reef's motion for preliminary injunction and the Court's corresponding Order was entered on September 11, 2020. Planet 13 appeals from this Order and any other rulings and decisions made appealable thereby.

On September 25, 2020, Planet 13 filed a Motion for Reconsideration of the Court's Order Granting Plaintiff's Motion for Preliminary Injunction or, in the Alternative, Motion to Amend Pursuant to NRCP 52(b) or, in the Alternative, Motion for Clarification on Order Shortening Time, which is currently pending before the District Court.<sup>1</sup>

**11. Indicate whether the case has been the subject of an appeal or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:**

N/A.

**12. Indicate whether this appeal involves child custody or visitation:**

N/A.

**13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

---

<sup>1</sup> Planet 13 files the instant Case Appeal Statement and corresponding Protective Notice of Appeal out of an abundance of cause and to protect all of Planet 13's appellate rights and remedies.

KEMP JONES, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

1 The parties have agreed to submit this matter to a settlement conference.

2 DATED this 9th day of October, 2020.

3 **KEMP JONES, LLP**

4 /s/ Nathanael Rulis

5 Will Kemp, Esq. (#1205)

6 Nathanael R. Rulis, Esq. (#11259)

7 Ian P. McGinn, Esq. (#12818)

8 3800 Howard Hughes Parkway, 17th Floor

9 Las Vegas, Nevada 89169

10 *Attorneys for Defendant*

11 *MM Development Company, Inc.*

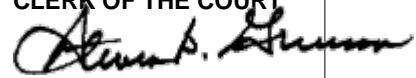
KEMP JONES, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of October, 2020, I served a true and correct copy of the foregoing **MM DEVELOPMENT COMPANY, INC.'S CASE APPEAL STATEMENT** via the Court's electronic filing system only, pursuant to the Nevada Electronic Filing and Conversion Rules, Administrative Order 14-2, to all parties currently on the electronic service list.

/s/ Ali Augustine  
An employee of Kemp Jones, LLP

# **Exhibit 1**



1 **NOEJ**

2 **H1 LAW GROUP**

3 Eric D. Hone, NV Bar No. 8499

4 eric@h1lawgroup.com

5 701 N. Green Valley Parkway, Suite 200

6 Henderson NV 89074

7 Phone 702-608-3720

8 Fax 702-608-3759

9 *Attorneys for Plaintiff Tryke Companies SO NV, LLC*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 TRYKE COMPANIES SO NV, LLC, a Nevada  
13 limited liability company,

14 Plaintiff,

15 vs.

16 MM DEVELOPMENT COMPANY, INC., dba  
17 PLANET 13, a Nevada corporation; DOES I  
18 through C, inclusive; and ROE BUSINESS  
19 ENTITIES, I through C, inclusive,

20 Defendants.

Case No. A-19-804883-C

Dept. No. 24

21 **NOTICE OF ENTRY OF ORDER**  
22 **ADMITTING PAUL A. CONANT TO**  
23 **PRACTICE**

24 PLEASE TAKE NOTICE that on the 28<sup>th</sup> day of February 2020, an Order Admitting to  
25 Practice was entered in the above-reference matter. A copy of said Order is attached hereto.

26 Dated this 4th day of March 2020.

27 **H1 LAW GROUP**



28 Eric D. Hone, NV Bar No. 8499

eric@h1lawgroup.com

701 N. Green Valley Parkway, Suite 200

Henderson NV 89074

*Attorneys for Plaintiff*





H1 LAW GROUP  
701 N. Green Valley Parkway, Suite 200  
Henderson, Nevada 89074  
Tel: 702-608-3720 Fax: 702-608-3759

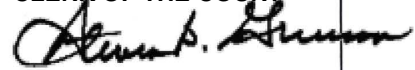


**CERTIFICATE OF SERVICE**

The undersigned, an employee of H1 Law Group, hereby certifies that on the 4th day of March, 2020, she caused a copy of the foregoing, to be transmitted by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's **Odyssey E-File & Serve.**

A handwritten signature in blue ink that reads "Judy Estrada".

Judy Estrada, an employee of  
H1 LAW GROUP



**ORAP  
H1 LAW GROUP**

Eric D. Hone, NV Bar No. 8499  
eric@h1lawgroup.com  
701 N. Green Valley Parkway, Suite 200  
Henderson NV 89074  
Phone 702-608-3720  
Fax 702-608-3759

*Attorneys for Plaintiff Tryke Companies SO NV, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TRYKE COMPANIES SO NV, LLC, a Nevada  
limited liability company,

Plaintiff,

vs.

MM DEVELOPMENT COMPANY, INC., dba  
PLANET 13, a Nevada corporation; DOES I  
through C, inclusive; and ROE BUSINESS  
ENTITIES, I through C, inclusive,

Defendants.

Case No. A-19-804883-C

Dept. No. 24

**ORDER ADMITTING TO PRACTICE**

PAUL A. CONANT having filed his Motion to Associate Counsel under Nevada  
Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a  
Certificate of Good Standing for the State of Arizona, and the State Bar of Nevada Statement;  
said application having been noticed, no objections having been made, and the Court being fully  
apprised in the premises. and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and PAUL A. CONANT is hereby  
admitted to practice in the above entitled Court for the purposes of the above entitled matter  
only.

Dated this 24 day of FEB 2020.

  
\_\_\_\_\_  
JUDGE JIM CROCKETT

///



**H1 LAW GROUP**  
701 N. Green Valley Parkway, Suite 200  
Henderson, Nevada 89074  
Tel: 702-608-3720 Fax: 702-608-3759



1 SUBMITTED BY

2 H1 Law Group

3

4

  
Eric D. Hone, NV Bar No. 8499

5

eric@h1lawgroup.com

6

701 N. Green Valley Parkway, Suite 200

7

Henderson NV 89074

8

*Attorneys for Plaintiff*

9

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**CASE SUMMARY****CASE NO. A-19-804883-C****Tryke Companies SO NV, LLC, Plaintiff(s)****vs.****MM Development Company, Inc., Defendant(s)**§  
§  
§  
§  
§Location: **Department 24**Judicial Officer: **Crockett, Jim**Filed on: **11/05/2019**

Case Number History:

Cross-Reference Case  
Number: **A804883****CASE INFORMATION**Case Type: **Other Civil Matters**Case  
Status: **11/05/2019 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-19-804883-C
Court	Department 24
Date Assigned	11/20/2019
Judicial Officer	Crockett, Jim

**PARTY INFORMATION****Plaintiff****Tryke Companies SO NV, LLC***Lead Attorneys***Hone, Eric D.***Retained*

702-608-3720(W)

**Defendant****MM Development Company, Inc.****Kemp, William Simon***Retained*

7023856000(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

11/05/2019

**Complaint**

Filed By: Plaintiff Tryke Companies SO NV, LLC  
*Complaint and Demand for Jury Trial*

11/05/2019

**Disclosure Statement**

Party: Plaintiff Tryke Companies SO NV, LLC  
*Tryke Companies SO NV, LLC's NRCP 7.1 Disclosure Statement*

11/05/2019

**Initial Appearance Fee Disclosure**

Filed By: Plaintiff Tryke Companies SO NV, LLC  
*Tryke Companies SO NV, LLC's Initial Appearance Fee Disclosure*

11/05/2019

**Summons Electronically Issued - Service Pending**

Party: Plaintiff Tryke Companies SO NV, LLC  
*Summons - Civil*

11/12/2019

**Affidavit of Service**

Filed By: Plaintiff Tryke Companies SO NV, LLC  
*Affidavit of Service*

# CASE SUMMARY

CASE NO. A-19-804883-C

11/19/2019	 Peremptory Challenge Filed by: Plaintiff Tryke Companies SO NV, LLC <i>TRYKE COMPANIES SO NV, LLC S PEREMPTORY CHALLENGE OF JUDGE</i>
11/20/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/25/2019	 Motion to Associate Counsel Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Plaintiff Motion To Associate Counsel; Proposed Order</i>
12/06/2019	 Motion to Dismiss Filed By: Defendant MM Development Company, Inc. <i>MM Development Company, Inc.'s Motion to Dismiss</i>
12/06/2019	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
12/06/2019	 Disclosure Statement <i>Defendant's Disclosure Statement (NRCP 7.1)</i>
12/09/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/19/2019	 Clerk's Refund Request
01/06/2020	 Notice of Hearing Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Request For Hearing On Unopposed Motion To Associate Counsel Pro Hac Vice</i>
01/06/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/06/2020	 Opposition to Motion to Dismiss Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies So NV, LLC's Response in Opposition to Motion to Dismiss</i>
02/20/2020	 Reply in Support <i>MM Development Company, Inc.'s Reply in Support of Motion to Dismiss</i>
02/28/2020	 Order Admitting to Practice Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Order Admitting to Practice</i>
03/04/2020	 Notice of Entry of Order Filed By: Plaintiff Tryke Companies SO NV, LLC <i>NOTICE OF ENTRY OF ORDER ADMITTING PAUL A. CONANT TO PRACTICE</i>
03/04/2020	 Recorders Transcript of Hearing <i>Transcript Re: Defendant MM Development Company, Inc.'s Motion to Dismiss, Thursday, February 27, 2020</i>
03/25/2020	

**CASE SUMMARY**

**CASE NO. A-19-804883-C**

	 Order Denying Motion Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Order Denying Defendant's Motion to Dismiss</i>
03/26/2020	 Notice of Entry of Order Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Notice of Entry of Order Regarding Order Denying Defendant s Motion to Dismiss</i>
04/08/2020	 Motion <i>MM Development Company, Inc.'s Motion for Reconsideration of Court Order Denying Defendant's Motion to Dismiss</i>
04/08/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/10/2020	 Notice of Intent Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies So NV, LLC s Notice of Intent to Take Default</i>
04/15/2020	 Answer to Complaint Filed by: Defendant MM Development Company, Inc. <i>MM Development Company, Inc. s Answer to Complaint</i>
04/22/2020	 Opposition Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies So Nv, LLC s Opposition to MM Development Company, Inc. s Motion For Reconsideration of Court Order Denying Defendant s Motion to Dismiss</i>
05/05/2020	 Reply in Support <i>MM Development Company, Inc.'s Reply in Support of Motion for Reconsideration of Court Order Denying Defendant's Motion to Dismiss</i>
05/20/2020	 Order Denying Motion Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Order Denying Motion For Reconsideration of Court Order Denying Defendant's Motion To Dismiss</i>
05/21/2020	 Notice of Entry of Order Filed By: Plaintiff Tryke Companies SO NV, LLC <i>NOTICE OF ENTRY OF ORDER DENYING MOTION FOR RECONSIDERATION OF COURT ORDER DENYING DEFENDANT S MOTION TO DISMISS</i>
07/29/2020	 Joint Case Conference Report Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Joint Case Conference Report</i>
07/30/2020	 Stipulation and Order Filed by: Plaintiff Tryke Companies SO NV, LLC <i>Stipulated Confidentiality Agreement And Protective Order</i>
07/30/2020	 Stipulation and Order Filed by: Plaintiff Tryke Companies SO NV, LLC <i>Stipulated Protocol Governing Production of Electronically Stored Information</i>

# CASE SUMMARY

CASE NO. A-19-804883-C




07/30/2020	 Order
07/31/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Notice of Entry of Stipulated Confidentiality Agreement and Protective Order</i>
07/31/2020	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Notice of Entry of Stipulated Protocol Governing Production of Electronically Stored Information</i>
08/24/2020	 Motion Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies SO NV, LLC's: (1) Motion For Preliminary Injunction; And Application For Order Shortening Time</i>
08/24/2020	 Motion for Preliminary Injunction Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies SO NV, LLC s: (1) Motion For Preliminary Injunction; and (2) Application For Order Shortening Time and Appendix</i>
08/24/2020	 Exhibits Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Exhibit A thru C-6</i>
08/24/2020	 Exhibits Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Exhibit C-7 through C-13</i>
08/24/2020	 Exhibits Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Exhibit C-14 - C20</i>
08/24/2020	 Exhibits Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Exhibit D-1 - D2 and E-1 - E-8</i>
08/24/2020	 Exhibits Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Exhibit F through H</i>
08/28/2020	 Opposition to Motion Filed By: Defendant MM Development Company, Inc. <i>MM Development Company, Inc.'s Opposition to Motion for Preliminary Injunction on Order Shortening Time</i>
09/01/2020	 Motion to Seal/Redact Records Filed By: Plaintiff Tryke Companies SO NV, LLC <i>(SEALED AS MOTION CONTAINS UNREDACTED DOCUMENT)Tryke Companies So Nv, LLC s Motion: (1) To File Unredacted Reply In Support Of Motion for Preliminary Injunction Under Seal; And (2) Application For Order Shortening Time</i>
09/01/2020	 Reply in Support Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies SO NV, LLC's Reply in Support of Motion for Preliminary Injunction on</i>



# CASE SUMMARY

CASE NO. A-19-804883-C

## Order Shortening Time

09/02/2020	 Errata Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Errata to Tryke Companies SO NV, LLC's Reply in Support of Motion for Preliminary Injunction</i>
09/02/2020	 Motion to Seal/Redact Records Filed By: Plaintiff Tryke Companies SO NV, LLC <i>(SEALED AS MOTION CONTAINS UNREDACTED DOCUMENT) Tryke's Motion to File Under Seal Unredacted Reply ISO Motion for Preliminary Injunction</i>
09/02/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/02/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
09/03/2020	 Demand for Jury Trial <i>MM Development Company, Inc.'s Demand for Jury Trial</i>
09/08/2020	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: 09/03/20</i>
09/10/2020	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Findings of Fact, Conclusions of Law and Order Granting Plaintiff's Motion for Preliminary Injunction</i>
09/11/2020	 Notice of Posting Bond Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Tryke Companies SO NV, LLC's Notice of Posting Bond</i>
09/11/2020	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Plaintiff's Motion for Preliminary Injunction</i>
09/24/2020	 Scheduling and Trial Order <i>Scheduling Order and Order Setting Civil Jury Trial</i>
09/25/2020	 Motion to Reconsider Filed By: Defendant MM Development Company, Inc. <i>MM Development Company, Inc.'s Motion for Reconsideration of the Court's Order Granting Plaintiff's Motion for Preliminary Injunction or, in the Alternative, Motion to Amend Pursuant to NRCF 52(b) or, in the Alternative, Motion for Clarification</i>
09/28/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/05/2020	 Order Granting Motion Filed By: Plaintiff Tryke Companies SO NV, LLC <i>Order Granting Tryke Companies SO NV, LLC's Motion to File Unredacted Reply in Support of Motion fo Preliminary Injunction Under Seal</i>



# CASE SUMMARY

CASE NO. A-19-804883-C

10/06/2020



Notice of Entry of Order

Filed By: Plaintiff Tryke Companies SO NV, LLC  
*Notice Of Entry Of Order Granting Tryke Companies SO NV, LLC s Motion To File Unredacted Reply In Support of Motion For Preliminary Injunction Under Seal*

10/06/2020



Filed Under Seal

Filed By: Plaintiff Tryke Companies SO NV, LLC  
*Tryke Companies SO NV, LLC s Reply In Support Of Motion For Preliminary Injunction ( Per Order Granting Tryke Companies SO NV, LLC's Motion to Filed Unredacted REply in Support of Motion; Filed 10/5/2020)*

10/09/2020



Notice of Appeal

*MM Development Company, Inc.'s Protective Notice of Appeal*

10/09/2020



Case Appeal Statement

*MM Development Company, Inc.'s Case Appeal Statement*

10/09/2020



Opposition to Motion

Filed By: Plaintiff Tryke Companies SO NV, LLC  
*Tryke Companies SO NV, LLC s Opposition To MM Development Company, Inc. s Motion For Reconsideration Of The Court s Order Granting Plaintiff s Motion For Preliminary Injunction Or, In The Alternative, Motion To Amend Pursuant To NRCP 52(b) Or, In The Alternative, Motion For Clarification*

10/10/2020



Stipulation and Order

*Stipulation and Order for Settlement Conference*

## HEARINGS

02/27/2020

**Motion to Dismiss (9:00 AM)** (Judicial Officer: Crockett, Jim)

*Defendant MM Development Company, Inc.'s Motion to Dismiss*  
 Per LSF Fax 1/24/20  
 Denied;

02/27/2020

**Motion to Associate Counsel (9:00 AM)** (Judicial Officer: Crockett, Jim)

*Plaintiff's Request For Hearing On Unopposed Motion To Associate Counsel Pro Hac Vice*  
 Per LSF Fax 1/24/20  
 Granted;

02/27/2020



**All Pending Motions (9:00 AM)** (Judicial Officer: Crockett, Jim)

Matter Heard;  
 Journal Entry Details:  
*Mr. Paul Cohant (Pro Hac Vice) appeared on behalf of the Plaintiff. COURT NOTED, it disagrees that this is a matter that is to be pursued through the taxi authority; it is designed to protect customers that use the ride hailing service to pursue remedies through the administrative agency. In this case this is a straight Tort. Mr. Kemp argued the issue here is whether or not there is a diversion tort. Mr. Kemp further argued that there has to be a knowledge of a specific person involved in order to make the allegations. Following further arguments of counsel. COURT ORDERED. PLAINTIFF'S REQUEST FOR HEARING ON UNOPPOSED MOTION TO ASSOCIATE COUNSEL PRO HAC VICE - GRANTED DEFENDANT MM DEVELOPMENT COMPANY, INC's MOTION TO DISMISS - COURT ORDERED, MOTION DENIED. 4-09-20 9:00 AM STATUS CHECK: FILING OF ORDER;*

04/09/2020

**CANCELED Status Check (9:00 AM)** (Judicial Officer: Crockett, Jim)

*Vacated*  
*Filing of Order*

05/07/2020



**Motion For Reconsideration (3:00 AM)** (Judicial Officer: Crockett, Jim)

**CASE SUMMARY****CASE NO. A-19-804883-C**

*MM Development Company, Inc.'s Motion for Reconsideration of Court Order Denying Defendant's Motion to Dismiss*

Denied;


Journal Entry Details:

*MM Development Company, Inc.'s Motion for Reconsideration of Court Order Denying Defendant's Motion to Dismiss COURT NOTES per Odyssey, MM Development has a filing fee balance of \$223. This COURT, having reviewed the Motion, Opposition and Reply and concludes there is no basis for reconsideration of the court's decision. Furthermore, MM Development is simply re-arguing the same arguments previously considered and rejected by the court. COURT ORDERED, Motion for Reconsideration DENIED. Counsel for Plaintiff to prepare and submit order to court for signature w/in 14 days per EDCR 7.21. COURT FURTHER ORDERED, matter SET for Status Check. 6/11/20 (CHAMBERS) STATUS CHECK: FILLING OF ORDER DENYING MOTION FOR RECONSIDERATION CLERK'S NOTE: The above minute order has been distributed to: Judy Estrada judy@hlawgroup.com Elias George Elias@Hllawgroup.com Eric D Hone eric@hlawgroup.com Moorea L. Katz moorea@hlawgroup.com Candice Mata lawclerk@hlawgroup.com Karen Morrow karen@hlawgroup.com Joel Z. Schwarz joel@hlawgroup.com Lisa Stewart lisa@hlawgroup.com Ali Augustine a.augustine@kempjones.com Alisa Hayslett a.hayslett@kempjones.com Ian P. McGinn i.mcgin@kempjones.com Pamela Montgomery p.montgomery@kempjones.com Nathanael R Rulis n.rulis@kempjones.com Patricia Stoppard p.stoppard@kempjones.com ;*

06/11/2020 **CANCELED Status Check (3:00 AM)** (Judicial Officer: Crockett, Jim)

*Vacated*

*Status Check: Filling Of Order Denying Motion For Reconsideration*

09/03/2020  **Motion for Preliminary Injunction (9:00 AM)** (Judicial Officer: Crockett, Jim)

*Tryke Companies So NV LLC's (1) Motion for Preliminary Injunction; and (2) Application for Order Shortening Time*

Granted;

Journal Entry Details:

*TRYKE COMPANIES SO NV LLC'S (1) MOTION FOR PRELIMINARY INJUNCTION; AND (2) APPLICATION FOR ORDER SHORTENING TIME Court reviewed the procedural history of the case and stated inclination. Following arguments by counsel COURT ORDERED, Motion GRANTED; BOND set at \$10,000.00. Plaintiff's counsel to prepare and submit the Order within fourteen days. Colloquy regarding scheduling and proceeding as a bench trial. Mr. Rulis made an Oral Motion for Stay, Court advised counsel he must file a written Motion if he is requesting a stay.;*


09/24/2020 **Mandatory Rule 16 Conference (9:00 AM)** (Judicial Officer: Crockett, Jim)

Matter Heard;

09/24/2020 **Motion (9:00 AM)** (Judicial Officer: Crockett, Jim)

*Tryke's Motion to File Under Seal Unredacted Reply ISO Motion for Preliminary Injunction*

Granted;

09/24/2020  **All Pending Motions (9:00 AM)** (Judicial Officer: Crockett, Jim)

Matter Heard;

Journal Entry Details:

*TRYKE'S MOTION TO FILE UNDER SEAL UNREDACTED REPLY ISO MOTION FOR PRELIMINARY INJUNCTION ... MANDATORY RULE 16 CONFERENCE Colloquy regarding possible witness and scheduling, parties requested to keep current dates. COURT ORDERED, dates from Judicial Case Conference Report shall be used, Scheduling and Trial Order to issue from Chambers. COURT FURTHER ORDERED, Status Check: Trial Readiness SET for 12/8/2021. COURT ORDERED, Tryke's Motion to File Under Seal advanced to today; as the Motion is unopposed it is GRANTED. Order to be submitted within fourteen day. COURT FURTHER ORDERED, status check SET for the filing of the order. Parties stated they were willing to attend a Judicial Settlement Conference, Court advised counsel to submit a stipulation and order. 10/22/2020 STATUS CHECK: FILING OF THE ORDER (CHAMBERS);*

10/22/2020 **CANCELED Status Check (3:00 AM)** (Judicial Officer: Crockett, Jim)

*Vacated*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-19-804883-C**

	<i>Status Check: Filing of Order Granting Tryke's Motion to File Under Seal Unredacted Reply ISO Motion for Preliminary Injunction (9/24)</i>
10/27/2020	<b>Motion For Reconsideration</b> (3:00 AM) (Judicial Officer: Crockett, Jim) <i>MM Development Company, Inc.'s Motion for Reconsideration of the Court's Order Granting Plaintiff's Motion for Preliminary Injunction or, in the Alternative, Motion to Amend Pursuant to NRCP 52(b) or, in the Alternative, Motion for Clarification</i>
11/18/2020	<b>Settlement Conference</b> (1:30 PM)
10/21/2021	<b>Status Check</b> (9:00 AM) (Judicial Officer: Crockett, Jim)
01/06/2022	<b>Pre Trial Conference</b> (9:30 AM) (Judicial Officer: Crockett, Jim)
02/03/2022	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Crockett, Jim)
02/07/2022	<b>Jury Trial</b> (10:00 AM) (Judicial Officer: Crockett, Jim)

DATE	FINANCIAL INFORMATION	
	<b>Defendant</b> MM Development Company, Inc.	
	Total Charges	282.00
	Total Payments and Credits	282.00
	<b>Balance Due as of 10/12/2020</b>	<b>0.00</b>
	<b>Plaintiff</b> Tryke Companies SO NV, LLC	
	Total Charges	997.00
	Total Payments and Credits	997.00
	<b>Balance Due as of 10/12/2020</b>	<b>0.00</b>
	<b>Plaintiff</b> Tryke Companies SO NV, LLC	
	Injunction Balance as of 10/12/2020	<b>10,000.00</b>

# DISTRICT COURT CIVIL COVER SHEET

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

**CASE NO: A-19-804883-C**  
**Department 14**

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

Plaintiff(s) (name/address/phone): TRYKE COMPANIES SO NV, LLC, a Nevada limited liability company,   	Defendant(s) (name/address/phone): MM DEVELOPMENT COMPANY, INC., dba PLANET 13, a Nevada corporation; DOES I through C, inclusive; and ROE BUSINESS ENTITIES, I through C, inclusive,   
Attorney (name/address/phone): H1 Law Group: Eric D. Hone, Jamie L. Zimmerman, Moorea L. Katz 701 North Green Valley Parkway, Suite 200 Henderson, NV 89074 702-608-3720	Attorney (name/address/phone):    

## **II. Nature of Controversy** *(please select the one most applicable filing type below)*

### **Civil Case 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>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>Torts</b> <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>Probate</b> <b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<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>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</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>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

**November 5, 2019**

Date

  
 Signature of initiating party or representative

*See other side for family-related case filings.*

*Heather S. Hume*  
CLERK OF THE COURT

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*Attorneys for Plaintiff Tryke  
Companies SO NV, LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TRYKE COMPANIES SO NV, LLC, a Nevada  
limited liability company,

Plaintiff,

vs.

MM DEVELOPMENT COMPANY, INC., dba  
PLANET 13, a Nevada corporation; DOES I  
through C, inclusive; and ROE BUSINESS  
ENTITIES, I through C, inclusive,

Defendants.

CASE NO.: A-19-804883-C  
DEPT. NO.: 24

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

This matter having come before the Court for hearing on Plaintiff's (1) Motion for Preliminary Injunction; and (2) Application for Order Shortening Time on September 3, 2020; Paul A. Conant of the Conant Law Firm and Eric Hone and Joel Z. Schwarz of the H1 Law Group appeared on behalf of Plaintiff Tryke Companies SO NV, LLC ("Tryke" or "Reef



Dispensary,” the brand name of its marijuana dispensary); Nathanael Rulis of the Kemp Jones law firm appeared on behalf of MM Development Company, Inc. (“MM Development” or “Planet 13,” the brand name of its marijuana dispensary). The Court, having read and considered the motion, opposition, and reply on file herein, including the declarations and exhibits thereto; having considered the oral arguments of counsel at the hearing; for the reasons set forth on the record at the hearing; and for good cause appearing, the Court makes the following preliminary findings of fact and conclusions of law:

### **FINDINGS OF FACT**

1. Since 2016, Plaintiff Tryke has operated the Nevada-licensed “Reef Dispensary” marijuana dispensary located at 3400 Western Avenue, Las Vegas, Nevada 89109. Defendant MM Development Company, Inc. is a competing company that in late 2018 opened its “Planet 13” marijuana dispensary fewer than 900 feet from Reef dispensary.

2. Within a short time after Planet 13 opened, in early 2019, a customer alerted Tryke that he had summoned an Uber with Tryke’s Reef dispensary as the destination specified in the Uber software application but, instead of taking him to Reef, the Uber driver took him to a nearby competitor dispensary called “Planet 13”.

3. Later, on a separate occasion, an Uber driver informed Reef that another dispensary pays “kickbacks” to drivers to bring passengers to shop there, and that if Reef will not also pay kickbacks, then drivers will take passengers to a dispensary that does.

4. Tryke has received similar statements from other Lyft and Uber drivers as well, including by voicemail, since that initial Uber driver interaction.

5. Aware that patrons of Uber, Lyft, and other rideshare services are required to enter their chosen destination as part of the ride scheduling process, and thus drivers are provided the passenger’s chosen destination prior to ever picking them up, Tryke engaged in further investigation as to suspected unlawful diversion.

6. Tryke conducted a random “secret shopper” sampling of Uber and Lyft rides in Las Vegas between August 9 and September 17, 2019 to confirm that unlawful diversion was, in fact, occurring.



1           7.       The results of Tryke’s “secret shopper” sampling of 30 rides revealed no less than  
2 20 separate occasions where a passenger had pre-selected Tryke’s Reef dispensary as the final  
3 destination, but the passenger was diverted to Planet 13 instead.

4           8.       Tryke has obtained two Driver Diversion Incident Report Forms from two non-  
5 Tryke passengers of Uber and Lyft, who had similar experiences of diversion to Planet 13 as  
6 those reported in Tryke’s “secret shopper” investigation.

7           9.       Postings on the Las Vegas discussion board of [www.uberpeople.net](http://www.uberpeople.net) are consistent  
8 with Tryke’s “secret shopper” sampling and demonstrate that rideshare service drivers divert  
9 passengers who have specified Reef Dispensary as their destination to Planet 13 instead.

10          10.      Planet 13 operates a program of paying transportation services company drivers  
11 “kickbacks” or “commissions” in exchange for dropping passengers off at Planet 13. Planet 13  
12 advertises this program to drivers on the web-based application called “KickBack”.

13          11.      Planet 13’s program appeared to be suspended or discontinued earlier this year as  
14 of the time of the Covid-19 pandemic, during which time the Nevada dispensaries were closed  
15 other than for delivery services. Upon the reopening of marijuana dispensaries, however, Planet  
16 13’s program also resumed. As of August 19, 2020, Planet 13 continues to advertise that it pays  
17 rideshare service drivers “kickbacks” for diverting customers to Planet 13 on the KickBack  
18 application.

19          12.      Unlike taxicab drivers who may pick up passengers who do not have a  
20 preconceived destination, rideshare service drivers get their passengers through their respective  
21 software applications. The passenger is required to enter both their pickup location and their  
22 chosen destination when ordering the ride. It is only after this required information is entered  
23 that the driver is notified of the ride requested. Thus, rideshare service drivers are always  
24 already given both the passenger’s location and destination before the driver even meets the  
25 passenger.

26          13.      Planet 13’s program financially incentivizes and pays rideshare service drivers for  
27 unlawfully diverting Reef Dispensary-bound customers to Planet 13 instead. The drivers divert  
28 and alter a passenger’s previously selected destination by means of disparaging and/or





1 providing false information regarding Reef Dispensary, cajoling and/or pressuring the passenger  
2 to go to Planet 13 instead, and/or simply dropping the passenger off at Planet 13 instead of the  
3 specified destination of Reef Dispensary.

4 14. On June 24, 2019, prior to commencing this action, Tryke notified Planet 13 that  
5 its kickback program resulted in payments to drivers for improper diversion, disparagement, and  
6 interference with Reef Dispensary's business. Despite Tryke's request, Planet 13 has refused to  
7 discontinue or modify its program to eliminate payments for diversion.

8 15. If any of the Findings of Fact are properly conclusions of law, they shall be  
9 treated as though appropriately identified and designated.

## 10 **CONCLUSIONS OF LAW**

### 11 **Preliminary Injunction Standard**

12 16. In Nevada, the standards for a preliminary injunction are set forth in NRS 33.010.  
13 A preliminary injunction may be granted where: (1) the party seeking such relief enjoys a  
14 reasonable likelihood of success on the merits of at least one claim, and (2) the party's conduct  
15 to be enjoined, if permitted to continue, will result in irreparable harm for which compensatory  
16 damages are an inadequate remedy. *See Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029,  
17 1029 (1987); *Sobel v. Capital Management Consultants, Inc.*, 102 Nev. 444, 446, 726 P.2d 335,  
18 337 (1986).

19 17. Nevada courts may also consider two additional factors: (3) the relative interest of  
20 the parties – how much damage the plaintiff will suffer if injunctive relief is denied versus the  
21 hardship to the defendant if injunctive relief is granted, and (4) the interest the public may have  
22 in the litigation, if any. *See Home Finance Co. v. Balcom*, 61 Nev. 301, 127 P.2d 389 (1942);  
23 *Ellis v. McDaniel*, 95 Nev. 455, 596 P.2d 222 (1979).

### 24 **Plaintiff Is Likely to Succeed on the Merits**

25 18. Nevada law requires only that a moving party demonstrate a "reasonable  
26 probability" of success on the merits, not an overwhelming likelihood, to obtain injunctive  
27 relief. *See Dixon v. Thatcher*, 103 Nev. 414, 742 P.2d 1029 (1987).

28 ///



1           19.     Under Nevada law, unlawful “diversion” occurs if a transportation services  
2 company driver deceives or attempts to deceive “any passenger who rides or desires to ride” in  
3 the driver’s vehicle, or conveys or attempts to convey “any passenger to a destination other than  
4 the one directed by the passenger.” NRS 706A.280(2)(a) and (b) and NAC 706.552(1).

5           20.     In Nevada, the elements for a claim of wrongful interference with prospective  
6 economic advantage are: “(1) a prospective contractual relationship between the plaintiff and a  
7 third party; (2) the defendant’s knowledge of this prospective relationship; (3) the intent to harm  
8 the plaintiff by preventing the relationship; (4) the absence of privilege or justification by the  
9 defendant; and (5) actual harm to the plaintiff as a result of the defendant’s conduct.” *Las*  
10 *Vegas-Tonopah-Reno Stage Line, Inc. v. Gray Line Tours of Southern Nevada*, 106 Nev. 283,  
11 287, 792 P.2d 386, 388 (Nev. 1990).

12           21.     “[T]he intent element for an intentional interference with prospective economic  
13 advantage claim does not require a specific intent to hurt the plaintiff, but instead, requires only  
14 an intent to interfere with the prospective contractual relationship.” *Hitt v. Ruthe*, Case No.  
15 65239, 2015 WL 4068435 (Nev. Ct. App. June 24, 2015) (citing *Las Vegas-Tonopah-Reno*  
16 *Stage Line, Inc. v. Gray Line Tours of S. Nev.*, 106 Nev. 283, 287-88, 792 P.2d 386, 388  
17 (1990)).

18           22.     Tryke has prospective economic and contractual relationships with customers that  
19 request a rideshare service to take them to the Reef Dispensary. Planet 13 is aware of this  
20 relationship and, through its kickback program, Planet 13 purposefully incentivizes rideshare  
21 drivers as its agents and/or co-conspirators whom it pays to unlawfully divert these customers  
22 away from Reef Dispensary and to Planet 13 instead. Planet 13 has failed to claim any  
23 legitimate privilege or justification for its conduct, which is harming Tryke.

24           23.     In Nevada, a claim for civil conspiracy may be established under the following  
25 rules:

- 26           (1) An act lawful when done by one individual may become an actionable wrong if  
27 done by a number of persons acting in concert, if the result injures the party against  
28 whom the action is directed;

28     ///



1 (2) An act lawful when done by one individual may be the subject of an actionable  
2 civil conspiracy when it is done with the intention of injuring another or when,  
3 although done to benefit the conspirators, its natural consequence is the oppression  
4 of an individual; and

5 (3) An act lawful when done by one individual, because justified by his rights,  
6 becomes actionable when done by a combination of persons actuated by malice if  
7 harm results to another.

8 *Hubbard Business Plaza v. Lincoln Liberty Life*, 596 F. Supp. 344, 346 (D. Nev 1984).

9 24. Tryke satisfies the first rule for civil conspiracy because, while Planet 13 claims it  
10 does not “direct” action against Reef Dispensary, Planet 13’s co-conspirators (the rideshare  
11 service drivers) do, as demonstrated by their own statements and conduct in the record.

12 25. Tryke satisfies the second rule for civil conspiracy because the injury to Reef  
13 Dispensary is the “natural consequence” of the oppression of passengers’ stated intentions and  
14 the prospective relationship with Reef Dispensary.

15 26. Tryke satisfies the third rule for civil conspiracy because it provided Planet 13  
16 with actual notice that its kickback program resulted in payments to drivers for improper  
17 diversion, disparagement, and interference with Reef Dispensary’s business, and Planet 13  
18 nonetheless continued to operate its program without alteration, thereby establishing malice.

19 27. Tryke is likely to succeed on the merits of its claims for tortious interference with  
20 prospective economic relations and civil conspiracy.

21 28. Because Tryke is likely to succeed on the merits of its claims, this factor weighs  
22 in favor of granting injunctive relief.

23 **Plaintiff Will Suffer Irreparable Harm**  
24 **If the Preliminary Injunction Is Not Granted**

25 29. Irreparable harm is an injury “for which compensatory damage is an inadequate  
26 remedy.” *Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029, 1029 (1987). Generally, harm  
27 is ‘irreparable’ if it cannot adequately be remedied by compensatory damages.” *Hamm v.*  
28 *Arrowcreek Homeowners’ Ass’n*, 124 Nev. 28, 183 P.2d 895, 901 (2008). “[A]n injury is not  
fully compensable by money damages if the nature of the plaintiff’s loss would make damages  
difficult to calculate.” *Basicomputer Corp. v. Scott*, 973 F.2d 507, 511 (6th Cir. 1992).



1           30.     Injunctive relief is proper where “it is essential to preserve a business or property  
2 interest.” *Guion v. Terra Marketing of Nevada, Inc.*, 90 Nev. 237, 240, 523 P.2d 847, 848  
3 (1974). Additionally, courts have recognized “the difficulty in calculating money damages to  
4 redress the loss of a client relationship that ‘would produce an indeterminate amount of business  
5 in years to come.’” *Excellence Cmty. Mgmt. v. Gilmore*, 131 Nev. 347, 351 P.3d 720 (2015)  
6 (quoting *Ticor Title Ins. Co. v. Cohen*, 173 F.3d 63, 69 (2d Cir. 1999)).

7           31.     The Nevada Supreme Court has “determined that ‘acts committed without just  
8 cause which unreasonably interfere with a business or destroy its credit or profits, may do an  
9 irreparable injury.’” *State, Dep’t of Bus. & Indus., Fin. Institutions Div. v. Nevada Ass’n Servs.,*  
10 *Inc.*, 128 Nev. 362, 370, 294 P.3d 1223, 1228 (2012) (quoting *Sobol v. Capital*  
11 *Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986)); *see also Guion v. Terra Marketing*  
12 *of Nevada, Inc.*, 90 Nev. 237, 523 P.2d 847 (1974) (actions that interfere with a business “or  
13 destroy its custom, its credit or its profits, do an irreparable injury and thus authorize the  
14 issuance of an injunction.”).

15           32.     Planet 13’s actions are causing substantial damage and irreparable harm to  
16 Tryke’s sales and customer acquisitions that cannot be fully ascertained or redressed solely  
17 through money damages. This harm extends beyond mere financial damage caused by the  
18 inevitable decrease in sales. Planet 13’s actions will also lead to the irremediable loss of Tryke’s  
19 brand value, consumer loyalty, and inherent goodwill of the dispensary itself.

20           33.     The damage caused by Planet 13 is exceptionally difficult to quantify in dollars  
21 because it involves harm to reputation and to customer relations.

22           34.     Because Tryke will suffer irreparable harm if a preliminary injunction is not  
23 granted, this factor weighs in favor of granting injunctive relief.

24                   **The Balance of the Equities Is in Plaintiff’s Favor and a**  
25                   **Preliminary Injunction Is in the Public Interest**

26           35.     In granting a preliminary injunction, courts may “weigh the potential hardships to  
27 the relative parties, and others, and the public interest.” *Univ. & Cmty. Coll. Sys. of Nevada v.*  
28 *Nevadans for Sound Gov’t*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004).

39. Because the balance of hardships and public interest weigh in favor of Tryke, all factors weigh in favor of issuing a preliminary injunction.

## ///



1 43. If any of the Conclusions of Law are properly findings of fact, they shall be  
2 treated as though appropriately identified and designated.


3 **ORDER**

4 **IT IS HEREBY ADJUDGED, ORDERED, AND DECREED** that Plaintiff's Motion  
5 for Preliminary Injunction is GRANTED.

6 IT IS FURTHER ORDERED:

7 1. Defendant Planet 13 is enjoined from paying any fee or commission to rideshare  
8 service drivers in exchange for the drivers bringing passengers to Planet 13 rather than another  
9 cannabis dispensary; and

10 2. Defendant Planet 13 is enjoined from advertising to rideshare service drivers that  
11 Planet 13 will provide compensation to drivers in exchange for the drivers bringing passengers to  
12 Planet 13 rather than another cannabis dispensary.  
13

  
DISTRICT COURT JUDGE  
DATED this \_\_\_\_ day of September 2020.

14 Submitted by:

15 H1 LAW GROUP  
16  
17 

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19 Joel Z. Schwarz, NV Bar No. 9181  
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26 *Attorneys for Plaintiff*  
27 Tryke Companies SO NV, LLC  
28

BBB 62A 02D4 A3A2  
Jim Crockett  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Tryke Companies SO NV, LLC,  
7 Plaintiff(s)

CASE NO: A-19-804883-C

8 vs.

DEPT. NO. Department 24

9 MM Development Company,  
10 Inc., Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Findings of Fact, Conclusions of Law and Order was served via the  
15 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
16 case as listed below:

17 Service Date: 9/10/2020

18 Patricia Stoppard	p.stoppard@kempjones.com
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through C, inclusive; and ROE BUSINESS  
ENTITIES, I through C, inclusive,  
  
Defendants.

CASE NO.: A-19-804883-C  
DEPT. NO.: 24

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW, AND  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

NOTICE IS HEREBY GIVEN that on the 10<sup>th</sup> day of September 2020 Findings of Fact,  
Conclusions of Law, and Order Granting Plaintiff's Motion for Preliminary Injunction was  
entered.

///

///

///



1 A copy of the Findings of Fact, Conclusions of Law, and Order is attached hereto.

2 DATED this 11<sup>th</sup> day of September 2020.

3 H1 LAW GROUP

4   
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21 **CERTIFICATE OF SERVICE**

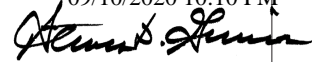
22 The undersigned, an employee of H1 Law Group, hereby certifies that on the 11<sup>th</sup> day of  
23 September 2020, she caused a copy of the foregoing to be transmitted by electronic service in  
24 accordance with Administrative Order 14.2, to all interested parties, through the Court's

25 **Odyssey E-File & Serve:**

26 

27 Karen M. Morrow, an Employee of H1 LAW GROUP



  
CLERK OF THE COURT

H1 LAW GROUP  
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*Attorneys for Plaintiff Tryke  
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Plaintiff,

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through C, inclusive; and ROE BUSINESS  
ENTITIES, I through C, inclusive,

Defendants.

CASE NO.: A-19-804883-C  
DEPT. NO.: 24

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
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Dispensary,” the brand name of its marijuana dispensary); Nathanael Rulis of the Kemp Jones law firm appeared on behalf of MM Development Company, Inc. (“MM Development” or “Planet 13,” the brand name of its marijuana dispensary). The Court, having read and considered the motion, opposition, and reply on file herein, including the declarations and exhibits thereto; having considered the oral arguments of counsel at the hearing; for the reasons set forth on the record at the hearing; and for good cause appearing, the Court makes the following preliminary findings of fact and conclusions of law:

### **FINDINGS OF FACT**

1. Since 2016, Plaintiff Tryke has operated the Nevada-licensed “Reef Dispensary” marijuana dispensary located at 3400 Western Avenue, Las Vegas, Nevada 89109. Defendant MM Development Company, Inc. is a competing company that in late 2018 opened its “Planet 13” marijuana dispensary fewer than 900 feet from Reef dispensary.

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3. Later, on a separate occasion, an Uber driver informed Reef that another dispensary pays “kickbacks” to drivers to bring passengers to shop there, and that if Reef will not also pay kickbacks, then drivers will take passengers to a dispensary that does.

4. Tryke has received similar statements from other Lyft and Uber drivers as well, including by voicemail, since that initial Uber driver interaction.

5. Aware that patrons of Uber, Lyft, and other rideshare services are required to enter their chosen destination as part of the ride scheduling process, and thus drivers are provided the passenger’s chosen destination prior to ever picking them up, Tryke engaged in further investigation as to suspected unlawful diversion.

6. Tryke conducted a random “secret shopper” sampling of Uber and Lyft rides in Las Vegas between August 9 and September 17, 2019 to confirm that unlawful diversion was, in fact, occurring.



1           7.       The results of Tryke’s “secret shopper” sampling of 30 rides revealed no less than  
2 20 separate occasions where a passenger had pre-selected Tryke’s Reef dispensary as the final  
3 destination, but the passenger was diverted to Planet 13 instead.

4           8.       Tryke has obtained two Driver Diversion Incident Report Forms from two non-  
5 Tryke passengers of Uber and Lyft, who had similar experiences of diversion to Planet 13 as  
6 those reported in Tryke’s “secret shopper” investigation.

7           9.       Postings on the Las Vegas discussion board of [www.uberpeople.net](http://www.uberpeople.net) are consistent  
8 with Tryke’s “secret shopper” sampling and demonstrate that rideshare service drivers divert  
9 passengers who have specified Reef Dispensary as their destination to Planet 13 instead.

10          10.      Planet 13 operates a program of paying transportation services company drivers  
11 “kickbacks” or “commissions” in exchange for dropping passengers off at Planet 13. Planet 13  
12 advertises this program to drivers on the web-based application called “KickBack”.

13          11.      Planet 13’s program appeared to be suspended or discontinued earlier this year as  
14 of the time of the Covid-19 pandemic, during which time the Nevada dispensaries were closed  
15 other than for delivery services. Upon the reopening of marijuana dispensaries, however, Planet  
16 13’s program also resumed. As of August 19, 2020, Planet 13 continues to advertise that it pays  
17 rideshare service drivers “kickbacks” for diverting customers to Planet 13 on the KickBack  
18 application.

19          12.      Unlike taxicab drivers who may pick up passengers who do not have a  
20 preconceived destination, rideshare service drivers get their passengers through their respective  
21 software applications. The passenger is required to enter both their pickup location and their  
22 chosen destination when ordering the ride. It is only after this required information is entered  
23 that the driver is notified of the ride requested. Thus, rideshare service drivers are always  
24 already given both the passenger’s location and destination before the driver even meets the  
25 passenger.

26          13.      Planet 13’s program financially incentivizes and pays rideshare service drivers for  
27 unlawfully diverting Reef Dispensary-bound customers to Planet 13 instead. The drivers divert  
28 and alter a passenger’s previously selected destination by means of disparaging and/or



1 providing false information regarding Reef Dispensary, cajoling and/or pressuring the passenger  
2 to go to Planet 13 instead, and/or simply dropping the passenger off at Planet 13 instead of the  
3 specified destination of Reef Dispensary.

4 14. On June 24, 2019, prior to commencing this action, Tryke notified Planet 13 that  
5 its kickback program resulted in payments to drivers for improper diversion, disparagement, and  
6 interference with Reef Dispensary's business. Despite Tryke's request, Planet 13 has refused to  
7 discontinue or modify its program to eliminate payments for diversion.

8 15. If any of the Findings of Fact are properly conclusions of law, they shall be  
9 treated as though appropriately identified and designated.

## 10 **CONCLUSIONS OF LAW**

### 11 **Preliminary Injunction Standard**

12 16. In Nevada, the standards for a preliminary injunction are set forth in NRS 33.010.  
13 A preliminary injunction may be granted where: (1) the party seeking such relief enjoys a  
14 reasonable likelihood of success on the merits of at least one claim, and (2) the party's conduct  
15 to be enjoined, if permitted to continue, will result in irreparable harm for which compensatory  
16 damages are an inadequate remedy. *See Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029,  
17 1029 (1987); *Sobel v. Capital Management Consultants, Inc.*, 102 Nev. 444, 446, 726 P.2d 335,  
18 337 (1986).

19 17. Nevada courts may also consider two additional factors: (3) the relative interest of  
20 the parties – how much damage the plaintiff will suffer if injunctive relief is denied versus the  
21 hardship to the defendant if injunctive relief is granted, and (4) the interest the public may have  
22 in the litigation, if any. *See Home Finance Co. v. Balcom*, 61 Nev. 301, 127 P.2d 389 (1942);  
23 *Ellis v. McDaniel*, 95 Nev. 455, 596 P.2d 222 (1979).

### 24 **Plaintiff Is Likely to Succeed on the Merits**

25 18. Nevada law requires only that a moving party demonstrate a "reasonable  
26 probability" of success on the merits, not an overwhelming likelihood, to obtain injunctive  
27 relief. *See Dixon v. Thatcher*, 103 Nev. 414, 742 P.2d 1029 (1987).

28 ///

1           19. Under Nevada law, unlawful “diversion” occurs if a transportation services  
2 company driver deceives or attempts to deceive “any passenger who rides or desires to ride” in  
3 the driver’s vehicle, or conveys or attempts to convey “any passenger to a destination other than  
4 the one directed by the passenger.” NRS 706A.280(2)(a) and (b) and NAC 706.552(1).

5           20. In Nevada, the elements for a claim of wrongful interference with prospective  
6 economic advantage are: “(1) a prospective contractual relationship between the plaintiff and a  
7 third party; (2) the defendant’s knowledge of this prospective relationship; (3) the intent to harm  
8 the plaintiff by preventing the relationship; (4) the absence of privilege or justification by the  
9 defendant; and (5) actual harm to the plaintiff as a result of the defendant’s conduct.” *Las*  
10 *Vegas-Tonopah-Reno Stage Line, Inc. v. Gray Line Tours of Southern Nevada*, 106 Nev. 283,  
11 287, 792 P.2d 386, 388 (Nev. 1990).

12           21. “[T]he intent element for an intentional interference with prospective economic  
13 advantage claim does not require a specific intent to hurt the plaintiff, but instead, requires only  
14 an intent to interfere with the prospective contractual relationship.” *Hitt v. Ruthe*, Case No.  
15 65239, 2015 WL 4068435 (Nev. Ct. App. June 24, 2015) (citing *Las Vegas-Tonopah-Reno*  
16 *Stage Line, Inc. v. Gray Line Tours of S. Nev.*, 106 Nev. 283, 287-88, 792 P.2d 386, 388  
17 (1990)).

18           22. Tryke has prospective economic and contractual relationships with customers that  
19 request a rideshare service to take them to the Reef Dispensary. Planet 13 is aware of this  
20 relationship and, through its kickback program, Planet 13 purposefully incentivizes rideshare  
21 drivers as its agents and/or co-conspirators whom it pays to unlawfully divert these customers  
22 away from Reef Dispensary and to Planet 13 instead. Planet 13 has failed to claim any  
23 legitimate privilege or justification for its conduct, which is harming Tryke.

24           23. In Nevada, a claim for civil conspiracy may be established under the following  
25 rules:

26           (1) An act lawful when done by one individual may become an actionable wrong if  
27 done by a number of persons acting in concert, if the result injures the party against  
28 whom the action is directed;

28 ///



1 (2) An act lawful when done by one individual may be the subject of an actionable  
2 civil conspiracy when it is done with the intention of injuring another or when,  
3 although done to benefit the conspirators, its natural consequence is the oppression  
4 of an individual; and

5 (3) An act lawful when done by one individual, because justified by his rights,  
6 becomes actionable when done by a combination of persons actuated by malice if  
7 harm results to another.

8 *Hubbard Business Plaza v. Lincoln Liberty Life*, 596 F. Supp. 344, 346 (D. Nev 1984).

9 24. Tryke satisfies the first rule for civil conspiracy because, while Planet 13 claims it  
10 does not “direct” action against Reef Dispensary, Planet 13’s co-conspirators (the rideshare  
11 service drivers) do, as demonstrated by their own statements and conduct in the record.

12 25. Tryke satisfies the second rule for civil conspiracy because the injury to Reef  
13 Dispensary is the “natural consequence” of the oppression of passengers’ stated intentions and  
14 the prospective relationship with Reef Dispensary.

15 26. Tryke satisfies the third rule for civil conspiracy because it provided Planet 13  
16 with actual notice that its kickback program resulted in payments to drivers for improper  
17 diversion, disparagement, and interference with Reef Dispensary’s business, and Planet 13  
18 nonetheless continued to operate its program without alteration, thereby establishing malice.

19 27. Tryke is likely to succeed on the merits of its claims for tortious interference with  
20 prospective economic relations and civil conspiracy.

21 28. Because Tryke is likely to succeed on the merits of its claims, this factor weighs  
22 in favor of granting injunctive relief.

23 **Plaintiff Will Suffer Irreparable Harm**  
24 **If the Preliminary Injunction Is Not Granted**

25 29. Irreparable harm is an injury “for which compensatory damage is an inadequate  
26 remedy.” *Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029, 1029 (1987). Generally, harm  
27 is ‘irreparable’ if it cannot adequately be remedied by compensatory damages.” *Hamm v.*  
28 *Arrowcreek Homeowners’ Ass’n*, 124 Nev. 28, 183 P.2d 895, 901 (2008). “[A]n injury is not  
fully compensable by money damages if the nature of the plaintiff’s loss would make damages  
difficult to calculate.” *Basicomputer Corp. v. Scott*, 973 F.2d 507, 511 (6th Cir. 1992).





1           30.     Injunctive relief is proper where “it is essential to preserve a business or property  
2 interest.” *Guion v. Terra Marketing of Nevada, Inc.*, 90 Nev. 237, 240, 523 P.2d 847, 848  
3 (1974). Additionally, courts have recognized “the difficulty in calculating money damages to  
4 redress the loss of a client relationship that ‘would produce an indeterminate amount of business  
5 in years to come.’” *Excellence Cmty. Mgmt. v. Gilmore*, 131 Nev. 347, 351 P.3d 720 (2015)  
6 (quoting *Ticor Title Ins. Co. v. Cohen*, 173 F.3d 63, 69 (2d Cir. 1999)).

7           31.     The Nevada Supreme Court has “determined that ‘acts committed without just  
8 cause which unreasonably interfere with a business or destroy its credit or profits, may do an  
9 irreparable injury.’” *State, Dep’t of Bus. & Indus., Fin. Institutions Div. v. Nevada Ass’n Servs.,*  
10 *Inc.*, 128 Nev. 362, 370, 294 P.3d 1223, 1228 (2012) (quoting *Sobol v. Capital*  
11 *Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986)); *see also Guion v. Terra Marketing*  
12 *of Nevada, Inc.*, 90 Nev. 237, 523 P.2d 847 (1974) (actions that interfere with a business “or  
13 destroy its custom, its credit or its profits, do an irreparable injury and thus authorize the  
14 issuance of an injunction.”).

15           32.     Planet 13’s actions are causing substantial damage and irreparable harm to  
16 Tryke’s sales and customer acquisitions that cannot be fully ascertained or redressed solely  
17 through money damages. This harm extends beyond mere financial damage caused by the  
18 inevitable decrease in sales. Planet 13’s actions will also lead to the irremediable loss of Tryke’s  
19 brand value, consumer loyalty, and inherent goodwill of the dispensary itself.

20           33.     The damage caused by Planet 13 is exceptionally difficult to quantify in dollars  
21 because it involves harm to reputation and to customer relations.

22           34.     Because Tryke will suffer irreparable harm if a preliminary injunction is not  
23 granted, this factor weighs in favor of granting injunctive relief.

24                   **The Balance of the Equities Is in Plaintiff’s Favor and a**  
25                   **Preliminary Injunction Is in the Public Interest**

26           35.     In granting a preliminary injunction, courts may “weigh the potential hardships to  
27 the relative parties, and others, and the public interest.” *Univ. & Cmty. Coll. Sys. of Nevada v.*  
28 *Nevadans for Sound Gov’t*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004).



39. Because the balance of hardships and public interest weigh in favor of Tryke, all factors weigh in favor of issuing a preliminary injunction.

## ///



1 43. If any of the Conclusions of Law are properly findings of fact, they shall be  
2 treated as though appropriately identified and designated.

3 **ORDER**

4 **IT IS HEREBY ADJUDGED, ORDERED, AND DECREED** that Plaintiff's Motion  
5 for Preliminary Injunction is GRANTED.

6 IT IS FURTHER ORDERED:

7 1. Defendant Planet 13 is enjoined from paying any fee or commission to rideshare  
8 service drivers in exchange for the drivers bringing passengers to Planet 13 rather than another  
9 cannabis dispensary; and

10 2. Defendant Planet 13 is enjoined from advertising to rideshare service drivers that  
11 Planet 13 will provide compensation to drivers in exchange for the drivers bringing passengers to  
12 Planet 13 rather than another cannabis dispensary.  
13

  
DISTRICT COURT JUDGE  
DATED this \_\_\_\_ day of September 2020.

14 Submitted by:

15 H1 LAW GROUP  
16 

17 Eric D. Hone, NV Bar No. 8499  
18 Joel Z. Schwarz, NV Bar No. 9181  
19 Jamie L. Zimmerman, NV Bar No. 11749  
20 Moorea L. Katz, NV Bar No. 12007  
21 701 N. Green Valley Parkway, Suite 200  
22 Henderson NV 89074

23 Paul A. Conant, AZ Bar No. 012667  
24 (Pro Hac Vice)  
25 Conant Law Firm  
26 2398 East Camelback Road, Suite No. 925  
27 Phoenix, AZ 85016

28 *Attorneys for Plaintiff*  
Tryke Companies SO NV, LLC

BBB 62A 02D4 A3A2  
Jim Crockett  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Tryke Companies SO NV, LLC,  
7 Plaintiff(s)

CASE NO: A-19-804883-C

8 vs.

DEPT. NO. Department 24

9 MM Development Company,  
10 Inc., Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Findings of Fact, Conclusions of Law and Order was served via the  
15 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
16 case as listed below:

17 Service Date: 9/10/2020

18 Patricia Stoppard	p.stoppard@kempjones.com
19 Ian McGinn	i.mcgin@kempjones.com
20 Ali Augustine	a.augustine@kempjones.com
21 Nathanael Rulis	n.rulis@kempjones.com
22 Alisa Hayslett	a.hayslett@kempjones.com
23 Eric Hone	eric@h1lawgroup.com
24 Jamie Zimmerman	jamie@h1lawgroup.com
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27 Karen Morrow	karen@h1lawgroup.com

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Elias George	Elias@H1lawgroup.com
Paul Conant	docket@conantlawfirm.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 27, 2020**

---

A-19-804883-C      Tryke Companies SO NV, LLC, Plaintiff(s)  
vs.  
MM Development Company, Inc., Defendant(s)

---

**February 27, 2020      9:00 AM      All Pending Motions**

**HEARD BY:** Crockett, Jim      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Phyllis Irby

**RECORDER:** Deloris Scott

**REPORTER:**

**PARTIES**

**PRESENT:**      Hone, Eric D.      Attorney  
                 Kemp, William Simon      Attorney

**JOURNAL ENTRIES**

- Mr. Paul Cohant (Pro Hac Vice) appeared on behalf of the Plaintiff. COURT NOTED, it disagrees that this is a matter that is to be pursued through the taxi authority; it is designed to protect customers that use the ride hailing service to pursue remedies through the administrative agency. In this case this is a straight Tort.

Mr. Kemp argued the issue here is whether or not there is a diversion tort. Mr. Kemp further argued that there has to be a knowledge of a specific person involved in order to make the allegations. Following further arguments of counsel. COURT ORDERED.

PLAINTIFF'S REQUEST FOR HEARING ON UNOPPOSED MOTION TO ASSOCIATE COUNSEL  
PRO HAC VICE - GRANTED

DEFENDANT MM DEVELOPMENT COMPANY, INC's MOTION TO DISMISS - COURT  
ORDERED, MOTION DENIED.

4-09-20 9:00 AM STATUS CHECK: FILING OF ORDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 07, 2020**

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A-19-804883-C	Tryke Companies SO NV, LLC, Plaintiff(s) vs. MM Development Company, Inc., Defendant(s)
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<b>May 07, 2020</b>	<b>3:00 AM</b>	<b>Motion For Reconsideration</b>
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<b>HEARD BY:</b> Crockett, Jim	<b>COURTROOM:</b> Phoenix Building 11th Floor 116
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**COURT CLERK:** Tia Everett

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- MM Development Company, Inc.'s Motion for Reconsideration of Court Order Denying Defendant's Motion to Dismiss

COURT NOTES per Odyssey, MM Development has a filing fee balance of \$223.

This COURT, having reviewed the Motion, Opposition and Reply and concludes there is no basis for reconsideration of the court's decision. Furthermore, MM Development is simply re-arguing the same arguments previously considered and rejected by the court. COURT ORDERED, Motion for Reconsideration DENIED. Counsel for Plaintiff to prepare and submit order to court for signature w/in 14 days per EDCR 7.21. COURT FURTHER ORDERED, matter SET for Status Check.

6/11/20 (CHAMBERS) STATUS CHECK: FILLING OF ORDER DENYING MOTION FOR RECONSIDERATION

CLERK'S NOTE: The above minute order has been distributed to:

Judy Estrada judy@h1lawgroup.com  
Elias George Elias@H1lawgroup.com  
Eric D Hone eric@h1lawgroup.com  
Moorea L. Katz moorea@h1lawgroup.com  
Candice Mata lawclerk@h1lawgroup.com  
Karen Morrow karen@h1lawgroup.com  
Joel Z. Schwarz joel@h1lawgroup.com  
Lisa Stewart lisa@h1lawgroup.com  
Ali Augustine a.augustine@kempjones.com  
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Pamela Montgomery p.montgomery@kempjones.com  
Nathanael R Rulis n.rulis@kempjones.com  
Patricia Stoppard p.stoppard@kempjones.com



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**September 03, 2020**

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A-19-804883-C      Tryke Companies SO NV, LLC, Plaintiff(s)  
vs.  
MM Development Company, Inc., Defendant(s)

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**September 03, 2020      9:00 AM      Motion for Preliminary  
Injunction**

**HEARD BY:** Crockett, Jim      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Rem Lord

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

**PRESENT:**      Conant, Paul A.      Attorney  
Rulis, Nathanael R., ESQ      Attorney  
Schwarz, Joel Z.      Attorney

**JOURNAL ENTRIES**

- TRYKE COMPANIES SO NV LLC'S (1) MOTION FOR PRELIMINARY INJUNCTION; AND (2) APPLICATION FOR ORDER SHORTENING TIME

Court reviewed the procedural history of the case and stated inclination. Following arguments by counsel COURT ORDERED, Motion GRANTED; BOND set at \$10,000.00. Plaintiff's counsel to prepare and submit the Order within fourteen days. Colloquy regarding scheduling and proceeding as a bench trial. Mr. Rulis made an Oral Motion for Stay, Court advised counsel he must file a written Motion if he is requesting a stay.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**September 24, 2020**

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A-19-804883-C	Tryke Companies SO NV, LLC, Plaintiff(s) vs. MM Development Company, Inc., Defendant(s)
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**September 24, 2020    9:00 AM**

**All Pending Motions**

**HEARD BY:**    Crockett, Jim

**COURTROOM:**    Phoenix Building 11th Floor  
116

**COURT CLERK:**    Rem Lord

**RECORDER:**    Nancy Maldonado

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Conant, Paul A.	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Schwarz, Joel Z.	Attorney

**JOURNAL ENTRIES**

- TRYKE'S MOTION TO FILE UNDER SEAL UNREDACTED REPLY ISO MOTION FOR PRELIMINARY INJUNCTION ... MANDATORY RULE 16 CONFERENCE

Colloquy regarding possible witness and scheduling, parties requested to keep current dates. COURT ORDERED, dates from Judicial Case Conference Report shall be used, Scheduling and Trial Order to issue from Chambers. COURT FURTHER ORDERED, Status Check: Trial Readiness SET for 12/8/2021. COURT ORDERED, Tryke's Motion to File Under Seal advanced to today; as the Motion is unopposed it is GRANTED. Order to be submitted within fourteen day. COURT FURTHER ORDERED, status check SET for the filing of the order. Parties stated they were willing to attend a Judicial Settlement Conference, Court advised counsel to submit a stipulation and order.

10/22/2020 STATUS CHECK: FILING OF THE ORDER (CHAMBERS)



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**WILL KEMP, ESQ.**  
**3800 HOWARD HUGHES PKWY., 17<sup>TH</sup> FLOOR**  
**LAS VEGAS, NV 89169**

**DATE: October 12, 2020**  
**CASE: A-19-804883-C**

**RE CASE:** TRYKE COMPANIES SO NV, LLC vs. MM DEVELOPMENT COMPANY, INC. dba PLANET 13

NOTICE OF APPEAL FILED: October 9, 2020

**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
  - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☐ 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 (g) 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):

MM DEVELOPMENT COMPANY, INC.'S PROTECTIVE NOTICE OF APPEAL; MM DEVELOPMENT COMPANY, INC.'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

TRYKE COMPANIES SO NV, LLC,

Plaintiff(s),

vs.

MM DEVELOPMENT COMPANY, INC. dba  
PLANET 13,

Defendant(s),

Case No: A-19-804883-C

Dept No: XXIV

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 12 day of October 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk